Journal of the Senate

Number 27 **Tuesday, June 7, 1988**

CALL TO ORDER

The Senate was called to order by the President at 1:00 p.m. A quorum present—37:

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

Excused: Senator Thomas at 1:30 p.m. until 9:00 p.m.; Senator Crenshaw at 3:30 p.m.; Senators Frank and Grizzle; periodically, conferees on HB 1700

PRAYER

The following prayer was offered by the Honorable John W. Vogt, President of the Senate:

Dear God, we stand before you with humble hearts and bowed heads.

We seek your wisdom and guidance as we enter what we hope will be the last day of this legislative session.

We pray that you will stay our tempers and calm our reasoning, and help us remember the laws of God as we deliberate the laws of man.

Lord, we thank you for your blessings with which we have been so richly endowed. We pray that we have been, and shall remain worthy of those blessings.

We thank you for our families and their love, and we pray that you will comfort them and us during this period of separation until we are together again. Lord, I pray especially for my wife, Tonie, that you will comfort her fears and see her safely through surgery tomorrow.

We pray for all those who toil here and spend countless unacknowledged and unheralded hours in our service, that we may shine in the light of public service. We pray that our decisions will be worthy of their dedication, a dedication that is so beneficial to the people of this state.

Lord, we pray for this institution, this Senate; and we thank you for the privilege of serving in it. We thank you for this moment of history that we share, and we pray that your verdict and the pages of history will record our actions as "well done."

As we enter these final hours and grow weary and tired, we are renewed by this message from the Book of Isaiah: "But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk and not faint."

We pray that we shall be as eagles until the end of our task. And as we leave this task and go on to the other tasks of our lives, we seek your guidance from the Psalms:

I will lift up mine eyes unto the hills, from whence cometh my help.

My help cometh from the Lord, which made Heaven and Earth.

He will not suffer thy foot to be moved; he that keepeth thee will not slumber.

Behold, he that keepeth Israel shall neither slumber nor sleep.

The Lord is thy keeper; the Lord is thy shade upon thy right hand.

The sun shall not smite thee by day, nor the moon by night.

The Lord shall preserve thee from all evil; he shall preserve thy soul.

The Lord shall preserve thy going out and thy coming in, from this time forth, and even forevermore. Amen.

Motion

On motion by Senator Barron, by two-thirds vote the special order calendar for this day was set to include the following bills: CS for SB's 34, 83, 657, 721, 847, 1029 and 1182, SB 140, CS for SB 150, CS for SB 221, CS for SB 299, SB 360, CS for SB 479, SB 545, SB 649, SB 920, SB 1009, SB 1018, SB 1060, CS for SB 1124, SB 1137, CS for SB's 1158 and 1006, CS for SB 1205, SB 1207, CS for SB 1255, CS for SB 1355, SB 1433, HB 1432, HB 1473, CS for CS for HB 1605 and HB 1717

INTRODUCTION AND REFERENCE OF BILLS

First Reading

SJR 1432 was introduced out of order and adopted June 3.

By Senator Thurman—

SB 1433—A bill to be entitled An act relating to the Rainbow River Management Area in Marion County; requiring the board of county commissioners to fix and assess a schedule of rates, fees, and charges to finance the cost of providing water and sewer services within such area; providing for an initial installation or connection charge or fee; providing for the schedule of rates, fees, and charges for water and sewer services to be revised as necessary; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

SR 1434 was introduced out of order and adopted this day.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State Senate Bills 26, 101, 374, 378, 836, 995, CS for SB 344, CS for SB 400, CS for SB 458, CS for SB 990 and CS for SB 1140, which he approved on June 6, 1988.

EXECUTIVE BUSINESS

Pursuant to s. 114.05(1)(e), Florida Statutes, the Senate failed to act upon the following appointments during the 1988 regular session of the Legislature:

Office and Appointment	*For Term Ending*
Affordable Housing Study Commission	
Appointee: Atkins, Fredd G.	06/30/88
Construction Industry Licensing Board	
Appointee: Padreda, Camilo A.	02/18/92
Education Standards Commission	
Appointee: Espinosa, M. A.	09/30/90
Board of Hearing Aid Specialists	
Appointee: Lyons, David F.	07/30/90
State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools	
Appointees: Auerbach, Philip	07/01/90
Massey, R. L.	07/01/88
Historic St. Augustine Preservation Board of Trustees	

Office and Appointment		*For Term Ending*
Appointee:	Daniell, Bill	08/31/91
Board of Public Schools		
Appointees:	Garvey, Raymond Thomas	10/01/89
	Pilcher, Howard G.	10/01/89
Northeast Florida Regional Planning Council, Region 4		
Appointee:	Lavender, Carolyn Reese	10/01/89

Thorne G. Auchter, member of the Florida Housing Finance Agency and I. Edward London, member of the Construction Industry Licensing Board were temporarily passed and left pending by the Florida Senate in session on May 18, 1988 and June 2, 1988 respectively.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed HB 1051; has passed as amended CS for HB 785, CS for HB 1576, HB 1639 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative D. L. Jones—

HB 1051—A bill to be entitled An act relating to adult congregate living facilities; amending s. 400.424, F.S.; providing that certain facilities may require refund policies and termination notices in accordance with the Florida Residential Landlord and Tenant Act under certain circumstances; providing a definition; providing an effective date.

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

By the Committee on Health and Rehabilitative Services and Representatives Bronson and Harris—

CS for HB 785—A bill to be entitled An act relating to public health; amending s. 381.061, F.S., relating to duties of the Department of Health and Rehabilitative Services; providing that the department shall adopt standards for training of managers of food establishments; providing for certification and testing; providing a fee; providing an effective date.

(Substituted for CS for SB 1255 on the special order calendar this day.)

By the Committees on Finance and Taxation; and Health Care and Representative Press and others—

CS for HB 1576—A bill to be entitled An act relating to health care services; creating part IV of chapter 631, F.S., consisting of ss. 631.811-631.828, F.S., relating to health maintenance organizations assistance to consumers; creating the Florida Health Maintenance Organization Consumer Assistance Plan; providing for the purpose and application of the part; providing definitions; providing for a Florida Health Maintenance Organization Consumer Assistance Plan; providing for a board of directors; providing for eligibility requirements; providing for powers and duties of the plan; providing for assessments; providing for a plan of operation; providing for powers and duties of the Department of Insurance; providing for records of the plan; providing for examination of the plan and annual report; providing for tax exemptions; providing for immunity; providing for extent of liability of the plan; providing for prohibitions on advertisements; providing for assessments against member HMOs; revising the Health Maintenance Organization Act; amending s. 641.19, F.S.; providing definitions; amending s. 641.21, F.S.; providing additional criteria for application for certificate; amending s. 641.22, F.S.; revising language with respect to issuance of certificate of authority; amending s. 641.225, F.S.; increasing the amount of surplus requirement; creating s. 641.228, F.S.; creating the Florida Health Maintenance Organization Consumer Assistance Plan; amending s. 641.23, F.S.; reducing the time frame for the department to suspend the authority of an HMO to enroll new subscribers or revoke any certificate; providing for a corrective action plan for certain HMO's; creating s. 641.234, F.S.; providing for administrative, provider, and management contracts; creating s. 641.2342, F.S.; providing for contract providers of comprehensive health care services to file financial statements; amending s. 641.25, F.S.; increasing administrative penalties; amending s. 641.26, F.S.; revising language with respect to the required annual report; amending s. 641.27, F.S.; authorizing the department to accept an independent certified public accountant's audit report; amending s. 641.29, F.S.; increasing fees; amending s. 641.31, F.S.; revising language with respect to health maintenance contracts; amending s. 641.311, F.S.; clarifying language with respect to the Statewide Subscriber Assistance Program; creating s. 641.3111, F.S.; providing for extension of benefits; amending s. 641.315, F.S.; providing additional criteria for provider contracts; amending s. 641.35, F.S.; revising language with respect to assets, liabilities, and investments; creating s. 641.365, F.S.; providing for dividends; amending s. 641.3913, F.S.; increasing a monetary penalty; amending s. 641.3921, F.S.; providing an additional criterion for denial of a converted contract; amending s. 220.02, F.S.; providing for order of credits; providing for review and repeal; providing an effective date.

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

By the Committee on Transportation and Representatives Burnsed and Rehm—

HB 1639—A bill to be entitled An act relating to transportation; amending s. 125.01, F.S.; authorizing counties to use revenues from toll facilities for payment of certain costs related to any transportation facilities within the county; amending s. 338.165, F.S.; authorizing the Department of Transportation to continue to collect tolls on certain projects; providing an exception; amending s. 338.221, F.S.; providing definitions; amending ss. 338.222, 338.225, 338.229, 338.237, and 338.239, F.S., changing the term "turnpike project" to "turnpike system"; amending s. 338.223, F.S.; revising language with respect to proposed turnpike projects which are a part of the turnpike system; directing the department to develop a turnpike system plan of limited access highways; amending s. 338.227, F.S.; revising language with respect to turnpike revenue bonds; amending s. 338.228, F.S.; revising language with respect to bonds not being debts or pledges of credit of the state; amending s. 338.231, F.S.; providing that the Department of Transportation shall at all times equitably fix, adjust, charge, and collect tolls for the use of the turnpike system; providing an exception; amending s. 338.232, F.S.; revising language with respect to continuation of tolls upon provision for payment of bondholders and assumption of maintenance by department; providing reference to the turnpike system; amending s. 338.234, F.S.; authorizing certain concessions on the turnpike system; amending s. 338.235, F.S.; revising language with respect to contracts with the department for provison of services on the turnpike system; amending s. 338.241, F.S.; providing a cash reserve requirement; providing for the construction of the act with respect to certain bonds; providing an effective date.

—was referred to the Committees on Transportation and Appropriations.

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment 1 to House Amendment 1 and House Amendment 1 to House Amendment 2 and again requests the Senate to concur; and has refused to concur in Senate Amendment 1 to House Amendment 1 and Senate Amendment 1 to House Amendment 2 and requests the Senate to recede; and passed CS for SB 155 as amended.

John B. Phelps, Clerk

CS for SB 155—A bill to be entitled An act relating to contracting; amending s. 489.103, F.S., revising exemptions from regulation under part I, ch. 489, F.S.; amending s. 489.105, F.S.; providing definitions applicable to said part; providing for regulation of persons who perform work with respect to hot tubs or spas and with respect to roof coating and persons who use fiberglass for sheet-metal type work; including underground utility contractors and specialty contractors among the categories of Division II contractors; amending s. 489.107, F.S.; revising composition of the Construction Industry Licensing Board; amending s. 489.109, F.S.; providing for regulatory fees; providing for the disposition of certain fees; requiring annual summaries of allocations by institution and of projects funded; amending s. 489.111, F.S.; revising requirements for examination for certification; providing for cease and desist orders against persons who do not hold the required certification or registration; amending s. 489.113, F.S.; revising requirements for engaging in contracting in the state; amending s. 489.115, F.S.; providing for certification or registration as a contractor; revising requirements for licensure by endorsement; providing for renewal; amending s. 489.117, F.S.; revising requirements relating to temporary limited registration; amending s. 489.119, F.S.; provid-

ing for licensure of business organizations, including joint ventures; providing for submission of bids by joint ventures; creating s. 489.1195, F.S.; prescribing classes of qualifying agents; defining responsibilities of such agents; amending s. 489.129, F.S.; providing grounds and penalties for disciplinary action; providing for recommendations by hearing officers concerning penalties; providing for reinstatement; amending s. 489.131, F.S.; providing for applicability of the part; providing for local examination to engage in contracting; permitting structural components of buildings to be constructed or altered only by Division I contractors; reviving and readopting ss. 489.101-489.107, 489.109-489.131, F.S., notwithstanding their scheduled repeal; providing for future review and repeal of ss. 489.101-489.131, F.S.; reviving, readopting, transferring, and amending s. 489.5331, F.S., relating to damages in certain actions against contractors; clarifying the application of said section; repealing s. 16, ch. 87-310, Laws of Florida, relating to Sunset termination of said section; providing an effective date.

On motions by Senator Margolis, the Senate receded from Amendment 1 to House Amendment 1 and concurred in House Amendment 1 as amended; and receded from Amendment 1 to House Amendment 2 and concurred in House Amendment 2 as amended.

CS for SB 155 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Langley

Vote after roll call:

Yea—Grant

Explanations of Vote

I voted against this bill even though it provided some necessary and proper changes in the licensing acts. The provision concerning the Alachua County issue directly interferes with litigation now pending. It is a dangerous and bad precedent to intervene in pending litigation by legislative action. This is consistent with my votes on similiar issues.

Dick Langley, 11th District

Let the Senate Journal of June 7, 1988, reflect that my vote for Committee Substitute for Senate Bill 155 was made under protest. While I am supportive of maintaining the regulation of Florida's construction industry, I strongly oppose the amendment which would allow Alachua County to preempt the provisions of Chapter 17-61 of the Florida Administrative Code.

The practice of legislating issues which are under litigation poses a dangerous precedent for obstructing the due process of our laws.

Karen L. Thurman, 4th District

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendments 1 and 2 to SB 144 and again requests the Senate to concur.

John B. Phelps, Clerk

SB 144—A bill to be entitled An act relating to the Tourism Advisory Council; amending s. 288.347, F.S.; providing for the term of office for council members; providing for meetings; providing for a chairman; requiring minutes of meetings; reviving and readopting said section, notwithstanding repeal scheduled pursuant to the Sundown Act; providing for future review and repeal of said section; providing an effective date.

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

SB 144 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—36

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

Nays—None

Vote after roll call:

Yea—Crawford

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, amended and passed with amendments CS for SB 452 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 452—A bill to be entitled An act relating to motor vehicle towing; amending s. 125.0103, F.S.; authorizing local governments to regulate rates with respect to the towing of vehicles from private property; amending s. 166.043, F.S.; including the towing of vehicles from private property within a group of rate areas where a local government may enact public service rates; creating s. 320.901, F.S.; providing definitions; creating s. 320.902, F.S.; requiring tow truck operators to obtain a certificate of authority; creating s. 320.903, F.S.; providing for application; creating s. 320.904, F.S.; providing for application and renewal fees; creating s. 320.905, F.S.; providing for the denial, suspension, or revocation of a certificate of authority; creating s. 320.906, F.S.; providing for authorization for tow truck operators licensed in other states; creating s. 320.907, F.S.; providing for recordkeeping; creating s. 320.908, F.S.; providing a penalty; creating s. 320.909, F.S.; providing for enforcement; creating s. 320.910, F.S.; providing for authority to inspect; amending s. 715.07, F.S.; prohibiting towing or removing companies from charging extra fees because a towed vehicle is illegally parked on private property; providing for towing or removal rate regulation; providing an effective date.

Amendment 1—On pages 2-13, strike everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1) of section 125.0103, Florida Statutes, is amended to read:

125.0103 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, *towing of vehicles from private property,* or port rates.

Section 2. Paragraph (b) of subsection (1) of section 166.043, Florida Statutes, is amended to read:

166.043 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, *towing of vehicles from private property,* or port rates.

Section 3. Paragraph (b) of subsection (2) of section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles parked on private property; towing.—

(2) The owner or lessor of real property, or any person authorized by the owner or lessor, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle parked on such property without his permission to be removed by a person regularly engaged in the business of towing vehicles, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(b) These requirements shall be the minimum standards and shall not preclude enactment of additional regulations by any municipality or county *including the right to regulate rates when vehicles are towed from private property.*

Section 4. This act shall take effect October 1, 1988.

Amendment 2—On page 1, in the title, lines 3-30, strike all of said lines and insert: amending ss. 125.0103, 166.043 and 715.07, F.S.; authorizing local governments to regulate rates with respect to the towing of vehicles from private property; providing an effective date.

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

CS for SB 452 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
Beard	Grant	Lehtinen	Scott
Brown	Hair	Malchon	Stuart
Childers, D.	Hill	Margolis	Thurman
Childers, W. D.	Hollingsworth	McPherson	Weinstein
Crenshaw	Jenne	Meek	Weinstock
Deratany	Jennings	Myers	Woodson
Dudley	Johnson	Peterson	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Crawford

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 CS for SB 19 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for SB 19—A bill to be entitled An act relating to public health; amending s. 20.04, F.S.; conforming position title; amending s. 20.19, F.S.; providing for a Deputy Secretary for Management Systems; providing for a Deputy Secretary for Health who is the State Health Officer; centralizing activities, programs, and functions of the department relating to public and environmental health matters, within the office of the Deputy Secretary for Health; providing qualifications and duties of the State Health Officer; providing for assistant health officers; creating a Health Advisory Council; providing for membership and duties of the council; providing for a Deputy Secretary for Programs and providing for responsibilities of the office; providing for assistant secretaries for programs; providing for deputy assistant secretaries for alcohol and drug abuse, and for mental health; providing for the reassignment of children's mental health programs and services; providing for a Deputy Secretary for Administration and providing for responsibilities of the office; providing for deputy district administrators for health and providing for their responsibilities; clarifying the responsibilities of the Statewide Human Rights Advocacy Committee and the committee's authority for access to records; clarifying the responsibilities of the District Human Rights Advocacy Committees and the authority of the committees for access to records; creating two additional distinct budget entities within the departmental summary budget document; providing for the appointment of an additional management fellow; making conforming changes to comply with changes resulting from the creation of additional deputy secretaries; establishing programs in epilepsy control; amending s. 393.063, F.S.; removing epilepsy from the definition of developmental disability and providing a definition of "epilepsy"; amending s. 393.066, F.S.; removing epilepsy from the list of conditions included in community services and treatment for developmentally disabled persons; providing for the establishment, membership, duties, and duration of the Epilepsy Services Task Force; amending s. 400.553, F.S.; exempting certain hospice facilities from provisions requiring licensing of such centers; providing for transfer of rules; providing for substitution of parties in judicial or administrative proceedings; providing severability; amending s. 154.01, F.S.; providing additional requirements for funding requests submitted to the Legislature by the Department of Health and Rehabilitative Services for construction or expansion of public health units; providing criteria for releasing appropriated funds; providing effective dates.

Amendment 1—On page 3, line 5, strike everything after the enacting clause and insert:

Section 1. Subsection (4) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(4) Within the Department of Health and Rehabilitative Services there shall be organizational units called "offices," integral to the positions of deputy secretary, assistant secretary, and deputy assistant secretary, and organizational units called "program offices," which shall operate in a staff capacity to the *Deputy* ~~Assistant~~ Secretary for *Programs* ~~Program Planning~~.

Section 2. Subsections (1), (2), (4), (5), (6), (10), (11) and (17) of section 20.19, Florida Statutes, are amended, and subsections (7) through (19) of said section are renumbered as subsections (9) through (21), thereof, to read:

20.19 Department of Health and Rehabilitative Services.—There is created a Department of Health and Rehabilitative Services.

(1) PURPOSE.—The purposes of the Department of Health and Rehabilitative Services are to:

(a) Integrate the delivery of all health, social, and rehabilitative services offered by the state to those citizens in need of assistance.

(b) Provide such assistance as is authorized to all eligible clients in order that they might achieve or maintain economic self-support and self-sufficiency to prevent, reduce, or eliminate dependency.

(c) Prevent or remedy the neglect, abuse, or exploitation of children and of adults unable to protect their own interests.

(d) Aid in the preservation, rehabilitation, and reuniting of families.

(e) Prevent or reduce inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care.

(f) Secure referral or admission for institutional care when other forms of care are not appropriate, or provide services to individuals in institutions when necessary.

(g) Prevent the occurrence and spread of communicable diseases and other physical and mental diseases and disabilities to the maximum degree possible.

(h) Promote the maintenance and improvement of health and mental health.

(i) Disseminate health information to the public with recommendations for self-help aimed at the prevention of disease and the maintenance and improvement of the health of all residents of and visitors in this state.

(j) Plan and develop health resources to assure effective and efficient delivery of high quality health services fully accessible to all citizens.

(k) Pay for health care and medical care in the most reasonably expeditious fashion while promoting cost-effectiveness, quality, and patient dignity in those medical payment programs authorized by the Legislature.

In fulfillment of these purposes, the department shall establish a set of goals to be reviewed annually and revised at least once every 5 years. In addition, the department shall annually develop specific objectives and work plans to accomplish these goals.

(2) SECRETARY OF HEALTH AND REHABILITATIVE SERVICES; DEPUTY SECRETARY.—

(a) The head of the department is the Secretary of Health and Rehabilitative Services. The secretary shall be appointed by the Governor subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(b) The secretary shall appoint a deputy secretary who shall act in the absence of the secretary. The deputy secretary shall be directly responsible to the secretary and shall perform such duties as are assigned to him by the secretary. He shall serve at the pleasure of the secretary.

(c) In addition to his other duties, the secretary shall be responsible for evaluation, departmental legal services, and internal audit functions. The secretary may assign performance of such functions to any appropriate unit within the department.

(d) The secretary shall appoint a Deputy Secretary for Management Systems who shall be responsible for automated information systems. The Deputy Secretary for Management Systems shall be responsible directly to, and shall serve at the pleasure of, the secretary.

(4) DEPUTY SECRETARY FOR HEALTH.—The secretary shall appoint a Deputy Secretary for Health who shall be the State Health Officer and shall serve at the pleasure of, and be directly responsible to, the secretary. The Deputy Secretary for Health shall be responsible for all programs, activities, and functions of the department relating to public health matters, including environmental health. The State Health Officer must be a physician licensed under chapter 458 or chapter 459, or a person who holds a Master's degree in public health from an accredited program in a university in the United States or a person who holds a degree of Doctor of Public Health from an accredited university in the United States, and must have specialized training and experience in public health service and administration.

(a) The Deputy Secretary for Health shall be responsible for general statewide supervision of the administration of public health service programs operated by the department including medical supervision to the employees of all county public health units established pursuant to part I of chapter 154. The term "general statewide supervision of the administration of public health programs" means program development and planning; program research; identifying client needs and recommending solutions and priorities; developing client service programs, including the policies and standards therefor; providing technical assistance to the district administrators; assisting the district administrators in staff development and training; reviewing and monitoring district-level program operations; assuring compliance with statewide program standards and performance criteria; monitoring uniform program quality among districts; developing funding sources external to state government; and obtaining, approving, monitoring, and coordinating research and program development grants; but does not involve line authority over any public health program operation of the department. The term "medical supervision" means medical advice, consultation, and direction given to county public health unit employees during the management of a public health emergency. The term does not include supervision or line authority in the performance of routine public health duties.

(b) There may be appointed Assistant Health Officers, as deemed appropriate, to assist the State Health Officer, who shall be appointed by the secretary at the request of the State Health Officer. Each Assistant Health Officer shall serve at the pleasure of the secretary and shall be directly responsible to the State Health Officer. The offices of the assistant health officers shall operate in a staff capacity to the State Health Officer, and the responsibilities of the offices include needs identification, program and service monitoring, and technical assistance to the State Health Officer.

(c) There is created within the Department of Health and Rehabilitative Services an advisory council, to be known as the Advisory Council on Health. The advisory council shall serve in an advisory capacity to the State Health Officer. The council shall be composed of 11 members who shall be appointed by, and serve at the pleasure of, the secretary, in consultation with the State Health Officer.

1. The members of the council must include:

a. Three physicians licensed to practice medicine in the state under chapter 458, Florida Statutes, or chapter 459, Florida Statutes;

b. The Secretary of Environmental Regulation;

c. The Dean of the College of Public Health of the University of South Florida;

d. A dentist licensed to practice under chapter 466, Florida Statutes;

e. A registered nurse licensed under chapter 464, Florida Statutes;

f. A veterinarian licensed under chapter 474, Florida Statutes;

g. An individual with professional expertise in the area of environmental health;

h. A representative of local governments; and

i. A consumer representative who must be a client of the department; the parent, guardian, spouse, or representative of a client of the department; or a representative of an advocacy group or consumer group for clients of the department.

2. The duty of the Advisory Council on Health is to advise and assist the State Health Officer in carrying out the purposes of the department which relate to public health matters, including environmental health. These duties shall include:

a. Advising the State Health Officer in the performance of his duties and formulating general policies affecting public health in the state.

b. Designing programs to carry out the purposes of the department and ensuring the quality, efficiency, and adequacy of such programs in meeting the public health needs of the citizens of the state.

c. Supervising generally the enforcement of laws and rules relating to public health.

3. Members of the advisory council and their attendants, or interpreters for the deaf or handicapped when necessary, shall receive no compensation but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(5)~~(4)~~ *DEPUTY SECRETARY FOR PROGRAMS* ~~ASSISTANT SECRETARIES~~.—The secretary shall appoint *a Deputy* ~~an Assistant~~ Secretary for Programs *who* ~~and an Assistant Secretary for Administration, each of whom~~ shall serve at the pleasure of, and be directly responsible to, the secretary. The secretary shall appoint a Deputy Assistant Secretary for Programs, *an* ~~a Deputy~~ Assistant Secretary for Regulation and Health Facilities, *and an* ~~a Deputy~~ Assistant Secretary for Medicaid, ~~and a Deputy Assistant Secretary for Health,~~ each of whom shall serve at the pleasure of the secretary and shall be directly responsible to the *Deputy* ~~Assistant~~ Secretary for Programs.

(a) The *Deputy* ~~Assistant~~ Secretary for Programs shall have responsibility for general statewide supervision of the administration of service programs operated by the department, *with the exception of those programs which are the responsibility of the Deputy Secretary for Health. The Deputy Secretary for Programs shall also have responsibility for* ~~and~~ such other program development and planning duties as are assigned to him by the secretary. "General statewide supervision of the administration of service programs" means service program development and planning; program research; identifying client needs and recommending solutions and priorities; developing client service programs, including the policies and standards therefor; providing technical assistance to the district administrators; assisting the district administrators in staff development and training; reviewing and monitoring district-level program operations; assuring compliance with statewide program standards and performance criteria; monitoring uniform program quality among districts; developing funding sources external to state government; and obtaining, approving, monitoring, and coordinating research and program development grants; but does not involve line authority over any health or human services program operation of the department, including the management of institutions and residential treatment programs.

*(b)*1. Program offices shall operate in a staff capacity to the *Deputy* ~~Assistant~~ Secretary for Programs. Each program office shall be headed by *an assistant secretary* ~~a program staff director~~ who shall be appointed by, and serve at the pleasure of, the secretary and be directly responsible to the *Deputy* ~~Assistant~~ Secretary for Programs. *The Assistant Secretary for Children's Medical Services shall be responsible for all programs, activities, and functions of the department relating to all children's medical services programs operated by the department. The Assistant Secretary for Children's Medical Services must be a physician licensed under chapter 458 or chapter 459, and must have specialized training*

and experience in child health as defined in s. 391.051. The secretary shall appoint a Deputy Assistant Secretary for Alcohol and Drug Abuse and a Deputy Assistant Secretary for Mental Health, who shall both report directly to the Assistant Secretary for Alcohol, Drug Abuse, and Mental Health. The *Deputy* ~~Assistant~~ Secretary for Programs shall delegate to the program offices the following responsibilities, which shall include, but are not limited to:

a. Identification of client needs.

b. Intraprogram policy development.

c. Short-term and long-term intraprogram planning.

d. Intraprogram standards setting, monitoring, and quality control.

e. Intraprogram staff development, training, and technical assistance programs.

f. Advising the *Deputy* ~~Assistant~~ Secretary for Programs and others within the department, upon request, on issues within their areas of substantive expertise.

g. Acting as liaison, when assigned by the *Deputy* ~~Assistant~~ Secretary for Programs, to other governmental agencies and the public on programmatic issues.

h. Developing state program plans.

i. Developing resource forecasts and working within the state on community resource development.

j. Quality control.

k. General statewide supervision of the administration of service programs.

l. Any other program planning and development duties assigned by the secretary.

2. The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging shall be for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

a. Children's Medical Services Program Office.—The responsibilities of this office encompass all children's medical services programs operated by the department.

b. Economic Services Program Office.—The responsibilities of this office encompass all income support programs within the department, such as aid to families with dependent children (AFDC), food stamps, and state supplementation of the supplemental security income (SSI) program.

c. Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for developmentally disabled persons. Developmental disabilities include any disability defined in s. 393.063.

d. Aging and Adult Services Program Office.—The responsibilities of this office encompass all aging and adult programs operated by the department.

e. Children, Youth, and Families Program Office.—The responsibilities of this program office encompass intake services for dependent and delinquent children; children's protective services; adoption; child care; foster care programs; specialized services to families; *and* all programs operated by the department relating to delinquent children~~; and related mental health services for children and youth in coordination with the Alcohol, Drug Abuse, and Mental Health Program Office~~.

f. Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department ~~except those programs for children and youth which shall be handled in coordination with the Children, Youth, and Families Program Office~~. In addition, the responsibility for adult forensic programs *and children's mental health programs and services* shall be located within this office.

3.a. The secretary may appoint only one advisory council for the purpose of acting as the advisory body to each respective program office in the performance of functions assigned to program offices in subparagraph 1. Not fewer than 8 members or more than 14 members may be appointed to each program office advisory council. Representation on each program office advisory council shall include persons with expertise in each of the major service responsibilities of the respective program office; at least one consumer representative who shall be a client of, or parent, guardian, or spouse of, a client of the respective program office; and, to the extent possible, representation from the various geographic areas of the state. Representatives of provider groups whose principal source of support is funds from the department shall not comprise more than 25 percent of any council advisory to the Department of Health and Rehabilitative Services. Unless otherwise required by law or federal regulation, in no case shall an employee of the Department of Health and Rehabilitative Services serve as a member of any council advisory to the Department of Health and Rehabilitative Services. Whenever feasible, priority shall be given to the appointment of district advisory council members to program office advisory councils. Initially, the secretary shall appoint one-half of the members for terms of 2 years each, and one-half of the members for terms of 1 year each. Thereafter, members shall be appointed for 2-year terms. Vacancies shall be filled for the remainder of unexpired terms in the same manner as the original appointments. A member may be reappointed to only one subsequent term.

b. Each program office advisory council shall meet no more frequently than quarterly. Minutes shall be recorded for all meetings of such councils and shall be kept on file in the respective program office.

c. Members and their attendants, or interpreters for the deaf or handicapped when necessary, shall receive no compensation but shall be reimbursed for per diem and travel expenses in accordance with the provisions of s. 112.061.

d. The department shall make a separate and distinct request for an appropriation for such expenses for each advisory council. Such requests may be combined into a specific appropriation for advisory council expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts. If a legislative appropriation for such expenses is made, the department shall reimburse expenses for individual advisory councils in strict accordance with the appropriations and intent of the Legislature. The provisions of s. 216.292 notwithstanding, no transfer of appropriations shall be made which increases the appropriation made by the Legislature for advisory council expenses; and the department is prohibited from using any other appropriation for supporting the activities of groups advisory to program offices.

e. The Department of Health and Rehabilitative Services shall adopt rules to implement this act, which rules shall serve as formal operating procedures for each program office advisory council.

4. Individual program office advisory councils as described in subparagraph 3. shall be the only councils advisory to the Department of Health and Rehabilitative Services unless other such advisory councils to the department are established by law; except that advisory committees as defined in s. 20.03(8), or any advisory bodies not specifically created by law, may be established and receive funds for a period not to exceed 1 year if the department has provided the following information to the Speaker of the House of Representatives, the President of the Senate, and the Comptroller:

a. The date of creation of the advisory body.

b. The purpose of the advisory body and the program office to which it is to furnish advice.

c. The termination date of the advisory body.

d. The estimated frequency of meetings and estimated costs associated with the advisory body.

5. All program offices within the Department of Health and Rehabilitative Services which serve children and youth shall work together to identify the needs of children in the state; to establish priorities and goals in meeting these needs; and to participate in interprogram standards setting, monitoring, and quality control. As a result of such cooperative planning, the Department of Health and Rehabilitative Services shall establish an annual plan for financial management and services delivery and integration designed to meet the comprehensive needs of the children and youth served by the department. The plan shall become the document used by all department staff in planning, budgeting, implementing, monitoring, and evaluating all service delivery for children and

youth. All other documents developed at any level within the department relating to services for children and youth shall be consistent with this plan. In addition, a 5-year state plan shall be developed to be submitted with the annual plan to the Governor and the Legislature by January 1, 1981. The plan shall be reviewed annually and updated at least once every 5 years.

(c)~~6.~~ The responsibilities of the ~~Deputy~~ Assistant Secretary for Regulation and Health Facilities shall include, but are not limited to, certificate-of-need determinations, Hill-Burton programs, and licensure and certification of programs external to the department for which the department has a major regulatory responsibility~~, as well as those functions authorized by law in conformance with Pub. L. No. 93-641~~. The *deputy* ~~assistant~~ secretary may assign or delegate other responsibilities of this office in keeping with the intent of this act. ~~The functions of this office relating to Pub. L. No. 93-641 shall not be decentralized to the districts.~~

(d)~~7.~~ The responsibilities of the ~~Deputy~~ Assistant Secretary for Medicaid shall encompass all Medicaid planning and development functions, including, but not limited to, policy and program development, program monitoring, provider relations, interprogram planning, and program surveillance and utilization review. In addition, the secretary shall appoint a Medicaid Advisory Council in accordance with the provisions of federal regulations relating to Medicaid and with those provisions relating to program office advisory councils which are not in conflict with the regulations.

~~8.a. The Deputy Assistant Secretary for Health shall be the State Health Officer. The State Health Officer shall be a physician licensed under chapter 458 or chapter 459, shall have a master's degree in public health, and shall be responsible for all health programs operated by the department. The State Health Officer shall provide medical supervision to the employees of all county public health units established pursuant to part I of chapter 154, and shall coordinate all health activities under the Assistant Secretary for Programs and the Deputy Secretary for Operations. "Medical supervision" means medical advice, consultation, and direction given to county public health unit employees during the management of a public health emergency. The term does not include supervision or line authority in the performance of routine public health duties.~~

~~b. The secretary shall appoint an Assistant Health Officer for Public Health and Primary Care, an Assistant Health Officer for Disease Control, and an Assistant Health Officer for Interprogram Development and Technical Assistance, each of whom shall serve at the pleasure of the secretary and be directly responsible to the Deputy Assistant Secretary for Health.~~

~~c. The secretary may appoint an advisory council for public health and primary care.~~

(6)~~(b)~~ *DEPUTY SECRETARY FOR ADMINISTRATION.—The secretary shall appoint a Deputy Secretary for Administration who shall serve at the pleasure of, and be directly responsible to, the secretary.* The *Deputy* ~~Assistant~~ Secretary for Administration shall be responsible for:

(a)~~1.~~ Supervising all of the budget management activities of the department and serving as the chief budget officer of the department.

(b)~~2.~~ Providing administrative and management support services above the district level.

(c)~~3.~~ Monitoring administrative and management support services in the districts.

(d)~~4.~~ Developing and implementing uniform policies, procedures, and guidelines with respect to personnel administration, finance and accounting, budget, grants management and disbursement, procurement, information and communications systems, management evaluation and improvement, and general services, including housekeeping, maintenance, and leasing of facilities.

(e)~~5.~~ Performing such other administrative duties as are assigned to him by the secretary.

(7)~~(5)~~ SERVICE DISTRICTS.—

(a) The department shall plan and administer its programs of health, social, and rehabilitative services through service districts and subdistricts composed of the following counties:

District 1.—Escambia, Santa Rosa, Okaloosa, and Walton Counties;

District 2, Subdistrict A.—Holmes, Washington, Bay, Jackson, Franklin, and Gulf Counties;

District 2, Subdistrict B.—Gadsden, Liberty, Calhoun, Leon, Wakulla, Jefferson, Madison, and Taylor Counties;

District 3, Subdistrict A.—Hamilton, Suwannee, Lafayette, Dixie, Columbia, Gilchrist, Levy, Union, Bradford, Putnam, and Alachua Counties;

District 3, Subdistrict B.—Marion, Citrus, Hernando, Sumter, and Lake Counties;

District 4, Subdistrict A.—Baker, Nassau, Duval, and Clay Counties;

District 4, Subdistrict B.—St. Johns, Flagler, and Volusia Counties;

District 5.—Pasco and Pinellas Counties;

District 6, Subdistrict A.—Hillsborough and Manatee Counties;

District 6, Subdistrict B.—Polk, Hardee, and Highlands Counties;

District 7, Subdistrict A.—Seminole, Orange, and Osceola Counties;

District 7, Subdistrict B.—Brevard County;

District 8, Subdistrict A.—Sarasota and DeSoto Counties;

District 8, Subdistrict B.—Charlotte, Lee, Glades, Hendry, and Collier Counties;

District 9.—Indian River, Okeechobee, St. Lucie, Martin, and Palm Beach Counties;

District 10.—Broward County; and

District 11.—Dade and Monroe Counties.

(b) The secretary shall appoint a district administrator for each of the service districts who shall have the same standing within the department as an assistant secretary. Each district administrator shall serve at the pleasure of the secretary and shall be directly responsible to the Deputy Secretary for Operations. Each district administrator shall have direct line authority over all departmental programs assigned to the district. In addition to those responsibilities assigned by law, the district administrator shall carry out those duties delegated to him by the Deputy Secretary for Operations.

(c) The duties of the district administrator shall include, but are not limited to:

1. Ensuring that the administration of all service programs is carried out in conformity with statewide service plans and any other policies, procedures, and guidelines established by the secretary.

2. Administering the offices of the department within the district and directing and coordinating all personnel, facilities, and programs of the department located in that district, except as otherwise provided herein.

3. Applying standard information, referral, intake, diagnostic and evaluation, and case management procedures established by the secretary. Such procedures shall include *an* ~~a single~~ intake system for delinquency and dependency juvenile programs.

4. Centralizing to the greatest extent possible the administrative functions associated with the provision of services of the department within the district.

5. Coordinating the services provided by the department in the district with those of other public and private agencies which provide health, social, educational, or rehabilitative services within the district.

6. Appointing district program managers, program supervisors, and the superintendent of each institution within the district and approving all other personnel appointments within the district.

7. Establishing such policies and procedures as may be required to discharge his duties and implement and conform the policies, procedures, and guidelines established by the secretary to the needs of the district.

8. Transferring up to 10 percent of the total district budget, with the approval of the secretary, to maximize effective program delivery, the provisions of ss. 216.292 and 216.351 notwithstanding.

(d) To assist him in the discharge of his duties, each district administrator *shall* ~~may~~ appoint, *in consultation with the Deputy Secretary for Health, a deputy district administrator for health,* ~~a district program manager for health services~~ and *may also appoint* a district program manager for social services. *The deputy district administrator for health shall have line authority over all district programs, activities, and functions relating to public health, including environmental health matters, and other programs as may be assigned by the district administrator.* Each district administrator shall appoint a district manager for administrative services. Each *deputy district administrator for health,* district program manager, and the district manager for administrative services shall serve at the pleasure of the district administrator.

(e) There may be program supervisors in each district who shall serve in a line capacity to the district administrator and report directly to the district administrator or his designee. Program supervisors shall be appointed by the district administrator in conformity with qualifications established through state personnel system procedures. Program supervisors may be employed on a full-time, part-time, or fee-for-service contractual basis. The duties of a program supervisor shall include, but are not limited to:

1. Administering district service programs in conformity with statewide policies, procedures, and guidelines established by the secretary.

2. Recommending changes in district program policy.

3. Identifying and developing community resources.

4. Identifying district needs.

5. Serving as program spokesman in educating the public as to the availability of programs and the needs of clients.

6. Serving as primary staff development adviser in assessing the needs of staff and developing training and staff development programs.

(f) There shall be programs at the district level in the following areas: aging and adult services; children's medical services; health; alcohol, drug abuse, and mental health; developmental services; ~~social and~~ economic services; and children, youth, and family services. There may be a program supervisor for each program, or the district administrator may combine programs including children, youth, and families under a program manager or program supervisor, if such arrangement is approved by the secretary.

(g) The district manager for administrative services shall provide the following administrative and management support services to the district in accordance with the uniform policies, procedures, and guidelines established by the *Deputy* ~~Assistant~~ Secretary for Administration:

1. Finance and accounting.

2. Grants management and disbursement.

3. Personnel administration.

4. Purchasing and procurement.

5. General services, including housekeeping and maintenance of facilities.

6. Assisting the district administrator in preparation of the district budget request and administration of the approved operating budget.

7. The district manager for administrative services shall be the chief budget officer of the district.

8. Other administrative duties as assigned by the district administrator.

(8)~~(6)~~ DISTRICT ADVISORY COUNCILS.—

(a) Within each service district there is created a district advisory council. Each district advisory council shall assist in the coordination and integration of the health, social, and rehabilitative services provided by the department with those provided in the district by other public and private agencies and shall afford citizen input into departmental policy development. The duties of each district advisory council shall include, but are not limited to:

1. Advising the district administrator with respect to the administration of the service programs of the department within the district and the improvement of coordination and integration of the programs and services of the department with those provided within the district by other public and private agencies.

2. Advising the *Deputy* ~~Assistant~~ Secretary for *Programs, the Deputy Secretary for Health,* ~~Program Planning~~ and the *assistant secretaries* ~~staff directors~~ of the program offices with respect to client needs within the district.

3. Assisting the department in the evaluation of its operations.

4. Interpreting to the community, through the personal contacts and involvements of its members, the various services provided by the department.

5. Providing a forum for receiving citizen complaints on general problems relating to the department.

6. Advising on the coordination of service delivery within the district.

(b) Each district advisory council shall consist of 11 regular members and 1 ex officio member. No employee of the department shall serve as a member of a council, except that the district administrator shall serve as a nonvoting ex officio member of the council in his district. The council shall be composed of 11 regular members, as follows:

1. One licensed physician or osteopathic physician who practices medicine or osteopathic medicine within the district.

2. One member of a board of county commissioners of a county within the district.

3. One member of a district school board of a school district within the district.

4. One attorney who practices law within the district.

5. Five local representatives of public and private agencies or organizations which provide health, social, rehabilitative, or legal services within the district.

6. Two persons who are either clients of the department within the district or who have been such clients during the year previous to appointment.

(c) Upon expiration of a term and in case of a vacancy for any other reason, the council by majority vote shall appoint a replacement subject to the approval of the Governor. If no action is taken by the Governor to approve or disapprove the replacement of a member within 30 days after the council has notified the Governor of the appointment, the appointment of the replacement shall be considered approved. Each member of a district advisory council shall be appointed for a term of 2 years. A member may be reappointed to only one subsequent term.

(d) Each district advisory council shall elect a chairman, a vice chairman, and a secretary, each of whose terms shall be for 1 year. The district administrator shall not be eligible to serve as chairman.

(e) Each district advisory council shall hold quarterly meetings. Additional meetings shall be held upon the call of the chairman or upon the petition of a majority of the members to the chairman. The secretary or the deputy secretary shall attend at least one meeting of each district advisory council during each fiscal year.

(f) A member of a district advisory council shall receive no compensation but shall be reimbursed for travel expenses as provided for in s. 112.061.

(g) The department shall make a separate and distinct request for an appropriation for all expenses for district advisory councils, which shall indicate the proposed distribution of such expenses among districts. Such request may be combined into a specific appropriation for advisory council expenses or included in a specific appropriation with other expenses in the Governor's recommended budget or in the appropriations acts. If a legislative appropriation for expenses is made, the department shall reimburse expenses for individual advisory councils in strict accordance with the appropriations and intent of the Legislature. The provisions of s. 216.292 notwithstanding, no transfer of appropriations shall be made which increases the appropriation made by the Legislature for advisory council expenses.

(h) Each district advisory council may designate a subcouncil from its membership for each subdistrict within the district.

(i) Each district advisory council shall designate one of its members to serve on a District Advisory Council Statewide Coordinating Committee. The committee shall meet at least quarterly for the purposes of ana-

lyzing client needs statewide, identifying and proposing responsive program policies to the department, and integrating and expressing the views of the 11 district advisory councils on interdistrict service delivery matters. The secretary or deputy secretary shall attend at least two meetings of the committee each fiscal year. At one or more of the committee's meetings, the secretary shall present for discussion the budget request and recommendations of the department to the Legislature. Each member attending such committee meetings shall be entitled to reimbursement for travel expenses pursuant to s. 112.061.

(12)~~(10)~~ DEPARTMENTAL BUDGET.—

(a) The secretary shall develop and submit annually to the Legislature a comprehensive departmental summary budget document which shall array district budget requests along program lines. This summary document shall, for the purpose of legislative appropriation, consist of *six* ~~four~~ distinct budget entities:

1. Office of the Secretary;

2. Office of the *Deputy* ~~Assistant~~ Secretary for Administration;

3. Office of the *Deputy* ~~Assistant~~ Secretary for Programs; ~~and~~

4. Office of the Deputy Secretary for Operations;~~.~~

5. *Office of the Deputy Secretary for Health; and*

6. *Office of the Deputy Secretary for Management Systems.*

The various district budget requests shall be included in the comprehensive departmental summary budget document. The department shall periodically review the appropriateness of the budget entity designations and the adequacy of its delegated authority to transfer funds between entities. The first review shall be completed and submitted to the Speaker of the House of Representatives and the President of the Senate by January 1, 1987, and subsequent reviews shall be submitted every 5 years thereafter.

(b) To fulfill this responsibility, the secretary shall have the authority to review, amend, and approve the annual budget request of all departmental activities. In addition, the provisions of ss. 216.292 and 216.351 notwithstanding, the secretary, whenever deemed necessary by reason of significantly changed conditions, may transfer funds between the approved operating budgets of the districts.

(c) It is the responsibility of the *Deputy* ~~Assistant~~ Secretary for Administration to promulgate the necessary budget timetables, formats, and data requirements for all departmental budget requests. This shall be done in accordance with the statewide budget requirements of the Executive Office of the Governor.

(d) It is the responsibility of the district administrator to develop an annual budget request to be reviewed, amended, and approved by the secretary. Upon appropriation of an approved district budget, the district administrator shall be responsible for the execution of this operating budget during the fiscal year.

(13)~~(11)~~ CONFORMITY WITH FEDERAL STATUTES AND REGULATIONS.—It is the intent of the Legislature that this act shall not conflict with any federal statute or implementing regulation governing federal grant-in-aid programs administered by the department. Whenever such a conflict is asserted by the applicable agency of the Federal Government, the secretary of the department shall submit to the United States Department of Health and Human Services, or other applicable federal agency, a request for a favorable policy response or a waiver of the conflicting portions. If such request is denied, as certified in writing by the Secretary of the United States Department of Health and Human Services or head of *the* other applicable federal agency, the secretary of the department is authorized to make the adjustments in the organization and state service plan prescribed by this act which are necessary for conformity to federal statutes and regulations. Prior to making such adjustments, the secretary shall provide to the Speaker of the House of Representatives and the President of the Senate an explanation and justification of the position of the department and shall outline all feasible alternatives consistent with the provisions of this section. These alternatives may include the state supervision of local service agencies by the Department of Health and Rehabilitative Services if such agencies are designated by the Governor. The Governor is hereby authorized to designate local agencies of county governments to provide services pursuant to federally required state plans administered by the Department of Health and Rehabilitative Services. These local agencies shall provide services for and on behalf of the county governments included within the geographic boundaries of the local agency. The board of commissioners of each county within the local agency shall annually approve the service plan to be provided by the local service agency. In order to assure coordination with other health and rehabilitation services provided to citizens within each county, local service agencies designated by the Governor pursuant to this section shall correspond to the service districts created pursuant to subsection (4). The district administrator of each service district shall be designated the head of the local service agency. As head of the local service agency, the district administrator shall administer the service programs in conformity with statewide policies, procedures, and guidelines established by the Department of Health and Rehabilitative Services. The local agency shall administer its program pursuant to a written agreement with the Department of Health and Rehabilitative Services. The written agreement will:

(a) Indicate that the local agency will conduct its program under the supervision of the Department of Health and Rehabilitative Services in accordance with the state plan and in compliance with statewide standards as established by the department, including standards of organization and administration.

(b) Set forth the methods to be followed by the department in its supervision of the local agency, including an evaluation of the effectiveness of the program of the local agency.

(c) Set forth the basis on which the department participates financially in its locally administered programs.

(d) Indicate whether the local agency will utilize another local public or nonprofit agency in the provision of services and the arrangements for such utilization.

The local agency shall be responsible for the administration of all aspects of the program within the political subdivisions which it serves. In order to assure uniformity of personnel standards, the local agency shall utilize the state personnel rules and regulations, including provisions related to tenure, selection, appointment, and qualifications of personnel.

(19)~~(17)~~ MANAGEMENT FELLOWS PROGRAM.—

(a) It is the intent of the Legislature to provide a program whereby the Department of Health and Rehabilitative Services may identify, designate, train, and promote employees with high levels of administrative and management potential in order to meet the need of the department for broad-based administrative and managerial knowledge and skills in key positions within the department.

(b) The department is authorized to establish a management fellows program in order to provide highly qualified career candidates for key administrative and managerial positions in the department. Such program shall include, but is not limited to:

1. The identification annually by the secretary, the *Deputy* ~~Assistant~~ Secretary for Administration, the Deputy Secretary for Operations, the *Deputy* ~~Assistant~~ Secretary for Programs, *the Deputy Secretary for Health,* and the district administrator in each district of one high-potential career service employee each, to be designated and appointed to serve as a full-time health and rehabilitative services management fellow for a period of 1 year.

2. The design, development, implementation, and monitoring of a full-time, 1-year placement program based on a self-motivated enrichment plan for each respective fellow in various units of the department.

3. The participation of each management fellow in on-the-job management training and inservice administrative training project assignments, supplemented by periodic management workshops, seminars, and courses within and outside the department.

(c) The department shall develop, implement, operate, and monitor the management fellows program provided by this act within existing resources, including the annual identification and allocation of resources necessary to support the training activities of each management fellow.

(d) Notwithstanding the provisions of chapter 110, the department may grant special pay increases to management fellows upon successful completion of the program.

(e) The department may adopt rules to implement this subsection.

Section 3. Paragraph (h) is added to subsection (3) of section 112.061, Florida Statutes, and paragraph (b) of subsection (11) of said section is amended to read:

112.061 Per diem and traveling expenses of public officers, employees, and authorized persons.—

(3) AUTHORITY TO INCUR TRAVELING EXPENSES.—

(h) The Secretary of the Department of Health and Rehabilitative Services or his designee may authorize travel expenses incidental to the rendering of medical services for and on behalf of clients of the Department of Health and Rehabilitative Services. The Department of Health and Rehabilitative Services may establish rates lower than the maximum provided in this section for these travel expenses.

(11) TRAVEL AUTHORIZATION AND VOUCHER FORMS.—

(b) Voucher forms.—

1. The Department of Banking and Finance shall furnish a uniform travel voucher form which shall be used by all state officers and employees and authorized persons when submitting traveling expense statements for approval and payment. No traveling expense statement shall be approved for payment by the Comptroller unless made on the form prescribed and furnished by the department. The travel voucher form shall provide for, among other things, the purpose of the official travel and a certification or affirmation, to be signed by the traveler, indicating the truth and correctness of the claim in every material matter, that the travel expenses were actually incurred by the traveler as necessary in the performance of official duties, that per diem claimed has been appropriately reduced for any meals or lodging included in the convention or conference registration fees claimed by the traveler, and that the voucher conforms in every respect with the requirements of this section. The original copy of the executed uniform travel authorization request form shall be attached to the uniform travel voucher on file with the respective agency.

2. Statements for travel expenses incidental to the rendering of medical services for and on behalf of clients of the Department of Health and Rehabilitative Services shall be on forms approved by the Department of Banking and Finance.

Section 4. Subsection (5) of section 154.01, Florida Statutes, is amended and subsection (6) is added to said section to read:

154.01 Public health unit delivery system.—

(5) In order to provide for the effective delivery of health services in keeping with expanding needs or modernization, the Legislature may authorize funding for construction or expansion projects to public health units. The department shall submit a list of construction or expansion needs arranged in order of priority to the Legislature in conjunction with each biennial budget request. *The priority list shall be based on the following criteria:*

(a) The capacity of the health facility to efficiently provide the full set of authorized services for the number of patients who can be served with available funds;

(b) The capacity of the health facility to meet the anticipated growth in demand for service over the next 10 years; and

(c) The adequacy of the facility to ensure patient and staff safety, provide privacy during eligibility determination and examination, and enable an efficient movement of patients through service areas.

(6) The department shall include the estimated cost of the construction or renovation of each health unit on the list. This cost must be based on a professional assessment of the square footage needed to meet the demand for service and the prevailing cost of construction in the county in which the unit is to be built, including the cost of land, the cost for obtaining necessary permits, and the cost of outfitting the facility. Funds appropriated for construction and renovation of a public health unit facility may only be released by the department if the board of county commissioners of the county for which funds have been appropriated:

(a) Provides at least 25 percent of the cost of the project which may be a cash or an in-kind contribution, provided the value of any in-kind contribution, such as land, labor, or materials, is assessed at prevailing rates; or

(b) Agrees that any public health unit facility which is constructed or renovated, in whole or in part, with funds appropriated under this section will be used only for public health unit services, unless otherwise authorized by the department, that the county will not charge rent for use of the facility by the public health unit, and that the county will not attempt to sell such facility without the concurrence of the department.

~~Such~~ Funds ~~when~~ appropriated by the Legislature *for public health unit construction or expansion projects* shall be accounted for separately *in* ~~from~~ the Public Health Unit Trust Fund *from revenues appropriated for public health unit services and* under the terms and conditions established by the Legislature.

Section 5. Subsection (5) is added to section 400.553, Florida Statutes, to read:

400.553 Exemptions.—The following shall be exempt from the provisions of this part:

(5) Any freestanding inpatient hospice facility licensed by the state which provides day care services to hospice patients only.

Section 6. Except when inconsistent with other provisions of this act, all rules of the agency involved in the reorganization made by this act which are in effect on December 31, 1989, shall remain in effect until they are specifically altered, amended, or revoked in the manner provided by law.

Section 7. The provisions of this act do not affect the validity of any judicial or administrative proceeding pending as of December 31, 1989, and any department to which are transferred the powers, duties, and functions of any agency relating to the pending proceedings must be substituted as a party in interest.

Section 8. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 9. This act shall take effect October 1, 1988 or upon becoming a law, whichever occurs later.

Amendment 2—On page 1, in the title, line 2, through page 3, line 2, strike all of said lines and insert: An act relating to public health; amending s. 20.04, F.S.; conforming position title; amending s. 20.19, F.S.; providing for a Deputy Secretary for Management Systems; providing for a Deputy Secretary for Health who is the State Health Officer; centralizing activities, programs, and functions of the department relating to public and environmental health matters, within the office of the Deputy Secretary for Health; providing qualifications and duties of the State Health Officer; providing for assistant health officers; creating a Health Advisory Council; providing for membership and duties of the council; providing for a Deputy Secretary for Programs and providing for responsibilities of the office; providing for assistant secretaries for programs; providing qualifications and duties of the Assistant Secretary for Children's Medical Services; providing for deputy assistant secretaries for alcohol and drug abuse, and for mental health; clarifying the responsibilities of the children's medical services program office; providing for the reassignment of children's mental health programs and services; providing for a Deputy Secretary for Administration and providing for responsibilities of the office; providing for deputy district administrators for health and providing for their responsibilities; creating two additional distinct budget entities within the departmental summary budget document; providing for the appointment of an additional management fellow; making conforming changes to comply with changes resulting from the creation of additional deputy secretaries; amending s. 112.061, F.S.; authorizing the Department of Health and Rehabilitative Services to establish rates and authorize travel expenses incidental to rendering medical services; amending s. 154.01, F.S.; providing additional requirements for funding requests submitted to the Legislature by the Department of Health and Rehabilitative Services for construction or expansion of public health units; providing criteria for releasing appropriated funds; amending s. 400.553, F.S.; exempting certain hospice facilities from provisions requiring licensing of such centers; providing for transfer of rules; providing for substitution of parties in judicial or administrative proceedings; providing severability; providing effective dates.

House Amendment 3 to House Amendment 1—On page 10, line 22, before "*and*" insert: *programs serving children through the Men-*

ninger Foundation, including the CHARLEE Program, the Eckerd Family Youth Alternatives, Inc., and the Elaine Gordon Treatment Center;

House Amendment 4 to House Amendment 1—On page 11, line 3, after *"services"* insert: *, except programs serving children through the Menninger Foundation, including the CHARLEE Program, the Eckerd Family Youth Alternatives, Inc., and the Elaine Gordon Treatment Center,*

House Amendment 5 to House Amendment 1—On page 29, between lines 17 and 18, insert:

Section 3. All funding and personnel for children's mental health, except the funding for programs serving children through the Menninger Foundation, including the CHARLEE Program, the Eckerd Family Youth Alternatives, Inc., and the Elaine Gordon Treatment Center, are hereby transferred from the Children, Youth and Families Program Office to the Alcohol, Drug Abuse and Mental Health Program Office as specified in s. 20.19,(4)(a)2.f., F.S.

(Renumber subsequent sections.)

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

CS for CS for CS for SB 19 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford

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 685 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 685—A bill to be entitled An act relating to abuse, neglect, abandonment, and exploitation of aged persons, disabled adults, and children; amending s. 20.19, F.S.; conforming duties of program offices and service districts of the Department of Health and Rehabilitative Services to reflect changes in protective investigations and current responsibilities; amending s. 39.01, F.S.; providing definitions; amending s. 39.401, F.S.; conforming terminology and procedures to definitions and current practice; providing that priority consideration be given to relative placements over nonrelative placements; amending s. 39.402, F.S.; conforming terminology; amending s. 39.403, F.S.; providing for protective investigation by the department; amending s. 39.404, F.S.; conforming terminology; amending s. 415.507, F.S., relating to medical examinations of abused and neglected children; amending s. 110.1127, F.S., to change a cross-reference; amending s. 415.103, F.S.; renaming the central abuse registry and requiring any report of abuse, neglect, or exploitation to be handled by the central abuse registry and tracking system; delineating functions of the central abuse registry and tracking system; providing for notification of district staff; providing for indexing of certain information; providing confidentiality of reports in administrative hearing process; amending s. 415.104, F.S.; providing standards and procedures for reports and for protective services investigations; amending s. 415.107, F.S.; conforming terminology and procedures; amending s. 415.111, F.S.; providing penalties for making false reports; amending s. 415.503, F.S.; providing definitions; amending s. 415.504, F.S.; conforming terminology; requiring child abuse and neglect reports to go to the central abuse registry and tracking system; delineating functions of the central abuse registry and tracking system; providing procedures and time frames for notification of district staff; providing for indexing of certain information; providing confidentiality of reports in the administrative hearing process; amending s. 415.505, F.S.; providing standards and procedures for reports and for protective services investigations; amending ss. 415.5055, 415.509, 415.51, F.S.; conforming terminology; amending s. 415.511, F.S.; providing immunity from liability and prohibiting reprisal against person reporting; amending s. 415.513, F.S.; providing penalties for making a false report; amending s. 959.06, F.S., to change a cross-reference; providing an effective date.

Amendment 1—On page 3, line 1, through page 43, line 16, strike everything after the enacting clause and insert:

Section 1. *(1) Goal of Legislature; creation of Family Policy Act.—The primary goal of the Legislature is to protect, preserve, and enhance the stability and quality of Florida's families through the funding of programs and services, and the enforcement of laws and policies to prevent family dysfunction and the loss of family independence. In furtherance of this goal, there is created the "Family Policy Act."*

(2) This section shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Section 2. *Provisions of Family Policy Act.—In order to accomplish the goal of the Family Policy Act, the Legislature shall seek to provide to all families of this state the following:*

(1) Access to safe, affordable housing.

(2) A safe and nurturing environment which will preserve a sense of personal and family dignity.

(3) Adequate nutrition, shelter, and clothing.

(4) Effective treatment to address physical, social, and emotional needs, regardless of geographical location.

(5) Protection from abuse, neglect, and exploitation.

(6) Equal opportunity and access to quality and effective education which will meet the individual needs of each family member and which will mobilize family strengths into effective educational action through a comprehensive partnership of the family, school, and community that reinforces and enhances family skills, reinforces a caring environment, and, where feasible, utilizes the school facility as a center for community activity.

(7) Equal opportunity and access to recreation and other community resources to develop individual abilities and to enhance family unity.

(8) Opportunity for full-time employment for those family members able to work, at a wage sufficient to maintain family independence.

(9) Opportunity for economic independence both for adult family members who are disabled and unable to work and for elderly family members.

(10) This section shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Section 3. *Shelter and foster care services to dependent children.—*

(1) It is the intent of the Legislature to:

(a) Facilitate the reunification of families or the permanent placement of a child pursuant to parts III and IV of chapter 39, Florida Statutes.

(b) Provide an environment that enhances the physical, social, and emotional development of children in shelter and foster care.

(c) Provide the necessary services and treatment resources to meet the needs of children in shelter and foster care.

(d) Provide incentives and procedures that facilitate the recruitment and retention of quality shelter and foster homes.

(e) Allow assistance to shelter and foster care homes so that they may adequately provide for the proper care and well-being of children without placing an unnecessary economic burden on these homes.

(2) The Department of Health and Rehabilitative Services shall establish a 2-year pilot program in one rural and one urban county to provide the funding incentives and resources to fully provide assistance and services to shelter and foster homes and children in their care. The pilot program shall:

(a) Make available for each child in shelter and foster care discretionary financial resources of at least $500 annually to meet his or her special needs, including, but not limited to, the following:

1. Medical services.

2. Dental care.

3. Mental health services.

4. Accelerated family reunification services or other permanency planning.

5. Specialized educational or vocational skills services.

6. Social and recreational services.

7. Respite care services.

8. Advocacy services.

(b) Arrange for and provide specialized training for foster and shelter parents to help care for the children already in their home and to prepare them for the individual needs of children pending placement. The goal of this training is to provide quality care for the children in placement, and may include, but is not limited to, the following subject areas:

1. Supervision of specified illnesses, medical conditions, and injuries that can be provided by trained caregivers.

2. Behavior management and discipline.

3. Child care decisions.

4. Legal protections for abuse victims.

5. Foster parent participation in reunification or other permanency planning efforts.

6. Understanding and caring for the sexually abused child.

7. Handling the adolescent in temporary care.

(c) Provide to all shelter and foster care homes in the pilot program:

1. Liability insurance coverage for damages and injuries caused by children in their care pursuant to the provisions of the State Institutions Claim Fund, s. 402.181, Florida Statutes.

2. Regularly scheduled respite care or temporary relief care by joint-selected and trained homemakers.

3. Assistance by direct service aides for transporting children to medical and other appointments scheduled for the children in their care.

(d) Make available to the shelter and foster care units in the pilot program the following additional staff resources:

1. Foster care staffing at 100 percent of need as determined by the department's Workload Standards Study.

2. Intensive training on child growth and development, abuse treatment needs, and permanency planning.

3. Other support assistance to pilot program staff as needed to accelerate reunification or other permanency planning decisions.

(3) The department shall develop a request for proposal to include procedures and criteria for the competitive acceptance of proposals from participating districts. Each district seeking a pilot program pursuant to this section shall submit to the department a proposal, as specified in the request for proposal, which shall include, but not be limited to, documentation of cooperative agreements or support from local public or private agencies and organizations for the pilot program. Upon approval of the proposals, the department shall provide each pilot program district the sufficient funds within appropriations made available to establish the pilot program.

(4) The department is authorized to establish other policy provisions which are necessary to achieve the objectives specific to the pilot program.

(5) The department's Inspector General shall conduct or contract for a comprehensive evaluation of the pilot program. The evaluation report shall address the impact on the child, population served, the effect on family reunification and other permanency planning, the effect on recruitment and retention of shelter homes and foster family homes, cost, the impact of the provision of services to at-risk families and children on the number of children entering shelter care or foster care, the achievement of objectives and recommendations for the expansion or modification of the pilot programs to other districts.

Section 4. *Section 5 of this act may be cited as the "Child Care Partnership Act."*

Section 5. *Findings and intent; grant; limitation; rules.—*

(1)(a) The Legislature finds that when private employers provide onsite child care or provide other child care benefits, they benefit by improved recruitment and higher retention rates for employees, lower absenteeism, and improved employee morale. The Legislature also finds that there are many ways in which private employers can provide child care assistance to employees: information and referral, vouchering, employer contribution to child care programs, and onsite care. Private employers can offer child care as part of a menu of employee benefits. The Legislature recognizes that flexible compensation programs providing a child care option are beneficial to the private employer through increased productivity, to the private employee in knowing that his or her children are being cared for in a safe and nurturing environment, and to the state in more dollars being available for purchasing power and investment.

(b) It is the intent of the Legislature to promote public/private partnerships to ensure that the children of the state be provided safe and enriching child care at any time, but especially while parents work to remain self-sufficient. It is the intent of the Legislature that private employers be encouraged to participate in the future of this state by providing employee child care benefits. Further, it is the intent of the Legislature to encourage private employers to explore innovative ways to assist employees to obtain quality child care.

(2)(a) Any private employer contributing to the cost of child care, which meets statutory requirements, for its employees' dependents may apply for a Child Care Partnership Act matching grant, in an amount equal to 50 percent of that employer's expenditures for child care of Florida employees' dependents. The amount of such grant shall not exceed the maximum amount established in subsection (4). For the purposes of this subsection, cost of child care includes, but shall not be limited to, the per-child cost of operation of onsite child care contributed to by the private employer, the cost of care purchased by the private employer on behalf of its employees, the cost of care provided by the private employer to employees in the form of vouchers, and the costs of support services as specified in paragraph (b).

(b) Private employers receiving child care matching grants pursuant to paragraph (a) shall maintain complete records of all child care expenditures made by the employer, in which case the reimbursable cost of these services shall not exceed 10 percent above the allowable contribution per child. If a private employer elects to engage a third party to maintain those records, the cost of such support services as records, health services, referrals, and monitoring are considered part of the cost of care.

(c) Salary reductions shall not be considered employer contributions for purposes of this subsection.

(d) All amounts claimed as contributions under this subsection shall be for care provided by a facility which meets Florida licensing or other applicable requirements.

(e) Employer contributions shall not include that portion of any child care service that is funded by state or federal moneys.

(3) Any portion of salaries or wages used in computing the contributions under this section shall not be used in computing the credit provided under s. 220.181, Florida Statutes.

(4) No private employer shall receive more than $100,000 in annual matching grants for contributions towards the cost of child care.

(5) The Department of Health and Rehabilitative Services shall promulgate any rules necessary for the implementation and administration of this section. Grant applications shall be processed on a first-come, first-served basis, and the department shall administer the grant program in such a fashion as to allow those qualifying private employers ample knowledge and assurance of matching funds prior to the employer's annual budgetary commitment. The private employer shall certify to the department, within 30 days of receiving such notice, the existence of unencumbered matching funds within its annual budget. Grant renewal for those recipients who have demonstrated a proven ability to comply with the requirements of this section and its accompanying rules shall take precedence over first-time applicants for a period of up to 3 years. The department shall also submit to the Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives a report on the number of private employers in Florida receiving Child Care Partnership Act matching grants, the amount of such grants, the overall effectiveness of the grant program in providing private-employer-sponsored child care, and the projected cost and benefits of extending and expanding the grant program for a period of 5 years from the date of effectiveness. This report shall be due April 1, 1989.

(6) This section shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Section 6. Effective July 1, 1988, paragraph (a) of subsection (5) and subsection (9) of section 402.3195, Florida Statutes, are amended to read:

402.3195 Legislative intent; definition; Child Care Facility Trust Fund; loan program.—

(4) The department shall issue requests for proposals to establish or expand child care facilities in areas of the state with the greatest need for child care facilities. To be eligible to receive a loan, an applicant shall:

(a) Submit a proposal which meets the requirements of the request for proposal issued by the department.

(b) Be of good moral character as determined through screening as defined in ss. 402.301-402.319.

(c) Agree to comply with all applicable licensing requirements contained in ss. 402.301-402.319.

(d) Agree to make available up to 25 percent of the facility's child care slots for child care which is purchased by the department through central agencies, if a need and funding for such care exist.

No loan shall exceed $100,000.

(5) In addition to any terms or conditions which the department may require, each loan agreement shall include:

(a) Provision for interest, which shall be set at 5 percent per annum, *unless the applicant agrees to make available 75 percent or more of the facility's child care slots for child care as described in paragraph (4)(d), in which case, interest shall be set at 1 percent per annum.*

(9) The lending authority granted to the department under this section shall expire June 30, *1993* ~~1988~~. All unencumbered and repaid funds after this date shall revert and be transferred to the General Revenue Fund of the state, unallocated. Loan payments received in the fund after June 30, *1993* ~~1988~~, shall revert and be transferred to the General Revenue Fund, unallocated, as they are received.

Section 7. Effective July 1, 1988, subsections (1) through (11) of section 411.103, Florida Statutes, are renumbered as subsections (2) through (12), respectively, and a new subsection (1) is added to said section, to read:

411.103 Definitions.—As used in ss. 411.101-411.108, the term:

(1) "Community resource parent" means an individual under contract with a program funded by the Department of Health and Rehabilitative Services to provide social support, parent training, assistance, and education to high-risk pregnant women and handicapped or high-risk children and their parents.

Section 8. Effective July 1, 1988, section 411.1072, Florida Statutes, is created to read:

411.1072 Community resource parent program.—

(1) The Department of Health and Rehabilitative Services may establish community resource parent pilot programs. The purpose of the programs shall be to demonstrate the benefits of utilizing community resource mothers or fathers to improve maternal and child health outcomes; to enhance parenting and child development, including the educational enrichment of these children through the promotion of increased awareness by their mothers and fathers of their own strengths and potentials as home educators; and to support family integrity through the provision of social support; parent education and training; and assistance to pregnant women and high-risk or handicapped preschool children and their parents.

(2) Counties with high incidences of medically underserved high-risk children, low birthweight, and infant mortality shall be given priority for the establishment of the community resource parent pilot programs.

(3) The Department of Health and Rehabilitative Services shall select counties for pilot programs and shall contract with county public health units, other public agencies, not-for-profit agencies, or any combination thereof to carry out the programs utilizing community resource parent services.

(4) A community resource parent shall be an individual who by residence and resources is able to identify with the target population and shall meet the following minimum criteria:

(a) Be at least 25 years of age.

(b) Be a mother or father.

(c) Be an AFDC recipient or person with income below the federal poverty level or have an income equivalent to community clients.

(5) The Department of Health and Rehabilitative Services may, in addition to the criteria in subsection (4), require other criteria to contract for community resource parent services.

(6) The Department of Health and Rehabilitative Services may create a community resource parent advisory committee to monitor and advise the Department of Health and Rehabilitative Services in the development of the community resource parent program. The community resource parent advisory committee shall guide the Department of Health and Rehabilitative Services in the development of program guidelines, the development of requests for proposals, the selection of proposals, the establishment of evaluation procedures, the provision of technical assistance to individual projects, and the development of the program evaluation report.

(7) The Department of Health and Rehabilitative Services shall develop the guidelines.

(8) Members of the community resource parent advisory committee shall serve without compensation, but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(9) The members of the community resource parent advisory committee shall serve terms of 3 years, and shall not exceed 15 members and shall include:

(a) The chairperson of the Department of Community and Family Health, College of Public Health, University of South Florida, or a representative of a public or private university department of public health who shall chair the committee;

(b) A state health officer;

(c) A representative from the Department of Health and Rehabilitative Services Handicap Prevention Unit, the Children's Medical Services Program Office, the Developmental Services Program Office, the Children, Youth and Families Program Office, and the Economic Services Program Office;

(d) A representative from the Developmental Disabilities Planning Council;

(e) A representative from the Bureau of Education for Exceptional Students, Florida Department of Education;

(f) A representative from the Interagency Council for Infants and Toddlers;

(g) A county public health unit director;

(h) A county public health unit nurse or social worker;

(i) A representative of a not-for-profit organization which represents the rights of high-risk pregnant women, high-risk children, or handicapped children and their parents;

(j) A representative from a home-based program, administered through a school system, which uses paraprofessional aides to train mothers of disadvantaged preschoolers to work with their children in the home setting not only to improve the educational capabilities of the children, but also to improve bonding through positive parent/child interaction and to improve both parenting skills and parent self-worth; and

(k) A parent representative of the target population.

(10) Individuals under contract to provide community resource parent services shall participate in preservice and ongoing training as determined by the Department of Health and Rehabilitative Services, in consultation with the community resource parent advisory council. A community resource parent shall not be assigned a client caseload until all preservice training requirements are completed.

(11) The community resource parent shall be assigned a caseload established by the Department of Health and Rehabilitative Services in consideration of geographic distance, severity of problems on the caseload and skills needed to address the problems. A plan shall be developed for each case that includes at minimum:

(a) A statement of the high-risk pregnant woman's problems or child's problems and needs.

(b) The goals and objectives of the intervention program.

(c) The services to be provided by the community resource parent.

(d) Community resources to be used.

(e) Schedule of visits between resource parents and clients.

(12) Supervision of the community resource parent shall be the responsibility of the county public health unit, other public agency or nonprofit agency under contract to the department, whichever is appropriate, and may be delegated to a community agency under contract.

(13) Evaluation of the pilot projects shall be the responsibility of the Department of Health and Rehabilitative Services with the advice and assistance of the community resource parent advisory committee.

(14) Two years after the establishment of the pilot projects, an evaluation report shall be presented to the Governor, the President of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives and the minority leader of the House of Representatives evaluating the effectiveness of the community resource parent program. The report shall include cost-effectiveness data and recommendations for its continuation or discontinuation.

Section 9. Subparagraph 2. of paragraph (a) of subsection (4) and subparagraph 3. of paragraph (c) of subsection (5) of section 20.19, Florida Statutes, are amended to read:

20.19 Department of Health and Rehabilitative Services.—There is created a Department of Health and Rehabilitative Services.

(4) ASSISTANT SECRETARIES.—The secretary shall appoint an Assistant Secretary for Programs and an Assistant Secretary for Administration, each of whom shall serve at the pleasure of, and be directly responsible to, the secretary. The secretary shall appoint a Deputy Assistant Secretary for Programs, a Deputy Assistant Secretary for Regulation and Health Facilities, a Deputy Assistant Secretary for Medicaid, and a Deputy Assistant Secretary for Health, each of whom shall serve at the pleasure of the secretary and shall be directly responsible to the Assistant Secretary for Programs.

(a) The Assistant Secretary for Programs shall have responsibility for general statewide supervision of the administration of service programs operated by the department and such other program development and planning duties as are assigned to him by the secretary. "General statewide supervision of the administration of service programs" means service program development and planning; program research; identifying client needs and recommending solutions and priorities; developing client service programs, including the policies and standards therefor; providing technical assistance to the district administrators; assisting the district administrators in staff development and training; reviewing and monitoring district-level program operations; assuring compliance with statewide program standards and performance criteria; monitoring uniform program quality among districts; developing funding sources external to state government; and obtaining, approving, monitoring, and coordinating research and program development grants; but does not involve line authority over any health or human services program operation of the department, including the management of institutions and residential treatment programs.

2. The following program offices are established and may be consolidated, restructured, or rearranged by the secretary; provided any such consolidation, restructuring, or rearranging shall be for the purpose of encouraging service integration through more effective and efficient performance of the program offices or parts thereof:

a. Children's Medical Services Program Office.—The responsibilities of this office encompass all children's medical services programs operated by the department.

b. Economic Services Program Office.—The responsibilities of this office encompass all income support programs within the department, such as aid to families with dependent children (AFDC), food stamps, and state supplementation of the supplemental security income (SSI) program.

c. Developmental Services Program Office.—The responsibilities of this office encompass programs operated by the department for developmentally disabled persons. Developmental disabilities include any disability defined in s. 393.063.

d. Aging and Adult Services Program Office.—The responsibilities of this office encompass all aging and adult programs operated by the department.

e. Children, Youth, and Families Program Office.—The responsibilities of this program office encompass intake services for ~~dependent and~~ delinquent children, *families in need of services and children in need of services programs and protective investigation services for abandoned, abused, and neglected children; interstate compact on the placement of children programs*; children's protective services; adoption; child care; foster care programs; specialized services to families; all programs operated by the department relating to delinquent children; and related mental health services for children and youth in coordination with the Alcohol, Drug Abuse, and Mental Health Program Office.

f. Alcohol, Drug Abuse, and Mental Health Program Office.—The responsibilities of this office encompass all alcohol, drug abuse, and mental health programs operated by the department except those programs for children and youth which shall be handled in coordination with the Children, Youth, and Families Program Office. In addition, the responsibility for adult forensic programs shall be located within this office.

(5) SERVICE DISTRICTS.—

(c) The duties of the district administrator shall include, but are not limited to:

3. Applying standard information, referral, intake, diagnostic and evaluation, and case management procedures established by the secretary. Such procedures shall include *an* ~~a single~~ intake system for delinquency, *families in need of services and children in need of services programs, and a protective investigation system for dependency programs serving abandoned, abused, and neglected children* ~~and dependency juvenile programs~~.

Section 10. Subsections (26) and (27) of section 39.01, Florida Statutes, are amended, and subsections (55) and (56) are added to said section, to read:

39.01 Definitions.—When used in this chapter:

(26) "Intake" means the acceptance of a law enforcement report or complaint *of delinquency, family in need of services, or child in need of services* and the screening thereof to determine whether action by the court is warranted, the disposition of the report or complaint without court or public agency action when appropriate, the referral of the child to another public or private agency when appropriate, and the recommendation by the intake officer of court action when appropriate.

(27) "Intake officer" means the authorized agent of the department performing the intake function for a child alleged to be delinquent *or*, ~~dependent,~~ in need of services, or from a family in need of services.

(55) "Protective investigation" means the acceptance of a report alleging child abuse or neglect, as defined in s. 415.503, by the central abuse registry and tracking system or the acceptance of a report of other dependency by the local children, youth, and families office of the department; the investigation and classification of each report; the determination of whether action by the court is warranted; the determination of the disposition of each report without court or public agency action when appropriate; the referral of a child to another public or private agency when appropriate; and the recommendation by the protective investigator of court action when appropriate.

(56) "Protective investigator" means an authorized agent of the department who receives, investigates, and classifies reports of child abuse or neglect as defined in s. 415.503; who, as a result of the investigation, may file a dependency petition for the child under the criteria of paragraph (10)(a); and who performs other duties necessary to carry out the required actions of the protective investigation function.

Section 11. Subsections (2) and (3) of section 39.401, Florida Statutes, are amended to read:

39.401 Taking a child alleged to be dependent into custody.—

(2) If the person taking the child into custody is not *a protective investigator* ~~an intake officer~~, he shall:

(a) Release the child to a parent, guardian, legal custodian, responsible adult approved by the court when limited to temporary emergency situations, responsible adult relative *who shall be given priority consideration over a nonrelative placement*, or responsible adult approved by the department; *within 3 days* following such release, the person taking the child into custody shall make a full written report to the *protective investigation* ~~intake~~ office of the department *for cases involving allegations of abandonment, abuse, or neglect or to the appropriate service unit of the local children, youth, and families office within the department for other dependency cases* ~~within 3 days~~; or

(b) Deliver the child to *a protective investigator* ~~an intake officer~~ of the department, stating the facts by reason of which the child was taken into custody and sufficient information to establish probable cause that the child is *abandoned, abused, or neglected* ~~dependent~~, and make a full written report to the *protective investigation* ~~intake~~ office of the department within 3 days. *For any other dependent child, deliver the child to the appropriate service unit of the local children, youth, and families office within the department and provide the required report to that unit office.*

(3) If the child is taken into custody by, or is delivered to, *a protective investigator* ~~an intake officer~~, the *protective investigator* ~~intake officer~~ shall review the facts and make such further inquiry as necessary to determine whether the child should remain in custody or be released. Unless shelter is required as provided in s. 39.402(1), the *protective investigator* ~~intake officer~~ shall:

(a) Release the child to his parent, guardian, legal custodian, a responsible adult relative *who shall be given priority consideration over a nonrelative placement*, or a responsible adult approved by the department; or

(b) Authorize placement of a *housekeeper/homemaker* ~~caretaker/homemaker~~ in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

Section 12. Subsections (3) and (4) and paragraph (b) of subsection (8) of section 39.402, Florida Statutes, are amended to read:

39.402 Placement in a shelter.—

(3) If the *protective investigator* ~~intake officer~~ determines that placement in a shelter is necessary according to the provisions of subsections (1) and (2), the *protective investigator* ~~intake officer~~ shall authorize placement of the child in a shelter and shall immediately notify the parents or legal custodians that the child was taken into custody.

(4) If the child is alleged to be both dependent and delinquent, the *protective investigator* ~~intake officer~~ may authorize either placement in a shelter pursuant to this section or detention pursuant to s. 39.032.

(8)

(b) In the interval until the detention hearing is held pursuant to paragraph (a), the decision as to placement in a shelter or release of the child from a shelter shall lie with the *protective investigator* ~~intake officer~~ in accordance with subsection (3).

Section 13. Section 39.403, Florida Statutes, is amended to read:

39.403 *Protective investigation* ~~Intake~~.—

(1) *Protective investigation* ~~Intake~~ shall be performed by the department. A report or complaint alleging that a child is dependent *as a result of child abuse or neglect as defined in s. 415.503 shall be made to the central abuse registry and tracking system. Complaints alleging that a child is dependent on any basis other than as a result of child abuse or neglect as defined in s. 415.503 shall be made to the local children, youth, and families office of the department* ~~shall be made to the intake office~~ operating in the county in which the child is found or in which the case arose. Any person or agency having knowledge of the facts may make a report or complaint. The complainant shall furnish the *protective investigation office or the appropriate service unit of the local children, youth, and families office of the department, whichever is appropriate,* ~~intake office~~ facts sufficient to establish the jurisdiction of the court and to support a finding by the court that the child is dependent.

(2) The *protective investigator* ~~intake officer~~ shall make a preliminary determination as to whether the report or complaint is complete, consulting with the state attorney or assistant state attorney when necessary. In any case in which the *protective investigator* ~~intake officer~~ or the state attorney finds that the report or complaint is incomplete, the *protective investigator* ~~intake officer~~ or state attorney shall return the report or complaint without delay to the person or agency originating the report or complaint or having knowledge of the facts or to the appropriate law enforcement agency having investigative jurisdiction and request additional information in order to complete the report or complaint; however, the confidentiality of any report filed in accordance with ss. 415.502-415.514 shall not be violated.

(a) If the *protective investigator* ~~intake officer~~ determines that the report or complaint is complete, he may, after determining that such action would be in the best interests of the child, file a petition for dependency.

(b) If the *protective investigator* ~~intake officer~~ determines that the report or complaint is complete, but that in his judgment the interest of the child and the public will be best served by providing the child care or other treatment voluntarily accepted by the child and his parents or legal custodians, the *protective investigator* ~~intake officer~~ may refer the child for such care or other treatment.

(c) If the *protective investigator* ~~intake officer~~ refuses to file a petition for dependency, the complainant shall be advised of his right to file a petition pursuant to this part.

Section 14. Subsections (3) and (6) of section 39.404, Florida Statutes, are amended to read:

39.404 Petition for dependency.—

(3) When the child has been taken into custody, a petition alleging dependency shall be filed within 7 days of the date the child is taken into custody. In all other cases, the petition shall be filed within a reasonable time after the date the child was referred to *protective investigation* ~~intake~~ pursuant to s. 39.403.

(6) When a petition for dependency has been filed and the parents or custodians of the child have advised the *protective investigation* ~~intake~~ office that the truth of the allegations is acknowledged and that no contest is to be made of the adjudication, the *protective investigator* ~~intake officer~~ may set the case before the court for an adjudicatory hearing. Neither the state attorney nor an assistant state attorney shall be required to be present at the adjudicatory hearing. Should there be a change in the plea at this hearing, the court shall continue the hearing to permit the state attorney to prepare and present the case for the state.

Section 15. Paragraph (a) of subsection (3) of section 110.1127, Florida Statutes, is amended to read:

110.1127 Employee security checks.—

(3)(a) Within the Department of Health and Rehabilitative Services, all positions in programs providing care to children or the developmentally disabled for 15 hours or more per week are deemed to be positions of special trust or responsibility, and a person shall be disqualified for employment in any such position by reason of:

1. Having been found guilty of, regardless of adjudication, or having entered a plea of nolo contendere or guilty to, any offense prohibited under any of the following provisions of the Florida Statutes or under any similar statute of another jurisdiction:

a. Section 782.04, relating to murder.

b. Section 782.07, relating to manslaughter.

c. Section 782.071, relating to vehicular homicide.

d. Section 782.09, relating to killing of an unborn child by injury to the mother.

e. Section 784.011, relating to assault, if the victim of the offense was a minor.

f. Section 784.021, relating to aggravated assault.

g. Section 784.03, relating to battery, if the victim of the offense was a minor.

h. Section 784.045, relating to aggravated battery.

i. Section 787.01, relating to kidnapping.

j. Section 787.02, relating to false imprisonment.

k. Section 787.04, relating to removing children from the state or concealing children contrary to court order.

l. Section 794.011, relating to sexual battery.

m. Section 794.041, relating to prohibited acts of persons in familial or custodial authority.

n. Chapter 796, relating to prostitution.

o. Section 798.02, relating to lewd and lascivious behavior.

p. Chapter 800, relating to lewdness and indecent exposure.

q. Section 806.01, relating to arson.

r. Section 812.13, relating to robbery.

s. Section 826.04, relating to incest.

t. Section 827.03, relating to aggravated child abuse.

u. Section 827.04, relating to child abuse.

v. Section 827.05, relating to negligent treatment of children.

w. Section 827.071, relating to sexual performance by a child.

x. Section 827.09, relating to abuse, neglect, or exploitation of aged or disabled persons.

y. Chapter 847, relating to obscene literature.

z. Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.

aa. Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony; or

2. Having had a finding of delinquency or having entered a plea of nolo contendere or a plea amounting to an admission of guilt to a petition alleging delinquency pursuant to part II, chapter 39, or similar statutes of other jurisdictions, for any of the foregoing acts, regardless of adjudication or disposition. For the purposes of this subsection, such a finding or plea has the same effect as a finding of guilt; or

3. Having been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01~~(2) and (30)~~; or

4. Having a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or abuse or neglect as defined in s. 415.503(5) which has been uncontested or upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

5. Having committed an act which constitutes domestic violence as defined in s. 741.30.

Section 16. Paragraph (a) of subsection (1), subsection (3), and paragraph (a) of subsection (4) of section 415.103, Florida Statutes, are amended to read:

415.103 Mandatory reporting of abuse, neglect, or exploitation of aged persons or disabled adults; mandatory reports of death; central abuse registry *and tracking system*; immunity from liability.—

(1) MANDATORY REPORTING.—

(a) Any person, including, but not limited to, any:

1. Physician, osteopath, medical examiner, chiropractor, nurse, or hospital personnel engaged in the admission, examination, care, or treatment of aged persons or disabled adults;

2. Health or mental health professional other than one listed in subparagraph 1.;

3. Practitioner who relies solely on spiritual means for healing;

4. Nursing home staff, adult congregate living facility staff, adult day care center staff, social worker, or other professional adult care, foster care, residential, or institutional staff;

5. State, county, or municipal criminal justice employee or law enforcement officer; or

6. Human rights advocacy committee or long-term care ombudsman council member,

who knows, or has reasonable cause to suspect, that an aged person or disabled adult is an abused, neglected, or exploited person shall immediately report such knowledge or suspicion to the central abuse registry *and tracking system* of the department on the single statewide toll-free telephone number ~~or directly to the local office of the department responsible for investigation of reports made pursuant to this section~~.

(3) CENTRAL ABUSE REGISTRY *AND TRACKING SYSTEM*.—

(a) The department shall establish and maintain a central abuse registry *and tracking system* which shall receive *all* reports made pursuant to this section in writing or through a single statewide toll-free telephone number which any person may use to report known or suspected abuse, neglect, or exploitation of an aged person or disabled adult at any hour of the day or night, any day of the week. The central abuse registry *and tracking system* shall be operated in such a manner as to enable the department to:

1. Immediately identify and locate prior reports or cases of adult abuse, neglect, or exploitation *through the department's automated tracking system.*

2. Monitor and evaluate the effectiveness of *the department's program for* reporting, ~~and~~ investigating, *and classifying* suspected abuse, neglect, or exploitation of aged persons or disabled adults, and the provision of protective services to such persons through the development and analysis of statistical and other information, and to report thereon.

3. Track critical steps in the investigative process to ensure compliance with all requirements for all reports.

4.~~3.~~ Maintain and produce aggregate statistical reports for monitoring patterns of abuse, neglect, or exploitation of aged persons or disabled adults.

5.~~4.~~ Serve as a resource for the evaluation, management, and planning of preventive and remedial services for aged persons or disabled adults who have been subject to abuse, neglect, or exploitation.

(b) Upon receiving an oral or written report of known or suspected abuse, neglect, or exploitation of an aged person or disabled adult, the central abuse registry *and tracking system* shall *determine if the report requires an immediate on-site protective investigation. For reports requiring an immediate on-site protective investigation, the central abuse registry and tracking system shall notify the department's designated aging and adult services district staff responsible for protective investigations immediately to ensure prompt initiation of an on-site investigation. For reports not requiring an immediate on-site protective investigation, the central abuse registry and tracking system shall notify the department's designated aging and adult services district staff responsible for protective investigations in sufficient time to allow for an investigation to be commenced within 24 hours. At the time of notification of district staff with respect to the report, the central abuse registry and tracking system shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports*

~~immediately notify the designated aging and adult services district staff of the department with respect to the report, any previous report concerning a subject of the present report, or any other pertinent information relative thereto.~~

(c) Upon completion of its investigation, the designated aging and adult services district staff of the department shall classify reports either as "confirmed," "indicated," or "unfounded." At this time, the department shall notify the victim named in the report, the guardian or guardians or the caregiver of the aged person or disabled adult named as the victim, and the alleged perpetrator, if other than the guardian or guardians or the caregiver, of the completion of the investigation of the report, the classification of the report, and the right to ask for amendment or expunction pursuant to paragraph (d). All identifying information in the central abuse registry *and tracking system* or other computer systems or records that is related to an unfounded report shall be expunged 1 year after the case is classified as "unfounded." All identifying information in the *central* abuse registry *and tracking system* related to an indicated report shall be expunged from the *central abuse* registry *and tracking system* 7 years from the date of the last indicated report concerning any person named in the report. All information, other than identifying information, related to an indicated or unfounded report at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to ss. 119.041 and 257.36(7). Unfounded ~~and indicated~~ reports shall only be indexed by the name of the aged person or disabled adult to detect patterns of abuse, neglect, or exploitation. Persons named in unfounded or indicated reports shall not be identified as alleged perpetrators. All information in the *central* abuse registry *and tracking system* or other computer systems or records shall be subject to the confidentiality provisions in s. 415.107.

(d)1. Where it is shown that the record is inaccurate or inconsistent with ss. 415.101-415.113, the department shall amend or expunge the record. The department shall notify the victim and the alleged perpetrator of what amendment is made to the record or of the expunction of the record.

2. Subsequent to the completion of the department's investigation, the victim or alleged perpetrator of a confirmed report may request the secretary to amend or expunge the case record and all identifying information in the abuse registry or other computer systems or records pertaining to that report on the grounds that the record is inaccurate or is being maintained in a manner inconsistent with ss. 415.101-415.113.

3. Notice to the alleged perpetrator of a confirmed report shall state that:

a. The report has been classified as confirmed;

b. The alleged perpetrator of a confirmed report may be disqualified from working with children or the developmentally disabled or from working in sensitive positions involving the care of children, the developmentally disabled, disabled adults, or aged persons;

c. The alleged perpetrator may request amendment or expunction of the confirmed report, if the alleged perpetrator does not agree with the classification;

d. The request by the alleged perpetrator for amendment or expunction of the confirmed report must be received by the department within 30 days after the alleged perpetrator receives notice of the classification of the report;

e. The alleged perpetrator can obtain more information by calling the person whose name and telephone number are provided in the notice; and

f. The failure to timely ask for amendment or expunction means the alleged perpetrator agrees not to contest the classification of the report.

Notice to the alleged perpetrator shall be sent by certified mail.

4. Failure to respond within the time specified in subparagraph 3. means that the alleged perpetrator agrees not to contest the classification of the report. The alleged perpetrator may, within 1 year of the classification of the report as confirmed, request the department to set aside a confirmed report where it can be shown that the failure to ask for amendment or expunction was due to excusable neglect or fraud. The standard for excusable neglect or fraud shall be as provided in the Rules of Civil Procedure.

5. If the alleged perpetrator asks for amendment or expunction, the secretary may amend or expunge the record. If the secretary refuses or does not act within 30 days after receiving such a request, the alleged perpetrator shall have the right to an administrative hearing to contest whether the record of the report should be amended or expunged. At the chapter 120 hearing the department shall prove by a preponderance of evidence that the perpetrator committed the abuse or neglect. If the secretary refuses to amend or expunge and the alleged perpetrator fails to timely ask for an administrative hearing, the failure to timely ask shall mean that the alleged perpetrator agrees not to contest the secretary's decision and the findings of the confirmed report of abuse or neglect. If the secretary refuses to amend or expunge and the alleged perpetrator asks for an administrative hearing and the department's classification is upheld, the report shall remain as confirmed. Any person who is named in an indicated report shall not have the right to challenge the department's classification system through the department or through an administrative hearing under chapter 120.

6. The confidentiality of the abuse *or neglect* report shall, to the extent possible, be maintained during the administrative hearing process. The administrative hearing shall be closed, the administrative files shall be closed and not disclosed to the public under s. 119.07(1), and any identifying information in the recommended or final order shall be deleted prior to publishing pursuant to chapter 120.

(4) POSTING STATEWIDE TOLL-FREE TELEPHONE NUMBER FOR THE CENTRAL ABUSE REGISTRY *AND TRACKING SYSTEM.*—

(a) The statewide toll-free telephone number for the central abuse registry *and tracking system* shall be posted in all facilities operated by or under contract with or licensed by the department which provide services to aged persons or disabled adults. Such posting shall be clearly visible and in a prominent place within the facility and shall be accompanied by the words, "To Report the Abuse, Neglect, or Exploitation of an Aged Person or Disabled Adult, Please call Toll-free 1-800-342-9152."

Section 17. Subsections (1) and (2) of section 415.104, Florida Statutes, are amended to read:

415.104 Protective services investigations of cases of abuse, neglect, or exploitation of aged persons or disabled adults; transmittal of records to state attorney.—

(1) The department shall, upon receipt of a report alleging abuse, neglect, or exploitation of an aged person or disabled adult, commence, or cause to be commenced within 24 hours, a protective services investigation of the facts alleged therein. If, upon arrival at the scene of the incident, a caregiver refuses to allow the department to begin a protective services investigation or interferes with the department's ability to conduct such an investigation, the appropriate law enforcement agency shall be contacted. If, during the course of the investigation, the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the appropriate criminal justice agency shall be orally notified in order that such agency may begin a criminal investigation concurrent with the protective services investigation of the department. The department shall make a preliminary written report to the criminal justice agency within 5 working days of the oral report. The department shall, within 24 hours after receipt of the report, notify the appropriate human rights advocacy committee, or long-term care ombudsman council, when appropriate, that an alleged abuse, neglect, or exploitation perpetrated by a second party has occurred. Notice to the human rights advocacy committee or long-term care ombudsman council may be accomplished orally or in writing and shall include the name and location of the aged person or disabled adult alleged to have been abused, neglected, or exploited and the nature of the report. For each report it receives, the department shall perform an on-site investigation to:

(a) Determine that the person is an aged person or disabled adult as defined in s. 415.102.

(b) Determine the composition of the family or household, including the name, address, *date of birth* ~~age~~, *social security number*, sex, and race of each aged person or disabled adult named in the report; any others in the household or in the care of the caregiver, or any other persons responsible for the aged person's or disabled adult's welfare; and any other adults in the same household.

(c) Determine whether there is an indication that any aged person or disabled adult is abused, neglected, or exploited, including a determina-

tion of harm or threatened harm to any aged person or disabled adult; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse, neglect, or exploitation, *including the name, address, date of birth, social security number, sex, and race of each person to be classified as an alleged perpetrator in a confirmed report. An alleged perpetrator of a confirmed report of abuse, neglect, or exploitation shall cooperate in the provision of the required data for the identification and tracking system to the fullest extent possible.*

(d) Determine the immediate and long-term risk to each aged person or disabled adult *through utilization of standardized risk assessment instruments* ~~, if such person remains in the existing environment~~.

(e) Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the aged person's or disabled adult's well-being *and cause the delivery of those services through the early intervention of the departmental worker responsible for service provision and management of identified services.*

If the department has reason to believe that the abuse, neglect, or exploitation is perpetrated by a second party, the state attorney in whose circuit the alleged abuse, neglect, or exploitation occurred shall be notified.

(2) No later than 30 days after receiving the initial report, the designated aging and adult services district staff of the department shall complete its investigation; determine whether the reported abuse, neglect, or exploitation was "confirmed," "indicated," or "unfounded"; and report its findings to the department's central abuse registry *and tracking system.*

Section 18. Subsections (1), (4), and (5) of section 415.107, Florida Statutes, are amended to read:

415.107 Confidentiality of reports and records in cases of abuse, neglect, or exploitation of aged persons or disabled adults.—

(1) In order to protect the rights of the individual or other persons responsible for the welfare of an aged person or disabled adult, all records concerning reports of abuse, neglect, or exploitation of the aged person or disabled adult, including reports made to the central abuse registry *and tracking system* ~~and to designated aging and adult services district offices of the department~~, and all records generated as a result of such reports shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by ss. 415.101-415.113.

(4) The name of any person reporting adult abuse, neglect, or exploitation shall in no case be released to any person other than employees of the department responsible for adult protective services, the central abuse registry *and tracking system*, or the appropriate state attorney without the written consent of the person reporting abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect an aged person or disabled adult who is the subject of a report, provided the fact that such person made the report is not disclosed. This does not prohibit the subpoena of a person reporting adult abuse, neglect, or exploitation when deemed necessary by the state attorney or the department to protect an aged person or disabled adult who is the subject of a report, provided the fact that such person made the report is not disclosed. Any person who reports a case of adult abuse, neglect, or exploitation may, at the time he makes the report, request that the department notify him that an adult protective services investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 working days of the completion of the adult protective services investigation.

(5)(a) The department shall search its *central* abuse registry *and tracking system* records pursuant to the requirements of ss. 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and 959.06 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The search shall also include indicated reports prior to July 1, 1987. Reports prior to 1978 shall not be included. If the search reveals an indicated report prior to July 1, 1987, the department shall review the report to determine whether the indicated report shall remain classified as "indicated" or shall be classified as "confirmed" according to the definitions in s. 415.102. If the report remains classified as "indicated," the individual shall not be disqualified. If the report is classified as "confirmed," the department shall notify the individual according to the provisions in s. 415.103(3)(d). The department shall report the existence of any confirmed report and advise the authorized licensing agency, applicant for licensure, or other authorized agency or person of the results of the search, the date of the report, whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.103(3)(d), and results of any hearing conducted by the secretary and any subsequent administrative hearing. The department shall not release any information on unfounded or indicated reports. Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

(b) The department shall, upon receipt of an application of a person applying for an initial license or renewal of a license for a facility to provide day or residential care for aged persons or disabled adults, search its central abuse registry *and tracking system* for the existence of a confirmed report of child or adult abuse, neglect, or exploitation as defined in ss. 415.102(1), (5), (9), (11), and (13) and 415.503(3), (5), and (9) and advise the licensing agent of any report found and the results of the investigation conducted pursuant thereto, including whether 30 days have elapsed for requests for expunction or amendment, failure of the perpetrator to respond pursuant to s. 415.103(3)(d) or s. 415.504(4)(d), and results of any hearing conducted by the secretary and any subsequent administrative hearing held on the report. Such a report shall disqualify an individual from licensure, but the department may grant an exemption from disqualification if the department has clear and convincing evidence to support a reasonable belief that the person is of good character so as to justify an exemption. The person shall bear the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the incident, the nature of the harm occasioned to the victim, and the history of the person since the incident, or such other circumstances that shall by the aforementioned standards indicate that the person will not present a danger to the safety or well-being of aged persons or disabled adults. The decision of the department regarding an exemption may be contested through a hearing pursuant to chapter 120. A disqualified person may also request amendment or expunction of the report pursuant to s. 415.103(3)(d). For purposes of a licensure application, these remedies must be requested within 30 days of notification, or be deemed waived. The department shall notify any individual disqualified from licensure of the right to appeal that disqualification, of remedies available, and of the time limit for requesting such remedies pursuant to the provisions of this subsection. The department may issue no license until screening procedures and, if necessary, administrative remedies are complete. However, a conditional or provisional license may be issued in the case of an existing licensed facility for only that time necessary to complete the above screening procedures and administrative remedies. No application for licensure shall be deemed complete until all requested screening information has been correctly submitted pursuant to department procedure.

Section 19. Subsection (2) of section 415.111, Florida Statutes, is amended, and subsection (5) is added to said section, to read:

415.111 Penalties for failing to report or preventing report, or for disclosing confidential information, relating to abuse, neglect, or exploitation of aged person or disabled adult or for act of such abuse, neglect, or exploitation*; penalties for making false reports.*—

(2) Any person who knowingly and willfully makes public or discloses any confidential information contained in the central abuse registry *and tracking system*, or in other computer systems, or in the records of any case of abuse, neglect, or exploitation of an aged person or disabled adult, except as provided in ss. 415.101-415.113, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Any person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of an aged person or disabled adult, or any person who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

Section 20. Subsection (4) of section 415.503, Florida Statutes, is amended to read:

415.503 Definitions of terms used in ss. 415.502-415.514.—As used in ss. 415.502-415.514:

(4) "Child protection team" means a team of professionals established by the department to receive referrals from the *protective investigators*

~~single intake~~ and protective *supervision* ~~services~~ staff of the children, youth, and families program and to provide specialized and supportive services to the program in processing child abuse and neglect cases. A child protection team shall provide consultation to other programs of the department and other persons on child abuse and neglect cases pursuant to s. 415.5055(1)(g).

Section 21. Paragraphs (a) and (b) of subsection (2) and subsection (4) of section 415.504, Florida Statutes, are amended to read:

415.504 Mandatory reports of child abuse or neglect; mandatory reports of death; *central* abuse registry *and tracking system.*—

(2)(a) Each report of known or suspected child abuse or neglect pursuant to this section shall be made immediately to the department's *central* abuse registry *and tracking system* on the single statewide toll-free telephone number ~~or directly to the local office of the department responsible for investigation of reports made pursuant to this section~~.

(b) Each report made by a person in an occupation designated in subsection (1) shall be confirmed in writing to the local office of the department *designated by the central abuse registry and tracking system* within 48 hours of the initial report.

(4)(a) The department shall establish and maintain a central abuse registry *and tracking system* which shall receive *all* reports made pursuant to this section in writing or through a single statewide toll-free telephone number which any person may use to report known or suspected child abuse or neglect at any hour of the day or night, any day of the week. The *central* abuse registry *and tracking system* shall be operated in such a manner as to enable the department to:

1. Immediately identify and locate prior reports or cases of child abuse or neglect *through utilization of the department's automated tracking system.*

2. *Monitor and* ~~Regularly~~ evaluate the effectiveness of the department's program for *reporting, investigating, and classifying suspected abuse or neglect of* ~~abused and neglected~~ children through the development and analysis of statistical and other information.

3. Track critical steps in the investigative process to ensure compliance with all requirements for any report of abuse or neglect.

4. Maintain and produce aggregate statistical reports monitoring patterns of both child abuse and child neglect.

5. Serve as a resource for the evaluation, management, and planning of preventive and remedial services for children who have been subject to abuse or neglect.

(b) Upon receiving an oral or written report of known or suspected child abuse or neglect, the *central* abuse registry *and tracking system* shall *determine if the report requires an immediate on-site protective investigation. For reports requiring an immediate on-site protective investigation, the central abuse registry and tracking system shall immediately notify the department's designated children, youth, and families district staff responsible for protective investigations to ensure that an on-site investigation is promptly initiated. For reports not requiring an immediate on-site protective investigation, the central abuse registry and tracking system shall notify the department's designated children, youth, and families district staff responsible for protective investigations in sufficient time to allow for an investigation to be commenced within 24 hours. At the time of notification of district staff with respect to the report, the central abuse registry and tracking system shall also provide information on any previous report concerning a subject of the present report or any pertinent information relative to the present report or any noted earlier reports* ~~immediately notify the local office of the department with respect to the report, any previous report concerning a subject of the present report, or any other pertinent information relative thereto~~.

(c) Upon completion of its investigation, the local office of the department shall classify reports as "confirmed," "indicated," or "unfounded." At this time the department shall notify the parent or guardian of the child, the child if appropriate, and the alleged perpetrator if other than the child's parent or guardian, of the completion of its investigation of the report and whether the report is classified as "confirmed," "indicated," or "unfounded." All identifying information in the *central* abuse registry *and tracking system* or other computer systems or records that is related to unfounded reports shall be expunged 1 year after the case is classified as "unfounded." All identifying information in the *central* abuse registry *and tracking system* or other computer systems or records that is related to an indicated report shall be expunged from the *central abuse* registry *and tracking system* 7 years from the date of the last indicated report concerning any person named in the report. All information, other than identifying information, related to indicated or unfounded reports at the time of expunction shall be disposed of in a manner deemed appropriate by the department and pursuant to ss. 119.041 and 257.36(7). Unfounded ~~and indicated~~ reports shall only be indexed by the name of the child to detect patterns of abuse or neglect. Persons named in the unfounded or indicated reports shall not be identified as alleged perpetrators. All information in the *central* abuse registry *and tracking system* or other computer systems or records shall be subject to the confidentiality provisions in s. 415.51.

(d)1. Where it is shown that the record is inaccurate or inconsistent with ss. 415.501-415.514, the department shall amend or expunge the record. The department shall notify the parent or guardian of the child, the child if appropriate, and the alleged perpetrator if other than the child's parent or guardian of what amendment is made to the record or of the expunction of the record.

2. Subsequent to the completion of the department's investigation, any alleged perpetrator of a confirmed report may request the secretary to amend or expunge the case record and all identifying information in the *central* abuse registry *and tracking system* or other computer systems or records pertaining to that report on the grounds that the record is inaccurate or is being maintained in a manner inconsistent with ss. 415.501-415.514.

3. Notice to the alleged perpetrator of a confirmed report shall state that:

a. The report has been classified as confirmed;

b. The alleged perpetrator of a confirmed report may be disqualified from working with children or the developmentally disabled or from working in sensitive positions involving the care of children, the developmentally disabled, disabled adults, or aged persons;

c. The alleged perpetrator may request amendment or expunction of the confirmed report, if the alleged perpetrator does not agree with the classification;

d. The request by the alleged perpetrator for amendment or expunction of the confirmed report must be received by the department within 30 days after the alleged perpetrator receives notice of the classification of the report;

e. The alleged perpetrator can obtain more information by calling the person whose name and telephone number are provided in the notice; and

f. The failure to timely ask for amendment or expunction means the alleged perpetrator agrees not to contest the classification of the report.

Notice to the alleged perpetrator shall be sent by certified mail.

4. Failure to respond within the time specified in subparagraph 3. means that the alleged perpetrator agrees not to contest the classification of the report. The alleged perpetrator may within 1 year of the classification of the report as confirmed request the department to set aside a confirmed report where it can be shown that the failure to ask for amendment or expunction was due to excusable neglect or fraud. The standard for excusable neglect or fraud shall be as provided in the Rules of Civil Procedure.

5. If the alleged perpetrator asks for amendment or expunction, the secretary may amend or expunge the record. If the secretary refuses or does not act within 30 days after receiving such a request, the alleged perpetrator shall have the right to an administrative hearing to contest whether the record of the report should be amended or expunged. At the chapter 120 hearing the department shall prove by a preponderance of evidence that the perpetrator committed the abuse or neglect. If the secretary refuses to amend or expunge and the alleged perpetrator fails to timely ask for an administrative hearing, the failure to timely ask shall mean that the alleged perpetrator agrees not to contest the secretary's decision and the findings of the confirmed report of abuse or neglect. If the secretary refuses to amend or expunge and the alleged perpetrator asks for an administrative hearing and the department's classification is upheld, the report shall remain as confirmed. Any person who is named in an indicated report shall not have the right to challenge the department's classification system through the department or through an administrative hearing under chapter 120.

6. The confidentiality of the abuse *or neglect* report shall, to the extent possible, be maintained during the administrative hearing process. The administrative hearing shall be closed, the administrative files shall be closed and not disclosed to the public under s. 119.07(1), and any identifying information in the recommended or final order shall be deleted prior to publishing pursuant to chapter 120.

Section 22. Paragraphs (b) and (f) of subsection (1) of section 415.505, Florida Statutes, are amended to read:

415.505 Child protective investigations; institutional child abuse or neglect investigations.—

(1)

(b) For each report it receives, the department shall perform an onsite child protective investigation to:

1. Determine the composition of the family or household, including the name, address, *date of birth* ~~age~~, *social security number*, sex, and race of each child named in the report; any siblings or other children in the same household or in the care of the same adults; the parents or other persons responsible for the child's welfare; and any other adults in the same household.

2. Determine whether there is indication that any child in the family or household is abused or neglected, including a determination of harm or threatened harm to each child; the nature and extent of present or prior injuries, abuse, or neglect, and any evidence thereof; and a determination as to the person or persons apparently responsible for the abuse or neglect, *including the name, address, date of birth, social security number, sex, and race of each person to be classified as an alleged perpetrator in a confirmed report. An alleged perpetrator in a confirmed report of abuse or neglect shall cooperate in the provision of the required data for the identification and tracking system, to the fullest extent possible.*

3. Determine the immediate and long-term risk to each child *through utilization of standardized risk assessment instruments* ~~if the child remains in the existing home environment~~.

4. Determine the protective, treatment, and ameliorative services necessary to safeguard and ensure the child's well-being and development and *cause the delivery of those services through the early intervention of the departmental worker responsible for provision and management of identified services in order* ~~, if possible,~~ to preserve and stabilize family life, *if possible.*

(f) No later than 30 days after receiving the initial report, the local office of the department shall complete its investigation, determine whether the reported abuse was confirmed, indicated, or unfounded, and report its findings to the department's *central* abuse registry *and tracking system.*

Section 23. Subsection (1) of section 415.5055, Florida Statutes, is amended to read:

415.5055 Child protection teams; services; eligible cases.—The department shall develop, maintain, and coordinate the services of one or more multidisciplinary child protection teams in each of the service districts of the department. Such teams may be composed of representatives of appropriate health, mental health, social service, legal service, and law enforcement agencies.

(1) The department shall utilize and convene the teams to supplement the *protective investigation* ~~single intake~~ and protective *supervision* ~~services~~ activities of the children, youth, and families program of the department. Nothing in this section shall be construed to remove or reduce the duty and responsibility of any person to report pursuant to s. 415.504 all suspected or actual cases of child abuse or neglect or sexual abuse of a child. The role of the teams shall be to support activities of the program and to provide services deemed by the teams to be necessary and appropriate to abused and neglected children upon referral. The specialized diagnostic assessment, evaluation, coordination, consultation, and other supportive services that a child protection team shall be capable of providing include, but are not limited to, the following:

(a) Medical diagnosis and evaluation services, including provision or interpretation of X rays and laboratory tests, and related services, as needed, and documentation of findings relative thereto.

(b) Telephone consultation services in emergencies and in other situations.

(c) Medical evaluation related to abuse or neglect, as defined by department policy or rule.

(d) Such psychological and psychiatric diagnosis and evaluation services for the child or his parent or parents, guardian or guardians, or other care givers, or any other individual involved in a child abuse or neglect case, as the team may determine to be needed.

(e) Short-term psychological treatment. It is the intent of the Legislature that short-term psychological treatment be limited to no more than 6 months' duration after treatment is initiated, except that the appropriate district administrator may authorize such treatment for individual children beyond this limitation if the administrator deems it appropriate.

(f) Expert medical, psychological, and related professional testimony in court cases.

(g) Case staffings to develop, implement, and monitor treatment plans for children whose cases have been referred to the team. A child protection team may provide consultation with respect to a child who has not been referred to the team, but who is alleged or is shown to be abused, which consultation shall be provided at the request of a representative of the children, youth, and families program or at the request of any other professional involved with a child or his parent or parents, guardian or guardians, or other care givers. In every such child protection team case staffing, consultation, or staff activity involving a child, a children, youth, and families program representative shall attend and participate.

(h) Case service coordination and assistance, including the location of services available from other public and private agencies in the community.

(i) Such training services for program and other department employees as is deemed appropriate to enable them to develop and maintain their professional skills and abilities in handling child abuse and neglect cases.

(j) Educational and community awareness campaigns on child abuse and neglect in an effort to enable citizens more successfully to prevent, identify, and treat child abuse and neglect in the community.

Section 24. Subsection (1) of section 415.507, Florida Statutes, is amended to read:

415.507 Photographs, medical examinations, X rays, and medical treatment of abused or neglected child.—

(1) Any person required to investigate cases of suspected child abuse or neglect may take or cause to be taken photographs of the areas of trauma visible on a child who is the subject of a report and, if the areas of trauma visible on a child indicate a need for a medical examination, may cause the child to be referred for diagnosis to a licensed physician or an emergency department in a hospital without the consent of the child's parents, legal guardian, or legal custodian. *Such examination may be performed by an advanced registered nurse practitioner licensed pursuant to chapter 464.* Any licensed physician, *or advanced registered nurse practitioner licensed pursuant to chapter 464,* who has reasonable cause to suspect that an injury was the result of child abuse may authorize a radiological examination to be performed on the child without the consent of the child's parent, legal guardian, or legal custodian.

Section 25. Subsection (2) of section 415.509, Florida Statutes, is amended to read:

415.509 Responsibilities of public agencies with respect to prevention, identification, and treatment of child abuse and child neglect; educational and training programs.—

(2) The department shall, within available appropriations, conduct a continuing publicity and education program for district staff and officials required to report and any other appropriate persons to encourage the fullest degree of reporting of suspected child abuse or neglect. The program shall include, but not be limited to, information concerning the responsibilities, obligations, and powers provided under ss. 415.502-415.514; the methods for diagnosis of child abuse or neglect; and the procedures of the child protective service program, the circuit court, and other duly authorized agencies. In developing training programs for district staff, the department shall place emphasis on preservice and inservice training for *protective investigation* ~~single intake~~, protective *supervision* ~~services~~, and foster care staff which would include skills in diagnosis and treatment of child abuse and neglect and procedures of the child protective system and judicial process.

Section 26. Subsections (1), (4), (5), (6), and (7) of section 415.51, Florida Statutes, are amended to read:

415.51 Confidentiality of reports and records in cases of child abuse or neglect.—

(1) In order to protect the rights of the child and his parents or other persons responsible for the child's welfare, all records concerning reports of child abuse or neglect, including reports made to the *central* abuse registry *and tracking system* ~~and to local offices of the department~~ and all records generated as a result of such reports, shall be confidential and exempt from the provisions of s. 119.07(1) and shall not be disclosed except as specifically authorized by ss. 415.502-415.514. Such exemption from s. 119.07(1) applies to information in the possession of those entities granted access as set forth in this section.

(4) The department shall search its *central* abuse registry *and tracking system* records pursuant to the requirements of ss. 110.1127, 393.0655, 394.457, 396.0425, 397.0715, 402.305(1), 402.3055, 402.313, 409.175, 409.176, and 959.06 for the existence of a confirmed report made on the personnel as defined in the foregoing provisions. The search shall also include indicated reports prior to July 1, 1987. Reports prior to 1978 shall not be included. If the search reveals an indicated report prior to July 1, 1987, the department shall review the report to determine whether the indicated report shall remain classified as indicated or shall be classified as confirmed according to the definitions in s. 415.503. If the report remains classified as indicated, the individual may not be disqualified. If the report is classified as confirmed, the department shall notify the individual according to the provisions of s. 415.504(4)(d). The department shall report the existence of any confirmed report of abuse and advise the authorized licensing agency, applicant for license, or other authorized agency or person of the results of the search, the date of the report, whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.504(4)(d), results of any hearing conducted by the secretary and any subsequent administrative hearing, and in the case of judicial determination of abuse, the procedure for inspection of court records as set forth in s. 39.411(3). The department shall not release any information on unfounded or indicated reports. Prior to a search being conducted, the department or its designee shall notify such person that an inquiry will be made. The department shall notify each person for whom a search is conducted of the results of the search upon request.

(5) The department shall, with the written consent of a person applying to a licensed child-placing agency for the adoption of a child, search its *central* abuse registry *and tracking system* for the existence of a confirmed report and advise the licensed child-placing agency of any such report found and the results of the investigation conducted pursuant thereto, including whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.504(4)(d), and results of any hearing conducted by the secretary and any subsequent administrative hearing held on the report.

(6) Except as provided in subsection (4), the department shall, with the written consent of a person applying to work with children as a volunteer or as a paid employee for a public or private nonprofit agency, or for an individual family, search its *central* abuse registry *and tracking system* for the existence of a confirmed report and shall advise such agency or family of any such report found and the results of the investigation conducted pursuant thereto, including whether 30 days have elapsed for requests for expunction or amendment, failure of the alleged perpetrator to respond pursuant to s. 415.504(4)(d), and results of any hearing conducted by the secretary and any subsequent administrative hearing held on the report.

(7) The name of any person reporting child abuse or neglect shall not be released to any person other than employees of the department responsible for child protective services, the *central* abuse registry *and tracking system*, or the appropriate state attorney without the written consent of the person reporting. This does not prohibit the subpoenaing of a person reporting child abuse or neglect when deemed necessary by the state attorney or the department to protect a child who is the subject of a report, provided the fact that such person made the report is not disclosed. Any person who reports a case of child abuse or neglect may, at the time he makes the report, request that the department notify him that a child protective investigation occurred as a result of the report. The department shall mail such a notice to the reporter within 10 days of the completion of the child protective investigation.

Section 27. Section 415.511, Florida Statutes, is amended to read:

415.511 Immunity from liability in cases of child abuse or neglect.—

(1)(a) Any person, official, or institution participating in good faith in any act authorized or required by ss. 415.502-415.514 shall be immune from any civil or criminal liability which might otherwise result by reason of such action.

(b) Except as provided in s. 415.503(8)(f), nothing contained in this section shall be deemed to grant immunity, civil or criminal, to any person suspected of having abused or neglected a child, or committed any illegal act upon or against a child.

(2)(a) No resident or employee of a facility serving children may be subjected to reprisal or discharge because of his actions in reporting abuse or neglect pursuant to the requirements of this section.

(b) Any person making a report under this section shall have a civil cause of action for appropriate compensatory and punitive damages against any person who causes detrimental changes in the employment status of such reporting party by reason of his making such report. Any detrimental change made in the residency or employment status of such person, including, but not limited to, discharge, termination, demotion, transfer, or reduction in pay or benefits or work privileges, or negative evaluations within a prescribed period of time shall establish a rebuttable presumption that such action was retaliatory.

Section 28. Subsection (2) of section 415.513, Florida Statutes, is amended, and subsection (3) is added to said section, to read:

415.513 Penalties for failing to report or preventing another person from reporting, or disclosing confidential information relating to, a case of child abuse or neglect*; penalties for making a false report.*—

(2) Any person who knowingly and willfully makes public or discloses any confidential information contained in the *central* abuse registry *and tracking system* or in the records of any child abuse or neglect case, except as provided in ss. 415.502-415.514, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who knowingly and willfully makes a false report of child abuse or neglect, or any person who advises another to make a false report, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Anyone making a report who is acting in good faith is immune from any liability under this subsection.

Section 29. Paragraph (a) of subsection (4) of section 959.06, Florida Statutes, is amended to read:

959.06 Departmental contracting powers.—

(4) Standards for screening shall also ensure that the person:

(a) Has not been judicially determined to have committed abuse or neglect against a child as defined in s. 39.01~~(2) and (30)~~;

(b) Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) which has been uncontested or has been upheld pursuant to s. 415.504(4)(d);

(c) Does not have a confirmed report of abuse, neglect, or exploitation as defined in s. 415.102(5) or s. 415.503(5) which has been uncontested or has been upheld pursuant to the procedures provided in s. 415.103 or s. 415.504; or

(d) Has not committed an act which constitutes domestic violence as defined in s. 741.30.

Section 30. Paragraph (f) is added to subsection (1) of section 39.41, Florida Statutes, subsection (7) of said section is amended, subsections (3) through (7) are renumbered as subsections (4) through (8), respectively, and a new subsection (3) is added to said section, to read:

39.41 Powers of disposition.—

(1) When any child is adjudicated by a court to be dependent, the court having jurisdiction of the child shall have the power, by order, to:

(f) Approve placement of the child in an independent living arrangement pursuant to s. 409.165 for any foster child 16 years of age or older, if the following requirements are met:

1. The child has demonstrated independent living skills.

2. The child is capable of functioning without the daily care and supervision of a responsible adult.

3. Pursuant to s. 39.451, a performance agreement or permanent placement plan stating the goal of independent living and specifying the responsibilities, tasks, and expectations of all parties has been prepared, signed by all appropriate parties, and submitted to the court along with a petition for review and a social study report.

4. The child on independent living status is willing and able to maintain regular periodic contact with the department staff assigned to his case for the purpose of counseling, monitoring progress toward independence, referral to community resources for assistance, and other functions as specified in the written agreement described in subparagraph 3.

5. The court has heard evidence presented on the merits of placing the child on independent living status at a periodic judicial review for which all parties were noticed and the hearing held pursuant to the requirements of s. 39.451.

6. It can be clearly established that this type of alternate care arrangement is the most appropriate plan and that the safety and welfare of the child will not be jeopardized by such an arrangement.

While in independent living situations, children whose legal custody has been awarded to the department or a licensed child-caring or child-placing agency, or who have been voluntarily placed with such an agency by a parent, guardian, or relative within the second degree, shall continue to be subject to the court review provisions of s. 39.453. The court shall review the plan developed by the department or agency pursuant to s. 409.165(4)(b)1. and include findings regarding the plan.

(3) If the court does not commit the child to the temporary legal custody of an adult relative, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative willing to care for the child in order to present that placement option to the court in lieu of placement with the department.

(8)~~(7)~~ The court may at any time enter an order ending its jurisdiction over any child, except that, when a child has been returned to his parents pursuant to subsection *(7)*~~(6)~~, the court shall not terminate its jurisdiction over the child until 6 months after the return. Based on a report of the department or agency and any other relevant factors, the court shall then determine whether its jurisdiction should be continued or terminated in such a case; if its jurisdiction is to be terminated, the court shall enter an order to that effect.

Section 31. Paragraph (a) of subsection (2) and subsection (6) of section 39.442, Florida Statutes, are amended to read:

39.442 Powers of disposition.—

(2)(a) When any child is adjudicated by the court to be a child in need of services, the court having jurisdiction of the child shall have the power, by order, to:

1. Place the child under the protective supervision of an authorized agent of the department, either in the child's own home or, the prospective custodian being willing, in the home of a relative of the child or in some other suitable place under such reasonable conditions as the court may direct. Protective supervision shall be regularly reviewed by the court and shall continue until the court terminates it.

2. Place the child in the temporary legal custody of an adult relative willing to care for the child.

3. Commit the child to a licensed child-caring agency willing to receive the child. Continued commitment to the licensed child-caring agency, as well as all other proceedings under this section pertaining to the child, shall additionally be governed by the provisions of s. 409.168.

4. Commit the child to the temporary legal custody of the department. Such commitment shall invest in the department all rights and responsibilities of a legal custodian. The department shall not return any child to the physical care and custody of the person from whom the child was removed, except for short visitation periods, without the approval of the court. The term of such commitment shall continue until terminated by the court. After the child is committed to the temporary custody of the department, all further proceedings under this section shall additionally be governed by the provisions of part III and *part V* ~~s. 409.168~~.

(6) With respect to a child who is the subject of a performance agreement under *part V* ~~s. 409.168~~, the court shall return the child to the custody of the natural parents upon expiration of the agreement if the parents have substantially complied with the agreement.

Section 32. Subsections (1), (4), and (5) of section 39.452, Florida Statutes, are amended to read:

39.452 Permanent placement plan.—

(1)*(a)* In the event the natural parents will not or cannot participate in preparation of a performance agreement, the social service agency shall submit a full explanation of the circumstances and a plan for the permanent placement of the child to the court *within 30 days after the placement of the child in foster care or, if preparation cannot be accomplished within 30 days, for good cause shown, the court may grant an extension not to exceed 30 days for the filing, the granting of which shall be for similar reason to that contained in s. 39.451(4)(a)* ~~within the time as provided for a performance agreement~~.

(b) In the full explanation of the circumstances submitted to the court, the social service agency shall state the nature of its efforts to secure parental participation in the preparation of a performance agreement.

(4)(a) Prior to the filing of a permanent placement plan, each parent shall be served with a copy of the permanent placement plan developed by the social service agency. If the location of one or both parents is unknown, then this fact shall be documented in writing and included in the permanent placement plan submitted to the court. After the filing of the permanent placement plan, if the location of an absent parent becomes known, that parent shall then be served with a copy of the permanent placement plan.

(b) Prior to the filing of the permanent placement plan, the social service agency shall advise each parent, both orally and in writing, that the placement of the child in foster care may result in the termination of parental rights, but only after notice and hearing as provided in part VI. If, after the plan has been submitted to the court, an absent parent is located, the social service agency shall advise the parent, both orally and in writing, that the placement of the child in foster care may result in termination of parental rights, but only after notice and hearing as provided in part VI. Proof of written notification shall be filed with the court.

(5)(a) The court shall set a hearing, with notice to all parties, on the permanent placement plan or any provisions of the plan, within 45 days after the plan has been received by the court. If the location of a parent is unknown, then the notice shall be directed to the last permanent address of record.

(b) At the hearing on the plan, the court shall determine:

1. All parties who were notified and are in attendance at the hearing, either in person or through a legal representative. The court shall appoint a guardian ad litem, pursuant to Rule 1.210, Florida Rules of Civil Procedure, to represent the interests of any parent, if the location of the parent is known, but the parent is not present at the hearing, and the development of the permanent placement plan is based upon the physical, emotional, or mental condition or physical location of the parent;

2. If the plan is consistent with previous orders of the court placing the child in care;

3. If the plan is consistent with the requirements for the content of a permanent placement plan as specified in subsection (3);

4. In involuntary placements, whether each parent was notified of the right to counsel at each stage of the dependency proceedings pursuant to the Florida Rules of Juvenile Procedure;

5. Whether each parent whose location was known was notified of the right to enter into a performance agreement in lieu of the social service agency preparing a permanent placement plan and of the right to receive assistance from any other person in the preparation of the performance agreement; and

6. Whether the plan is meaningful and designed to address facts and circumstances upon which the court based the finding of dependency in involuntary placements or the plan is meaningful and designed to address facts and circumstances upon which the child was placed in foster care voluntarily.

(c) When the court determines any of the elements considered at the hearing related to the plan have not been met, the court shall require the social service agency to make necessary amendments to the plan. The amended plan shall be submitted to the court for review and approval within a time certain specified by the court. A copy of the amended plan shall also be provided to each parent, if the location of the parent is known.

(d)~~(4)~~ A parent who has not participated in the development of a performance agreement shall be served with a copy of the plan developed by the social service agency if the parent can be located. Any parent is entitled to, and may seek, a court review of the plan prior to the initial 6 months' review and shall be informed of this right by the agency at the time the agency serves the parent with a copy of the plan. *If the location of an absent parent becomes known to the agency, the agency shall inform the parent of the right to a court review at the time the agency serves the parent with a copy of the permanent placement plan.*

~~(5) The social service agency shall advise the parent that placement of the child in foster care may result in termination of parental rights, but only after notice and a hearing as provided in part VI of this chapter.~~

Section 33. Subsection (3) is added to section 39.466, Florida Statutes, to read:

39.466 Advisory hearing.—

(3) An advisory hearing shall not be held if a petition is filed seeking an adjudication to terminate parental rights pursuant to s. 39.464(1). Adjudicatory hearings for petitions filed pursuant s. 39.464(1) shall be held within 21 days of the filing of the petition. Notice of the use of this subsection shall be filed with the court at the same time as the filing of the petition to terminate parental rights.

Section 34. Subsection (1) of section 39.469, Florida Statutes, is amended to read:

39.469 Disposition hearing; powers of disposition; order of disposition.—

(1) DISPOSITION HEARING.—At the disposition hearing, if the court finds that the facts alleged in the petition for termination of parental rights were proven in the adjudicatory hearing, the court shall receive and consider a predisposition study which shall be in writing and be presented by ~~an authorized agent of~~ the department *or a licensed child-placing agency.*

(a) The predisposition study shall provide the court with documentation indicating what action is manifestly in the best interests of the child, including the need for termination of parental rights.

(b) A copy of the predisposition report shall be provided to the attorney of record of the parent, parents, or guardian and the guardian ad litem of the child at least 48 hours prior to the disposition hearing but shall not be released prior to the conclusion of the adjudicatory hearing.

(c) Any other relevant and material evidence, including other written or oral reports, may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of its probative value, even though not competent in an adjudicatory hearing.

Section 35. Effective July 1, 1988, or upon becoming a law, whichever occurs later, paragraph (f) is added to subsection (2) of section 230.645, Florida Statutes, to read:

230.645 Postsecondary student fees.—

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

(f) Students for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living.

Section 36. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsection (6) is added to section 240.235, Florida Statutes, to read:

240.235 Fees.—

(6)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college preparatory instruction or completion of college-level communication and computation skills testing programs. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would provide, at a minimum, payment of all undergraduate fees.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 4 consecutive years or eight semesters, unless the student is participating in college preparatory instruction or is requiring additional time to complete the college-level communication and computation skills testing programs. Such a student shall be eligible to receive a fee exemption for a maximum of 5 consecutive years or 10 semesters.

(c) As a condition for continued fee exemption, a student shall have earned a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

Section 37. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsections (1) through (9) of section 240.35, Florida Statutes, are renumbered as subsections (2) through (10), respectively, and a new subsection (1) is added to said section to read:

240.35 Student fees.—

(1)(a) Any student for whom the state is paying a foster care board payment pursuant to s. 409.145(3) or parts III and V of chapter 39 for whom the permanency planning goal pursuant to part V of chapter 39 is long-term foster care or independent living shall be exempt from the payment of all undergraduate fees, including fees associated with enrollment in college preparatory instruction or completion of college-level communication and computation skills testing programs. Before a fee exemption can be given, the student shall have applied for and been denied financial aid, pursuant to s. 240.404, which would provide, at a minimum, payment of all student fees.

(b) Any student qualifying for a fee exemption under this subsection shall receive such an exemption for not more than 2 consecutive years or four semesters, unless the student is participating in college preparatory instruction or is requiring additional time to complete the college-level communication and computation skills testing programs. Such a student shall be eligible to receive a fee exemption for a maximum of 3 consecutive years or six semesters.

(c) As a condition for continued fee exemption, a student shall have earned a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.

Section 38. Effective July 1, 1988, or upon becoming a law, whichever occurs later, paragraph (b) of subsection (7) of section 240.36, Florida Statutes, is amended to read:

240.36 Florida Academic Improvement Trust Fund for Community Colleges.—

(7)

(b) If a community college includes scholarships in its proposal, it shall create an endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships. Such scholarships must be program specific and require high academic achievement for students to qualify for or retain the scholarship. A scholarship program may be used for minority recruitment, but may not be used for athletic participants. The board of trustees must have designated the program as a program of emphasis for quality improvement, a designation that should be restricted to a limited number of programs at the community college. In addition, the board of trustees must have adopted a specific plan that details how the community college will improve the quality of the program designated for emphasis and that includes quality measures and outcome measures. Over a period of time, the community college operating budget should show additional financial commitment to the program of emphasis above and beyond the average increases to other

programs offered by the community college. Fundraising activities must be specifically identified as being for the program of emphasis or scholarship money. The community college must fully levy the amount for financial aid purposes provided by s. 240.35*(7)*~~(6)~~ in addition to the tuition and matriculation fee before any scholarship funds are awarded to the community college as part of its approved request.

Section 39. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsection (3) of section 409.145, Florida Statutes, is amended to read:

409.145 Care of children.—

(3)(a) The department is authorized to continue to provide the services of the children's foster care program to individuals 18 to 21 years of age who are enrolled in high school, ~~or enrolled~~ in a program leading to a high school equivalency diploma as defined in s. 229.814, *or in a full-time vocational education program,* if the following requirements are met:

1. The individual was committed to the legal custody of the department for placement in foster care as a dependent child;

2. All other resources have been thoroughly explored and it can be clearly established that there are no alternative resources for placement; and

3. A written service agreement which specifies responsibilities and expectations for all parties involved has been signed by a representative of the department, the individual, and the foster parent or licensed child-caring agency providing the placement resources.

(b) The services of the foster care program shall continue for those individuals 18 to 21 years of age only for the period of time the individual is continuously enrolled in high school, ~~or~~ in a program leading to a high school equivalency diploma as defined in s. 229.814, *or in a full-time vocational education program.* Services shall be terminated upon completion of, or withdrawal or permanent expulsion from, high school, ~~or~~ the program leading to a high school equivalency diploma, *or a full-time vocational education program.*

(c)1. The department is authorized to provide the services of the children's foster care program to an individual who is enrolled full-time in a postsecondary vocational-technical education program, full-time in a community college program leading toward a vocational degree or an associate degree, or full-time in a university or college, if the following requirements are met:

a. The individual was committed to the legal custody of the department for placement in foster care as a dependent child;

b. The permanency planning goal pursuant to part V of chapter 39 for the individual is long-term foster care or independent living;

c. The individual has been accepted for admittance to a postsecondary vocational-technical education program, to a community college, or to a university or college;

d. All other resources have been thoroughly explored and it can be clearly established that there are no alternative resources for placement; and

e. A written service agreement which specifies responsibilities and expectations for all parties involved has been signed by a representative of the department; the individual; and the foster parent or licensed child-caring agency providing the placement resources, if the individual is to continue living with the foster parent or placement resource while attending a postsecondary vocational-technical education program, community college, or university or college. An individual who is to be continued in or placed in independent living shall continue to receive services according to the independent living program and agreement of responsibilities signed by the department and the individual.

2. Any provision of this chapter or any other law to the contrary notwithstanding, where an individual who meets the requirements of subparagraph 1. is in attendance at a community college, college, or university, the department may make foster care payments to such community college, college, or university in lieu of payment to the foster parents or individual, for the purpose of room and board, if not otherwise provided, but such payments shall not exceed the amount that would have been paid to the foster parents had the individual remained in the foster home.

3. The services of the foster care program shall continue only for an individual under this paragraph who is a full-time student, but shall continue for not more than:

a. Two consecutive years for an individual in a postsecondary vocational-technical education program;

b. Two consecutive years or four semesters for an individual enrolled in a community college; unless the individual is participating in college preparatory instruction or is requiring additional time to complete the college-level communication and computation skills testing program, in which case such services shall continue for not more than 3 consecutive years or six semesters; or

c. Four consecutive years, eight semesters, or 12 quarters for an individual enrolled in a college or university; unless the individual is participating in college preparatory instruction or is requiring additional time to complete the college level communication and computation skills testing programs, in which case such services shall continue for not more than 5 consecutive years, 10 semesters, or 15 quarters.

4.a. As a condition for continued foster care services, an individual shall have earned a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall grade point average of 2.0 for only the previous term, and be eligible for continued enrollment in the institution. If the postsecondary vocational-technical school program does not operate on a grade point average as described above, then the individual shall maintain a standing equivalent to the 2.0 grade point average.

b. Services shall be terminated upon completion of, graduation from, or withdrawal or permanent expulsion from a postsecondary vocational-technical education program, community college, or university or college. Services shall also be terminated for failure to maintain the required level of academic achievement.

Section 40. Subsection (3) of section 409.165, Florida Statutes, is amended, and subsection (4) is added to said section, to read:

409.165 Alternate care for children.—

(3) With the written consent of parents, custodians, or guardians, or in accordance with those provisions in chapter 39 that relate to dependent children, the department, under rules properly adopted, may place a child ~~with~~:

(a) *With* a relative;

(b) *With* a person who is considering the adoption of a child in the manner provided for by law;

(c) When limited to temporary emergency situations, *with* a responsible adult approved by the court; ~~or~~

(d) *With* a person or agency licensed by the department in accordance with s. 409.175; *or*

(e) In an independent living situation, subject to the provisions of subsection (4),

under such conditions as are determined to be for the best interests or the welfare of the child. Any child placed in an institution or in a family home by the department or its agency may be removed by like authority and such disposition made as is for the best interest of the child, including the transfer to another institution, another home, or the home of the child.

(4)(a) State foster care funds shall be used to establish a continuum of independent living services to assist adolescent foster children to develop skills that will contribute to a successful transition to adulthood. Services may include, but are not limited to, education and vocational training, homemaking skills, money management, social skills training, and developing personal support systems.

(b) As a part of the continuum for independent living services, the department shall establish an independent living program in which a minor 16 years of age or older lives independent of the daily care and supervision of a responsible adult, in a setting that need not be licensed under the provisions of s. 409.175, provided the following conditions exist:

1. Independent living arrangements which are established for a child shall be part of an overall plan leading to the total independence

of the child from departmental supervision. The plan shall include, but not be limited to: a description of the skills of the minor and a plan for learning additional identified skills; the behavior that the minor has exhibited that indicates an ability to be responsible and a plan for developing additional responsibilities, as appropriate; documentation of the level of school achievement and vocational training and a plan for future educational, vocational, and training skills; present financial and budgeting capabilities and a plan for improving resources and ability; description of the proposed residence; documentation that the child understands the specific consequences of his or her conduct in the independent living program; documentation of proposed services by the department and other agencies, including the type of service, and nature and frequency of contact; and a plan for maintaining or developing relationships with the family, other adults, friends, and the community, as appropriate.

2. Foster care payments in an amount established by the department may be made directly to children in independent living situations who meet the requirements for continued foster care. Individuals who meet the criteria for continued foster care as specified in s. 409.145(3) may also remain eligible for foster care payments.

(c) The department shall establish procedures and criteria to assess and determine a child's ability to demonstrate independent living skills.

Section 41. Subsection (13) of section 409.175, Florida Statutes, is amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies.—

(13)*(a)* In order to provide improved services to children, the department shall provide, or cause to be provided, ~~to the extent possible within available resources~~, preservice training for prospective foster parents *and emergency shelter parents* and inservice training for foster parents *and emergency shelter parents* who are licensed and supervised by the department.

(b) As a condition of licensure, foster parents and emergency shelter parents shall successfully complete a minimum of 21 hours of preservice training. The preservice training shall be uniform statewide and shall include, but not be limited to, such areas as:

1. Orientation regarding agency purpose, objectives, resources, policies, and services;

2. Role of the foster parent and the emergency shelter parent as a treatment team member;

3. Transition of a child into and out of foster care and emergency shelter care, including issues of separation, loss, and attachment;

4. Management of difficult child behavior that can be intensified by placement, by prior abuse or neglect, and by prior placement disruptions;

5. Prevention of placement disruptions;

6. Care of children at various developmental levels, including appropriate discipline; and

7. Effects of foster parenting on the family of the foster parent and the emergency shelter parent.

(c) Prior to licensure renewal, each foster parent and emergency shelter parent shall successfully complete 8 hours of inservice training. Periodic time-limited training courses shall be made available for selective use by foster parents and emergency shelter parents. Such inservice training shall include subjects affecting the daily living experiences of foster parenting as a foster parent or as an emergency shelter parent, whichever is appropriate. For a foster parent or emergency shelter parent participating in the required inservice training, the department shall reimburse such parent for travel expenditures and, if both parents in a home are attending training or if the absence of the parent would leave the children without departmentally approved adult supervision, either the department shall make provision for child care or shall reimburse the foster or emergency shelter parents for child care purchased by the parents for children in their care.

Section 42. *Task Force on the Future of the Florida Family; creation; membership; duties; advisory persons; staffing and support.—*

(1) CREATION.—In order to provide a means by which the state may obtain a comprehensive report on the current status and future of the Florida family, obtain a comprehensive range of strategies for addressing issues during the 1989 legislative session, and obtain a reassessment of those issues and recommendations cited in the report of the 1975 Florida Task Force on Marriage and the Family Unit to determine the need for action by the Legislature on those issues, there is created the Task Force on the Future of the Florida Family to be composed of 15 members.

(2) MEMBERSHIP.—

(a) The composition of the Task Force on the Future of the Florida Family shall be as follows:

1. Six persons appointed by the President of the Senate, at least two of whom must be members of the Senate.

2. Six persons appointed by the Speaker of the House of Representatives, at least two of whom must be members of the House of Representatives.

3. Three members to be appointed by the Governor.

(b) The task force shall designate one of its members to serve as chairperson. The duties of the chairperson shall include responsibility for the administration of the task force.

(c) Members of the task force shall receive no compensation, but shall be reimbursed for expenses as provided in s. 112.061, Florida Statutes.

(3) DUTIES OF THE TASK FORCE.—The duties of the task force shall include, but not be limited to, the following:

(a) Conduct a comprehensive study on the current status and future of the Florida family, including reassessing and evaluating existing laws, rules, programs, and funding pertaining to the family to ascertain what needs to be changed to assure that state government contributes to strengthening of the family and the future of the family.

(b) Establish priorities on issues that are identified and provide a time line for addressing those issues, with greater emphasis for activity of the task force being given to those issues requiring immediate response by the Legislature, judiciary, or executive agencies.

(c) Provide a comprehensive range of strategies for addressing the issues identified in the study for consideration during the 1989 and 1990 legislative sessions.

(d) Reassess those issues and recommendations cited in the study of the 1975 Florida Task Force on Marriage and the Family Unit that did not result in legislative, administrative, or judicial action to determine the need for action, if any, on those issues in the 1989 and 1990 legislative sessions.

(e) Issue a preliminary report on or before March 1, 1989, to the President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, Minority Leader of the House of Representatives, and the Governor to include a progress report on the activities of the task force and the identification of any issues requiring immediate response by the Legislature during the 1989 legislative session to include specific recommendations on statutory and budgetary changes.

(f) Issue a final report to the President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, Minority Leader of the House of Representatives, and the Governor by February 1, 1990, which presents the findings of the study and makes such recommendations in the form of proposed legislation and appropriations as are deemed necessary.

(g) Appoint, as necessary, advisory persons and groups in the different geographic regions of the state, who will provide information relating to the family for use by the task force.

(4) ADVISORY PERSONS AND GROUPS.—

(a) Advisory persons and groups may consist of attorneys specializing in family law; judges from the circuit court with experience in family and juvenile law; representatives from the Department of Health and Rehabilitative Services with expertise in areas affecting families and children; educators from the state university and community college systems and other institutions of higher learning specializing in

marriage and the family, child development, social work, or other related fields; family counselors; psychologists; psychiatrists; members of the clergy representing different faiths; economists versed in family finances; male and female single parents; teenage parents or persons who raised children as a teenage parent; teenage children of divorced parents; representatives of law enforcement; and other citizens with specialized concern and knowledge in the area of family dynamics.

(b) Public hearings, to be attended by members of the task force, may be held in each of the geographic regions where the advisory persons and groups meet.

(c) Persons serving in an advisory capacity shall serve without any compensation.

(5) OPERATION OF THE TASK FORCE.—

(a) The task force is authorized to employ consultants as necessary to fulfill its responsibilities.

(b) The task force shall secure staff assistance and use clerical resources, materials, and other support services of the Executive Office of the Governor and other executive agencies, in order that maximum expertise may be obtained at minimum costs.

(c) The task force shall use the talents, expertise, and resources within the state, and especially those of the university and community college systems, to whatever extent practicable.

(d) Agencies of state government shall provide to the task force such information, data, and staff assistance as requested by the task force.

(e) The task force may apply for and accept funds, grants, gifts, and services from the state, the Federal Government, or any other public or private source and is authorized to use funds derived from these sources to defray clerical and administrative costs as may be necessary for the completion of the assigned duties of the task force. Such contributions may also be used in accordance with s. 112.061, Florida Statutes, to defray costs of expenses of task force members and functions of the task force.

(6) REPEAL.—This section is repealed July 1, 1990.

(7) This section shall take effect December 1, 1988.

Section 43. *Substance abuse coordination.—*

(1) There is created a Statewide Coordinator for Substance Abuse Prevention and Treatment which shall be an interdepartmental and interagency position, with respect to the departments and agencies of the state, for programs and services affecting persons who abuse alcohol and drugs. The Statewide Coordinator for Substance Abuse Prevention and Treatment shall be administratively located in an agency as designated by the Governor, but shall function independently of the control and supervision of the administering agency. The statewide coordinator shall report directly to the Governor. The responsibilities of the statewide coordinator shall include, but are not limited to:

(a) Developing an annual state comprehensive plan for the war on alcohol and drug abuse which shall include a description of the current problem, data on specialized populations which are currently underserved, and recommendations on the types of programs and services needed to address the substance abuse problem.

(b) Coordinating the prevention, education, treatment, and criminal justice activities across the various state agencies.

(c) Coordinating the activities of advocacy groups, providers, parents, consumers, religious organizations, and volunteers.

(d) Encouraging the participation of concerned citizens in the development of the state plan as required in paragraph (a) and in fundraising and public awareness efforts.

(2) The Department of Health and Rehabilitative Services, the Department of Education, the Department of Corrections, the Department of Community Affairs, and the Department of Law Enforcement each shall appoint a policy level staff person to serve as the agency substance abuse coordinator. The responsibilities of the agency coordinator shall include interagency and intraagency coordination, collection and dissemination of agency specific data relating to substance abuse, and participation in the development of the state plan.

(3) The Department of Health and Rehabilitative Services shall establish, within each of its 11 districts, a full-time position to be filled by a person with expertise in the area of substance abuse who shall serve as a substance abuse prevention coordinator. The primary responsibility of this person shall be to develop and implement activities which foster the prevention of substance abuse.

Section 44. *Training programs.—*

(1) Each state university and community college may develop courses designed for public school teachers, counselors, physicians, law enforcement personnel and other professionals, to assist them in recognizing symptoms of alcoholism and drug abuse and to identify resources for referral and treatment.

(2) Such courses may be made available to students currently enrolled and for continuing education units.

Section 45. Except as otherwise provided herein, this act shall take effect October 1, 1988.

Amendment 2—On page 1, in the title, line 1, through page 2, line 27, strike all of said lines and insert: A bill to be entitled An act relating to prevention initiatives; creating the "Family Policy Act"; establishing a legislative goal; establishing provisions; providing legislative intent with respect to foster care; directing the Department of Health and Rehabilitative Services to establish a pilot program to provide assistance and services to shelter and foster care homes and to children placed in foster or shelter care; providing procedures; providing for funding; providing for evaluation; creating the Child Care Partnership Act; providing legislative intent; authorizing a grant program for private employers that contribute to the cost of child care for their employees' dependents; limiting the grant that may be received; requiring maintenance of records; providing that certain support services are part of the cost of care for purposes of the grant; providing that salaries and wages used to compute grants may not be used in computing certain other tax credits; providing for rules; providing for a report to the Office of the Governor and the Legislature; amending s. 402.3195, F.S.; extending the time period for the loan program under the Child Care Facility Trust Fund; revising interest requirements for loans; amending s. 411.103, F.S.; providing a definition; creating s. 411.1072, F.S.; providing for the establishment of community resource parent pilot programs by the Department of Health and Rehabilitative Services; providing for location of pilot programs; providing for contracts; providing criteria; authorizing the department to require other criteria; authorizing the department to create a community resource parent advisory committee; requiring the committee to establish certain program guidelines in conjunction with the department; providing for per diem and travel expenses; providing for terms and membership of committee; requiring preservice and ongoing training; providing for assignment of caseloads; providing for supervision; providing for evaluation; providing for a report; amending s. 20.19, F.S.; conforming duties of program offices and service districts of the Department of Health and Rehabilitative Services relating to abuse, neglect, abandonment, and exploitation of aged persons, disabled adults, and children to reflect changes in protective investigations and current responsibilities; amending s. 39.01, F.S.; providing definitions; amending s. 39.401, F.S.; conforming terminology and procedures to definitions and current practice; providing that priority consideration be given to relative placements over nonrelative placements; amending s. 39.402, F.S.; conforming terminology; amending s. 39.403, F.S.; providing for protective investigation by the department; amending s. 39.404, F.S.; conforming terminology; amending s. 110.1127, F.S., to change a cross-reference; amending s. 415.103, F.S.; renaming the central abuse registry and requiring any report of abuse, neglect, or exploitation to be handled by the central abuse registry and tracking system; delineating functions of the central abuse registry and tracking system; providing for notification of district staff; providing for indexing of certain information; providing confidentiality of reports in administrative hearing process; amending s. 415.104, F.S.; providing standards and procedures for reports and for protective services investigations; amending s. 415.107, F.S.; conforming terminology and procedures; amending s. 415.111, F.S.; providing penalties for making false reports; amending s. 415.503, F.S.; providing definitions; amending s. 415.504, F.S.; conforming terminology; requiring child abuse and neglect reports to go to the central abuse registry and tracking system; delineating functions of the central abuse registry and tracking system; providing procedures and time frames for notification of district staff; providing for indexing of certain information; providing confidentiality of reports in the administrative hearing process; amending s. 415.505, F.S.; providing standards and procedures for reports and for protective services investigations; amend-

ing ss. 415.5055, 415.509, and 415.51, F.S.; conforming terminology; amending s. 415.507, F.S., relating to medical examinations of abused or neglected children; amending s. 415.511, F.S.; providing immunity from liability and prohibiting reprisal against person reporting; amending s. 415.513, F.S.; providing penalties for making a false report; amending s. 959.06, F.S., to change a cross-reference; amending s. 39.41, F.S., providing for court approval of independent living arrangements for certain foster children; requiring the disposition order to provide reasons for nonrelative placements and a determination that certain efforts were made by the Department of Health and Rehabilitative Services; providing conditions; amending s. 39.442, F.S., correcting cross references; amending s. 39.452, F.S., clarifying time frames for preparation and submission of permanent placement plans; delineating persons to receive a copy of the permanent placement plan; specifying possible outcome of plans; requiring a court review within 45 days of submission; specifying elements of review; requiring appointment of guardian ad litem under certain circumstances; providing for amendment to the plan; providing for parental request for court review; amending s. 39.466, F.S., clarifying when advisory hearings are held; providing time frames for adjudicatory hearing; providing for notice; amending s. 39.469, F.S., providing clarification of term used; amending ss. 230.645, 240.235, and 240.35, F.S., providing for fee exemptions under certain circumstances; amending s. 240.36, F.S., correcting a cross reference; amending s. 409.145, F.S., expanding the categories of persons who may continue to receive services in the children's foster care program; amending s. 409.165, F.S., providing for a continuum of independent living services and providing for Department of Health and Rehabilitative Services placement of a child in an independent living situation under certain conditions; authorizing use of state foster care funds for establishment of an independent living program for certain minors; providing procedures; amending s. 409.175, F.S., requiring training of foster parents and emergency shelter parents as a condition of licensure; creating the Task Force on the Future of the Florida Family to study current laws relating to marriage and the family unit; providing for membership, duties, and operations of the task force; providing for appointment of advisory persons and groups; providing for utilization of staff and resources of the Governor's Office and other executive agencies; providing for repeal; creating a position entitled the Statewide Coordinator for Substance Abuse Prevention and Treatment; providing for administrative placement; providing responsibilities; directing the Department of Health and Rehabilitative Services, the Department of Education, the Department of Corrections, the Department of Community Affairs, and the Department of Law Enforcement to appoint a policy level staff person as the agency substance abuse coordinator; providing for substance abuse prevention coordinators; authorizing each state university and community college to develop training programs; providing effective dates.

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

Amendment 1—On page 79, between lines 18 and 19, insert:

Section 45. Subsection (4) is added to section 396.042, Florida Statutes, to read:

396.042 Duties and functions of the department.—

(4) The department shall establish a program for dissemination to the counties of origin of funds collected pursuant to s. 939.017 for use in alcohol treatment programs. Allocation of such moneys to specific treatment programs shall be determined by the boards of county commissioners pursuant to department criteria and guidelines.

Section 46. Subsection (5) of section 397.031, Florida Statutes, is amended to read:

397.031 Duties of department.—The Department of Health and Rehabilitative Services, hereinafter referred to as "department," shall:

(5)*(a)* Establish a funding program for the dissemination of available federal, state, and private funds to units of state or local government or private organizations which establish and implement approved local drug abuse prevention or treatment programs.

(b) The department shall establish a program for dissemination to the counties of origin of funds collected pursuant to s. 939.017 for use in drug treatment programs. Allocation of such moneys to specific treatment programs shall be determined by the boards of county commissioners pursuant to department criteria and guidelines.

Section 47. Section 939.017, Florida Statutes, is created to read:

939.017 Misdemeanor convictions involving drugs or alcohol; additional costs.—

(1)(a) When any person, on or after October 1, 1988, is found guilty of any misdemeanor under the laws of this state in which the unlawful use of drugs or alcohol is involved, there shall be imposed an additional cost in the case, in addition to any other cost required to be imposed by law, in the sum of $15. Under no condition shall a political subdivision be held liable for the payment of such sum.

(b) The clerk of the court shall collect the $15 and forward $14 thereof to the Treasurer, to be deposited to the credit of the Department of Health and Rehabilitative Services for allocation to local alcohol and drug treatment programs, pursuant to ss. 396.042(4) and 397.031(5). The clerk shall retain the remaining $1 of each $15 collected as a service charge of the clerk's office.

(2) The costs imposed by this section apply only in each county in which the board of county commissioners has adopted an ordinance which requires the collection of such costs.

(Renumber subsequent sections.)

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

Amendment 2—In title, on page 6, line 26, after the semicolon (;) insert: amending ss. 396.042, 397.031, F.S.; requiring the Department of Health and Rehabilitative Services to establish a program for the dissemination of such moneys for use in local alcohol and drug treatment programs; creating s. 939.017, F.S.; providing for imposition of a surcharge on persons found guilty of a misdemeanor involving alcohol and drugs as an additional cost in the case;

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

CS for SB 685 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1031 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1031—A bill to be entitled An act relating to opticians; amending s. 484.002, F.S.; defining the term "board-certified optician"; amending s. 484.007, F.S.; increasing the registration fee to take the examination to be licensed as an optician; amending s. 484.008, F.S.; providing for the Board of Opticianry to approve continuing education courses; amending s. 484.014, F.S.; providing penalties for specified acts relating to the practice of opticianry; amending ss. 457.105, 457.107, 458.311, 459.0092, 460.406, 455.218, 463.006, 463.007, 464.008, 465.007, 465.022, 466.006, 466.007, 468.1695, 468.364, 470.006, 471.011, 472.011, 473.305, 474.2065, 480.044, 481.207, 481.307, 484.002, 484.007, 484.008, 484.0447, 486.041, 486.085, 486.103, 486.108, 489.109, 490.005, 491.005, F.S.; setting or increasing various fees relating to professional licensure; creating s. 461.017, F.S.; providing for podiatric practice under supervision; providing for licensure of certain persons as clinical social workers, marriage and family therapists, or mental health counselors; providing an effective date.

Amendment 1—On page 1, line 29, through page 4, line 14, strike all language and insert:

Section 1. Section 455.230, Florida Statutes, is created to read:

455.230 Examinations; discovery; challenge.—Notwithstanding any other provision of this chapter, examination questions and answers shall not be subject to discovery, but may be introduced into evidence and considered only in camera in any administrative proceeding under chapter 120; however, an applicant who has taken an examination within the previous year and who failed to obtain a score necessary for licensure in this or any other state, or such applicant's attorney, may review the examination questions and answers for the purpose of analyzing the applicant's score or challenging any portion of the examination. Such review shall be conducted under the direct supervision of and subject to such reasonable security measures as may be required by the department. In any subsequent administrative hearing the department shall provide challenged examination questions and answers to the hearing officer. Examination questions and answers so provided at the hearing, which are not invalidated, shall be sealed and not open to public inspection.

(Renumber subsequent sections.)

Amendment 6—On page 1, in the title, lines 2-25, strike all language and insert: An act relating to professions and occupations; creating s. 455.230, F.S.; providing for review or challenge of examinations by applicants; amending ss. 457.105, 458.311, 459.0092, 460.406, 464.008, 465.007, 466.006, 468.1695, 468.364, 470.006, 471.011, 472.011, 473.305, 474.2065, 481.207, 481.307, 484.007, 486.041, 486.103, and 490.005, F.S.; revising maximum examination fees to include the actual cost of purchase of examinations from national organizations, for acupuncturists, physicians, osteopathic physicians, chiropractic physicians, nurses, pharmacists, dentists, nursing home administrators, respiratory therapists, respiratory care practitioners, embalmers, engineers, land surveyors, certified public accountants, veterinarians, architects, landscape architects, opticians, physical therapists, physical therapist assistants, and psychologists; increasing certain osteopathic license and facility certificate fees; increasing the examination fee for dentists; increasing the biennial renewal fee for engineers; amending s. 457.107, F.S.; increasing the certification renewal fee for acupuncturists; amending s. 455.218, F.S.; deleting provisions relating to podiatric technicians; creating s. 461.017, F.S.; providing for the certification of certified Cuban quiropodistas; establishing criteria; providing for an examination; establishing a fee; providing for the repeal of said section; providing a grandfather clause; amending ss. 463.006 and 463.007, F.S.; increasing the examination and license renewal fees for licensed practitioners engaging in the practice of optometry; amending s. 465.022, F.S.; revising and increasing certain pharmacy fees; amending s. 466.007, F.S.; increasing the examination fee for dental hygienists; amending s. 480.044, F.S.; increasing certain fees for masseurs and establishments; amending s. 484.002, F.S.; establishing a fee for board-certified opticians; amending s. 484.008, F.S.; establishing application and renewal fees for providers of opticianry continuing education; amending s. 484.0447, F.S.; increasing certain fees for hearing aid specialists; providing for refund of the examination fee under certain circumstances; amending ss. 486.085 and 486.108, F.S.; increasing the license renewal fee for physical therapists and physical therapist assistants; amending s. 489.109, F.S.; increasing certain certification and registration fees for construction contractors; providing for a fee for transfer of a certificate or registration between business organizations; amending s. 491.005, F.S., revising licensure fees for clinical social workers, marriage and family therapists, and mental health counselors; providing a licensing exception; providing effective dates.

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

SB 1031 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Brown, Crawford

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1203 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1203—A bill to be entitled An act relating to taxation; amending s. 201.24, F.S.; exempting certain documents arising out of the lease or lease-purchase of educational facilities and sites from excise tax on documents; amending s. 125.0104, F.S.; authorizing certain counties to levy an additional 2-percent tourist development tax on transactions involving living quarters or accommodations; amending s. 213.75, F.S.; providing for specifying application of tax payments; amending s. 95.091, F.S.; revising provisions which specify time periods within which the Department of Revenue may determine and assess taxes, penalties, and interest; amending s. 213.053, F.S.; revising provisions which authorize the department to disclose certain information to certain county or subcounty district governing bodies; creating s. 213.35, F.S.; specifying that persons required by law to perform any act in administration of certain taxes shall keep books and records until the expiration of the time within which the department may make an assessment with respect thereto; amending ss. 206.12, 207.008, 211.125, 211.33, 212.04, 212.12, 212.13, and 214.17, F.S.; providing that records shall be preserved as required by s. 213.35, F.S., with respect to the following taxes: taxes on fuels and other pollutants; tax on operation of commercial motor vehicles; taxes on production of oil and gas and severance of solid minerals; tax on sales, use and other transactions, including admissions and rentals and license fees; and designated nonproperty taxes; amending s. 220.03, F.S.; revising the definition of "Internal Revenue Code" under the Florida Income Tax Code; amending s. 220.11, F.S.; revising provisions relating to determination of tax applicable to certain taxpayers; amending s. 220.62, F.S.; revising the definition of "bank" under said code; amending s. 212.054, F.S.; providing additional criteria for determining the location of a local option sales transaction; amending ss. 192.105, 193.074, 195.027, 195.084, 196.101, 199.222, 201.022, 206.27, 211.125, 211.33, 212.0305, 213.053, 213.21, 213.22, 213.27, 220.242, F.S.; continuing the exemptions from public record disclosure requirements provided for state and federal tax information, returns, and records, records of the amount paid for real property, information concerning audits and investigations by the Department of Revenue or the Florida Department of Law Enforcement, books and records relating to the tax on the production of oil, gas, and solid minerals, records relating to local government resort taxes, records of settlements and compromises made by the Department of Revenue relating to a taxpayer's liability for taxes, interest, or penalties, technical assistance advisements issued by the department, information shared with debt collection or auditing agencies, and certain declarations of estimated taxes; requiring future legislative review of such exemptions pursuant to the Open Government Sunset Review Act; authorizing the department to provide information to property appraisers and tax collectors or their authorized agents; authorizing the department to provide information relative to the commencement of business activities of a foreign corporation to the Department of State; authorizing the department to provide information to a municipality which is in compliance with certain provisions of s. 212.18(3), F.S.; amending s. 201.05(1), F.S.; providing for clarification of language relating to mutual funds; amending s. 212.054, F.S.; providing additional criteria for imposing a local option surtax; authorizing certain business firms or insurers to receive certain annual tax credits; providing a limitation; amending s. 218.65, F.S.; revising requirements for qualification of county governments for emergency distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund; providing an effective date.

Amendment 1—On page 3, between lines 30 and 31, insert:

Section 1. Subsection (1) of section 212.235, Florida Statutes, as amended by section 40 of chapter 87-548, Laws of Florida, is amended to read:

212.235 State Infrastructure 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 into the State Infrastructure 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 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* ~~$550~~ million *in any fiscal year* ~~thereafter~~, shall revert to the General Revenue Fund.

(Renumber subsequent sections.)

Amendment 2—On page 4, lines 12-20, strike all of said lines and renumber subsequent sections.

Amendment 3—On page 1, in the title, lines 6-10, strike all of said lines and insert: tax on documents; amending s. 213.75, F.S.;

Substitute Amendment 7—On page 17, line 11, after the the word "county" insert: *or to a location within a county also imposing the surtax*

Amendment 8—On page 1, in the title, after the semicolon on line 2, insert: 212.235, F.S.; revising the maximum amount of the State Infrastructure Fund; amending s.

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

SB 1203 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	Kirkpatrick	Ros-Lehtinen
Barron	Gordon	Langley	Scott
Beard	Grant	Lehtinen	Stuart
Brown	Hair	Malchon	Thurman
Childers, D.	Hill	Margolis	Weinstein
Childers, W. D.	Hollingsworth	McPherson	Weinstock
Crenshaw	Jenne	Meek	Woodson
Deratany	Jennings	Myers	
Dudley	Johnson	Peterson	

Nays—None

Vote after roll call:

Yea—Crawford, Kiser

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed CS for HB 1497, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 1497—A bill to be entitled An act relating to retirement; amending s. 112.1904, F.S.; providing clarifying language to provide that death benefits are provided to state attorney investigators; amending s. 112.362, F.S.; revising the formula for cost-of-living adjustments to the minimum benefit adjustment; amending s. 112.363, F.S.; revising the effective date of contribution rate increases with respect to the retiree health insurance subsidy; amending s. 112.65, F.S., providing a new limitation of benefits for certain retirees; amending s. 121.021, F.S.; clarifying the definition of "past service," changing the definition of "prior service," and defining "termination"; amending s. 121.031, F.S.; repealing language requiring benefit increases to be amortized over a 15-year period; requiring actuarial reviews of the Florida Retirement System to be presented to the Legislature by a certain date; amending s. 121.051, F.S., providing existing system members must have a 12 month break in service to transfer to the Florida Retirement System; amending s. 121.0515, F.S.; permitting former members of the Highway Patrol Pension System to receive special risk credit for prior service; amending s. 121.052, F.S.; revising contribution rates applicable to members of the Elected State Officers' Class; providing a contribution rate for the Retiree Health Insurance Subsidy; amending s. 121.055, F.S.; permitting optional participation in the Senior Management Class for certain employees; providing for alternative participation; revising the contribution rate applicable to members of the Senior Management Service Class; providing a contribution rate for the retiree health insurance subsidy; amending s. 121.071, F.S.; revising contribution rates applicable to members of the Regular Class, Special Risk Class and Special Risk Administrative Support Class; providing a contribution rate for the retiree health insurance subsidy; amending s. 121.081, F.S.; requiring the purchase of past service credit at the contribution rate in effect at the time the service was earned; deleting the 12 continuous month reemployment provision for prior service; revising the contribution rate for the purchase of certain prior service; amending s. 121.091, F.S.; providing that no benefits shall be paid under the Florida Retirement System until a member has terminated employment; revising the criteria for eligibility to qualify for disability benefits; revising the contribution rate for purchase by a spouse of a deceased member's refunded service; amending s. 121.121, F.S.; providing new limitations for authorized leaves of absence; amending s. 121.35, F.S.; permitting employees of the State University System Executive Service to participate in the Optional Retirement Program; amending s. 121.40, F.S.; revising the formula for cost-of-living adjustments for Institute of Food and Agricultural Sciences supplemental benefits; revising the contribution rate applicable to Institute of Food and Agricultural Science Supplemental Retirement Act; specifying intent with respect to the contribution rates specified in this act; providing retroactivity of certain benefits; providing effective dates.

House Amendment 1 to Senate Amendment 1—On page 1, strike everything after line 11 through line 17 on page 58 and insert:

Section 1. Effective July 1, 1988, subsection (1) of section 112.1904, Florida Statutes, is amended to read:

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

(1) As used in this section, the term "law enforcement officer" means a full-time officer or employee of the state or any political subdivision of the state, including any correctional officer, state attorney *investigator*, or public defender investigator, whose duties require such officer or employee to investigate, pursue, apprehend, arrest, transport, or maintain custody of persons who are charged with, suspected of committing, or convicted of a crime; and the term includes any member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices.

Section 2. Effective July 1, 1988, paragraph (c) is added to subsection (5) of section 112.362, Florida Statutes, to read:

112.362 Recomputation of retirement benefits.—

(5)(a) Effective July 1, 1981, the dollar factors used in determining the minimum benefits provided by this section shall be adjusted by an amount derived by multiplying said dollar factors by the percentage change in the average cost-of-living index since the previous July 1, not to exceed 3 percent. Each July 1 thereafter, the adjusted dollar factors used in determining the minimum benefits provided by this section shall continue to be adjusted by an amount derived by multiplying the current adjusted dollar factors by the percentage change in the average cost-of-living index since the previous July 1, not to exceed 3 percent for any annual adjustment.

(b) "Average cost-of-living index" as of any July 1 date means the average of the monthly Consumer Price Index figures for the 12-month period from April 1 through March 31 immediately prior to the adjustment date, relative to the United States as a whole, issued by the Bureau of Labor Statistics of the United States Department of Labor.

(c) Effective July 1, 1987, the adjusted dollar factors used in determining the minimum benefits provided by this section shall be adjusted by a constant 3 percent.

Section 3. Paragraph (b) of subsection (8) of section 112.363, Florida Statutes, is amended to read:

112.363 Retiree health insurance subsidy.—

(8) CONTRIBUTIONS.—For purposes of funding the insurance subsidy provided by this section:

(b) Beginning *January 1, 1989* ~~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.

Section 4. Section 112.65, Florida Statutes, is amended to read:

112.65 Limitation of benefits.—

(1) The normal retirement benefit or pension payable to a retiree who becomes a member of any retirement system or plan and who has not previously participated in such plan, on or after January 1, 1980, shall *not exceed 100 percent of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments. As used in this section, the term "average final compensation" means the average of the member's earnings, over a period of time which the governmental entity has established by statute, charter, or ordinance.* ~~be limited in the following manner:~~

~~(a) If such member does not receive social security benefits, his pension benefit shall not exceed 100 percent of his average final compensation.~~

~~(b) If such member receives social security benefits, the sum of the member's pension benefit and the primary social security benefit the member receives shall not exceed 100 percent of the member's average final compensation.~~

~~(c) Nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.~~

~~(d) As used in this section, the term "social security benefits" shall not apply to social security benefits earned exclusively through nongovernmental employment or by a surviving beneficiary.~~

~~(e) As used in this section, the term "average final compensation" means the average of the member's earnings, excluding payments for accumulated leave, compensatory time, and overtime, over a period of time which the governmental entity has established by statute, charter, or ordinance.~~

(2) No member of a retirement system or plan covered by this part who is not now a member of such plan shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from another retirement system or plan; provided that this restriction does not apply to social security ~~coverage or~~ benefits *or federal benefits under chapter 67, Title 10, U.S. Code.*

Section 5. Effective July 1, 1988, subsection (18), and paragraphs (a) and (b) of subsection (19) of section 121.021, Florida Statutes, are amended, and subsection (39) is added to said section, 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:

(18) "Past service" of any member, *as provided in s. 121.081(1),* means the number of years and complete months and any fractional part of a month, recognized and credited by an employer and approved by the administrator, during which he was in the active employ of an employer prior to his date of participation.

(19) "Prior service" under this chapter means:

(a) Service for which the member had credit under one of the existing systems and received a refund of his contributions upon termination of employment. Prior service shall also include that service between December 1, 1970, and the date the system becomes noncontributory for which the member had credit under the Florida Retirement System and received a refund of his contributions upon termination of employment. ~~After the date the Florida Retirement System becomes noncontributory, prior service shall also include that service for which the member had credit under the noncontributory provisions upon termination of employment.~~

(b) Service prior to an employee's membership in the Florida Retirement System with an employer, either before or during the employer's participation in an existing system. The word "service" as used in this paragraph and paragraph (c) means employment service *prior to December 1, 1970,* which, at the time it is claimed as prior service, satisfies the requirements for a regularly established position, as defined by rules of the Florida Retirement System.

(39) "Termination" occurs when a member ceases all employment relationships with employers under this system, as defined in subsection (10), but in the event a member should be employed by any such employer within the next calendar month, termination shall be deemed not to have occurred. A leave of absence shall constitute a continuation of the employment relationship, except that a leave of absence without pay due to disability may constitute termination for a member, if such member makes application for and is approved for disability retirement in accordance with s. 121.091(4). The division may require other evidence of termination as it deems necessary.

Section 6. Subsections (3) and (4) of section 121.031, Florida Statutes, are amended to read:

121.031 Administration of system; appropriation; oaths; actuarial studies.—

(3) The administrator shall cause an actuarial study of the system to be made at least once every 2 years and shall report the results of such study to the ~~next session of the~~ Legislature *by February 1 prior to the next legislative session* ~~following completion of the study~~. Such study shall, at a minimum, conform to the requirements of s. 112.63, with the following exceptions and additions:

(a) The valuation of plan assets shall be based on a 5-year averaging methodology such as that specified in the United States Department of Treasury Regulations, 26 C.F.R s. 1.412(c)(2), or a similar accepted approach designed to attenuate fluctuations in asset values.

(b) The study shall include a narrative explaining the changes in the covered group over the period between actuarial valuations and the impact of those changes on actuarial results.

(c) When substantial changes in actuarial assumptions have been made, the study shall reflect the results of an actuarial assumption as of the current date based on the assumptions utilized in the prior actuarial report.

(d) The study shall include an analysis of the changes in actuarial valuation results by the factors generating those changes. Such analysis shall reconcile the current actuarial valuation results with those results from the prior valuation.

(e) The study shall include measures of funding status and funding progress designed to facilitate the assessment of trends over several actuarial evaluations with respect to the overall solvency of the system. Such measures shall be adopted by the division and shall be used consistently in all actuarial evaluations performed on the system.

(4) Notwithstanding the provisions of s. 112.64(4) to the contrary, the net increase, if any, in unfunded liability under the system arising from significant system amendments adopted or changes in assumptions shall be amortized within 30 plan years~~, and the net increase, if any, in unfunded liability arising from experience losses or gains, or supplemental retiree benefit increases, shall be amortized within 15 plan years~~.

Section 7. Paragraph (c) of subsection (1) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.—

(1) COMPULSORY PARTICIPATION.—

(c)*1.* After June 30, 1983, a member of an existing system who is reemployed after terminating his employment shall have at the time of reemployment the option of selecting to remain in the existing retirement system or to transfer to the Florida Retirement System. Failure to submit such selection in writing to the Division of Retirement within 6 months of reemployment shall result in compulsory membership in the Florida Retirement System.

2. After June 30, 1988, the provisions of subparagraph 1, shall not apply to a member of an existing system who is reemployed within 12 months after terminating his employment. Such member shall continue

to have membership in the existing system upon reemployment and shall not be permitted to become a member of the Florida Retirement System, except by transferring to that system as provided in ss. 121.052 and 121.055, F.S.

Section 8. Subsection (6) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership; criteria; designation and removal of classification; credits for past service and prior service; retention of special risk normal retirement date.—

(6) CREDIT FOR PRIOR SERVICE.—A special risk member who has creditable service with an employer under chapter 122 *or chapter 321*, in a position which satisfies the criteria provided for in subsection (2) for special risk membership except the requirement for a certificate or waiver of certificate, shall have those years of service counted towards the attainment of the normal retirement date as a special risk member under this chapter. The percentage value of each such year of creditable service under chapter 122 *or chapter 321* shall not change as a result of the application of this subsection. A special risk member who has taken a refund of contributions for such creditable service under chapter 122 *or chapter 321* and has reclaimed it as prior service credit under this chapter shall be permitted to have such creditable service counted towards the attainment of the normal retirement date for the Special Risk Class of membership under this chapter.

Section 9. Subsection (4) of section 121.052, Florida Statutes, is amended to read:

121.052 Membership class of certain elected state officers.—

(4)*(a) The following table states the required retirement contribution rates for members of the Elected State Officers' Class and their employers in terms of percentages of the members' gross compensation. Changes in the contribution rates are effective with the first salary paid on or after the beginning date of a change. Contributions shall be made or deducted as may be appropriate for each pay period and shall be in addition to the contributions required for social security and the Retiree Health Insurance Subsidy.*

Dates of Contribution Rate Changes	*Members*	*Employers*
July 1, 1972, through September 30, 1977		
Legislators	*8%*	*8%*
All other Members	*8%*	*8%*
October 1, 1977, through September 30, 1978		
Legislators	*8%*	*8%*
All other Members	*4%*	*12%*
October 1, 1978, through September 30, 1979		
Legislators	*8%*	*10.57%*
All other Members	*4%*	*16.78%*
October 1, 1979, through September 30, 1981		
Legislators	*8%*	*10.57%*
Governor, Lt. Governor, Cabinet Officers	*4%*	*16.78%*
All other Members	*0%*	*20.78%*
July 1, 1981, through June 30, 1984		
County Elected Officers	*0%*	*19.30%*
July 1, 1984, through September 30, 1984		
County Elected Officers	*0%*	*20.25%*
October 1, 1981, through September 30, 1984		
Legislators	*0%*	*19.30%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*21.03%*
State Attorney, Public Defender	*0%*	*20 95%*
Justice, Judge	*0%*	*22.55%*
October 1, 1984, through September 30, 1986		
Legislators	*0%*	*10.98%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*10.98%*
State Attorney, Public Defender	*0%*	*10.98%*
Justice, Judge	*0%*	*21.79%*
County Elected Officers	*0%*	*16.97%*
October 1, 1986, through December 31, 1988		
Legislators	*0%*	*11.50%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*11.50%*
State Attorney, Public Defender	*0%*	*11.50%*
Justice, Judge	*0%*	*20.94%*
County Elected Officers	*0%*	*17.19%*
January 1, 1989, through December 31, 1989		
Legislators	*0%*	*13.70%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*13.70%*
State Attorney, Public Defender	*0%*	*13.70%*
Justice, Judge	*0%*	*22.58%*
County Elected Officers	*0%*	*18.44%*
January 1, 1990, through December 31, 1990		
Legislators	*0%*	*15.91%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*15.91%*
State Attorney, Public Defender	*0%*	*15.91%*
Justice, Judge	*0%*	*24.22%*
County Elected Officers	*0%*	*19.71%*
January 1, 1991, through December 31, 1991		
Legislators	*0%*	*18.12%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*18.12%*
State Attorney, Public Defender	*0%*	*18.12%*
Justice, Judge	*0%*	*25.87%*
County Elected Officers	*0%*	*20.97%*
January 1, 1992, through December 31, 1992		
Legislators	*0%*	*20.33%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*20.33%*
State Attorney, Public Defender	*0%*	*20.33%*
Justice, Judge	*0%*	*27.51%*
County Elected Officers	*0%*	*22.24%*
Effective January 1, 1993		
Legislators	*0%*	*22.53%*
Governor, Lt. Governor, Cabinet Officers	*0%*	*22.53%*
State Attorney, Public Defender	*0%*	*22.53%*
Justice, Judge	*0%*	*29.15%*
County Elected Officers	*0%*	*23.49%*

~~(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.~~

~~(c) From and after October 1, 1979, 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, county court judge, state attorney, or public defender shall contribute an amount equal to 20.78 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.~~

~~(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.~~

~~(f) From and after July 1, 1981, 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 19.3 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.~~

(b)~~(h)~~ *The employer paying the salary of a member of the Elected State Officers' Class shall contribute an amount as specified in this section which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage.* Elected State Officers' Class members' contributions and matching contributions received from state employers shall be deposited by the administrator in the system trust fund and Social Security Trust Fund of the Florida Retirement System.

(c) Effective October 1, 1987, each employer shall contribute on behalf of each member in the Elected State Officers' Class an amount equal to .24 percent of the member's gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Effective January 1, 1989, each employer shall contribute an amount equal to .48 percent of each members' gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

Section 10. Subsections (1) and (3) and paragraph (c) of subsection (6) of section 121.055, Florida Statutes, 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.

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

(b) Appointed district school superintendents and community college presidents may participate in the Senior Management Service Class of the Florida Retirement System. In lieu of such participation, such members may withdraw from the Florida Retirement System altogether and participate in an annuity program which may be provided by the employing agency at a cost to the employer equal to the normal cost portion of the employer retirement contribution which would be required under the plan from which the member withdrew. The employer providing such annuity on behalf of each withdrawn member shall contribute an additional amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required for members of the Florida Retirement System. This additional contribution shall be paid to the division for transfer to the Florida Retirement System Trust Fund. Such members shall not be eligible to participate in the Senior Management Service Optional Annuity Program.

(3)*(a) The following table states the required retirement contribution rates for members of the Senior Management Service Class and their employers in terms of percentages of the members' gross compensation. Changes in the contribution rates are effective with the first salary paid on or after the beginning date of a change. Contributions shall be made for each pay period and shall be in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.*

Dates of Contribution Rate Changes	*Members*	*Employers*
February 1, 1987, through December 31, 1988	*0%*	*13.88%*
January 1, 1989, through December 31, 1989	*0%*	*14.95%*
January 1, 1990, through December 31, 1990	*0%*	*16.04%*
January 1, 1991, through December 31, 1991	*0%*	*17.12%*
January 1, 1992, through December 31, 1992	*0%*	*18.21%*
Effective January 1, 1993	*0%*	*19.28%*

(b) The employer paying the salary of a member of the Senior Management Service Class shall contribute an amount as specified in this section which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage.

(c) Effective October 1, 1987, each employer shall contribute on behalf of each member in the Senior Management Service Class an amount equal to .24 percent of the member's gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Effective January 1, 1989, each employer shall contribute an amount equal to .48 percent of each members' gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund. ~~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)

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

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

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

~~4. Any eligible employee who is employed on or before February 1, 1987,~~ who is a member of an existing retirement system or the Special Risk or Special Risk Administrative Support Classes of the Florida Retirement System, may elect to remain in such system or class in lieu of participation in the Senior Management Service Class or optional annuity program. Such election shall be made in writing and filed with the department and the personnel officer of the employer *within 90 days of such appointment* ~~on or before May 1, 1987~~. Any eligible employee who fails to make an election to participate in the existing system, the Special Risk Class of the Florida Retirement System, the Special Risk Administrative Support Class of the Florida Retirement System, or the optional annuity program ~~by May 1, 1987,~~ shall be deemed to have elected membership in the Senior Management Service Class.

Section 11. Section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(1) *The following tables state the required retirement contribution rates for members of the Regular Class, Special Risk Class and Special Risk Administrative Support Class and their employers in terms of percentages of the members' gross compensation. Changes in the contribution rates are effective with the first salary paid on or after the beginning date of a change. Contributions shall be made or deducted as may be appropriate for each pay period and shall be in addition to the contributions required for social security and the Retiree Health Insurance Subsidy Trust Fund.*

(a) Retirement contributions for regular members are as follows:

Dates of Contribution Rate Changes	*Members*	*Employers*
December 1, 1970, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	*4%*	*4%*
December 1, 1970, through September 30, 1975, for all other local government agencies	*4%*	*4%*
January 1, 1975, through September 30, 1978, for state agencies and state universities	*0%*	*9%*
January 1, 1975, through July 31, 1978, for community colleges and district school boards	*0%*	*9%*
October 1, 1975, through September 30, 1978, for all other local government agencies	*0%*	*9%*
August 1, 1978, through September 30, 1981, for community colleges and district school boards	*0%*	*9.1%*
October 1, 1978, through September 30, 1981, for all other agencies	*0%*	*9.1%*
October 1, 1981, through September 30, 1984	*0%*	*10.93%*

October 1, 1984, through September 30, 1986	*0%*	*12.24%*
October 1, 1986, through December 31, 1988	*0%*	*13.14%*
January 1, 1989, through December 31, 1989	*0%*	*13.90%*
January 1, 1990, through December 31, 1990	*0%*	*14.66%*
January 1, 1991, through December 31, 1991	*0%*	*15.43%*
January 1, 1992, through December 31, 1992	*0%*	*16.19%*
Effective January 1, 1993	*0%*	*16.95%*

(b) Retirement contributions for special risk members are as follows:

Dates of Contribution Rate Changes	*Members*	*Employers*
December 1, 1970, through September 30, 1974	*6%*	*6%*
October 1, 1974, through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	*8%*	*8%*
October 1, 1974, through September 30, 1975, for all other local government agencies	*8%*	*8%*
January 1, 1975, through September 30, 1978, for state agencies, state universities, community colleges, and district school boards	*0%*	*13%*
October 1, 1975, through September 30, 1978, for other local government agencies	*0%*	*13%*
October 1, 1978, through September 30, 1981	*0%*	*13.95%*
October 1, 1981, through September 30, 1984	*0%*	*13.91%*
October 1, 1984, through September 30, 1986	*0%*	*14.67%*
October 1, 1986, through December 31, 1988	*0%*	*15.11%*
January 1, 1989, through December 31, 1989	*0%*	*15.90%*
January 1, 1990, through December 31, 1990	*0%*	*16.70%*
January 1, 1991, through December 31, 1991	*0%*	*17.51%*
January 1, 1992, through December 31, 1992	*0%*	*18.31%*
Effective January 1, 1993	*0%*	*19.10%*

(c) Retirement contributions for special risk administrative support members are as follows:

Dates of Contribution Rate Changes	*Members*	*Employers*
July 1, 1982, through September 30, 1984	*0%*	*11.14%*
October 1, 1984, through September 30, 1986	*0%*	*13.09%*
October 1, 1986, through December 31, 1988	*0%*	*15.44%*
January 1, 1989, through December 31, 1989	*0%*	*14.76%*
January 1, 1990, through December 31, 1990	*0%*	*14.09%*
January 1, 1991, through December 31, 1991	*0%*	*13.41%*
January 1, 1992, through December 31, 1992	*0%*	*12.74%*
Effective January 1, 1993	*0%*	*12.06%*

~~Until January 1, 1975, regular members shall contribute each pay period at the rate of 4 percent of gross compensation and special risk members shall contribute each pay period at the rate of 8 percent of gross compensation. Effective January 1, 1975, regular members and special risk members shall make no contribution to the system.~~

~~(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).~~

(2)~~(3)~~(a) Effective January 1, 1975, *or October 1, 1975, as applicable,* each employer shall accomplish the increased contribution required by subsection *(1)* ~~(2)~~ by a procedure in which no employee's gross salary shall be reduced.

(b) Upon termination of employment for any reason other than retirement, a member shall be entitled to a full refund of the contributions he has made prior or subsequent to his participation in the noncontributory plan, subject to the restrictions otherwise provided in this chapter.

(3)~~(4)~~ *The employer paying the salary of a member shall contribute an amount as specified in this section which shall constitute the entire employer retirement contribution with respect to such member. The employer shall also withhold one-half of the entire contribution of the member required for social security coverage.* Contributions for social security by each member and each employer, in the amount required for social security coverage as now or hereafter provided by the federal Social Security Act, shall be in addition to contributions specified in *subsection (1)* ~~subsections (2) and (3)~~.

(4) Effective October 1, 1987, each employer shall contribute on behalf of each member an amount equal to .24 percent of the member's gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Effective January 1, 1989, each employer shall contribute an amount equal to .48 percent of each members' gross salary, which shall constitute the entire health insurance subsidy contribution with respect to such member. Such contributions shall be deposited by the administrator in the Retiree Health Insurance Subsidy Trust Fund.

(5) Contributions made in accordance with subsections *(1)*, (2), (3), and (4) shall be paid by the employer into the system trust funds in accordance with rules promulgated by the administrator pursuant to chapter 120. Such contributions are due and payable no later than the 25th day of the month immediately following the month during which the payroll period ended. The division may by rule establish a different due date, which shall supersede the date specified herein; however, such due date may not be established earlier than the 20th day of the month

immediately following the month during which the payroll period ended. Effective January 1, 1984, contributions made in accordance with subsection *(3)* ~~(4)~~ shall be paid by the employer into the system trust fund in accordance with rules promulgated by the administrator pursuant to chapter 120. For any payroll period ending any day of the month before the 16th day of the month, such contributions are due and payable no later than the 20th day of the month; and, for any payroll periods ending any day of the month after the 15th day of the month, such contributions are due and payable no later than the 5th day of the next month. Contributions received in the offices of the Division of Retirement of the Department of Administration after the prescribed date shall be considered delinquent unless, in the opinion of the division, exceptional circumstances beyond an employer's control prevented remittance by the prescribed due date notwithstanding such employer's good faith efforts to effect delivery; and, with respect to retirement contributions due under subsections *(1) and (4)* ~~(2) and (3)~~, each employer shall be assessed a delinquent fee of 1 percent of the contributions due for each calendar month or part thereof that the contributions are delinquent. Such a waiver of the delinquency fee by the division may be granted an employer only one time each fiscal year. Delinquent social security contributions shall be assessed a delinquent fee as authorized by s. 650.05(4). The delinquent fee assessable for an employer's first delinquency after July 1, 1984, shall be as specified in s. 650.05(4), and, beginning with the second delinquency in any fiscal year by the employer subsequent to July 1, 1984, all subsequent delinquency fees shall be assessed against the employer at twice the applicable percentage rate specified in s. 650.05(4).

Section 12. Paragraph (b) of subsection (1) and subsection (2) of section 121.081, Florida Statutes, are amended to read:

121.081 Past service; prior service; contributions.—Conditions under which past service or prior service may be claimed and credited are:

(1)

(b) Past service earned after January 1, 1975, may be claimed by officers or employees of a city or special district that *becomes* ~~become~~ a covered group under this system. The governing body of a covered group may elect to provide benefits with respect to past service earned after January 1, 1975, in accordance with this chapter, and the cost for such past service shall be established by applying the following formula: The employer shall *contribute an amount equal to the contribution rate in effect at the time the service was earned, multiplied by* ~~contribute 9 percent of~~ the employee's gross salary for each year of past service claimed, plus 6.5 percent interest thereon, compounded annually, figured on each year of past service, with interest compounded from date of annual salary earned until date of payment.

(2) Prior service, as defined in s. 121.021(19), may be claimed as creditable service under the Florida Retirement System after a member has been reemployed for 12 continuous months, *except as provided in paragraph (c)*. Service performed as a participant of the optional retirement program for the State University System under s. 121.35 *or the Senior Management Service Optional Annuity Program under s. 121.055* may be used to satisfy the 12-continuous-month requirement. The member shall not be permitted to make any contributions for prior service until after the 12-month period. The required contributions for claiming the various types of prior service are:

(a) For prior service performed prior to the date the system becomes noncontributory for the member and for which the member had credit under one of the existing retirement systems and received a refund of contributions upon termination of employment, the member shall contribute 4 percent of all salary received during the period being claimed, plus 4 percent interest compounded annually from date of refund until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund.

(b) For prior service performed prior to the date the system becomes noncontributory for the member and for which the member had credit under the Florida Retirement System and received a refund of contributions upon termination of employment, the member shall contribute at the rate that was required of him during the period of service being claimed, on all salary received during such period, plus 4 percent interest compounded annually from date of refund until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until the full payment is made to the Retirement Trust Fund.

~~(c) For service performed after the Florida Retirement System becomes noncontributory for the member, and for which the member had credit under the Florida Retirement System at the date of termination of employment, the member shall not be required to make any contributions in order to receive prior service credit, but such credit shall not be granted until the member has been reemployed for 12 continuous months.~~

(c)~~(d)~~ For prior service as defined in s. 121.021(19)(b) and (c) during which no contributions were made because the member did not participate in a retirement system, the member shall contribute *14.38* ~~9~~ percent of all salary received during such period or *14.38* ~~9~~ percent of $100 per month during such period, whichever is greater, plus 4 percent interest compounded annually from the first year of service claimed until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund.

(d)~~(e)~~ In order to claim credit for prior service as defined in s. 121.021(19)(d) for which no retirement contributions were paid during the period of such service, the member shall contribute the total employee and employer contributions which were required to be made to the Highway Patrol Pension Trust Fund, as provided in chapter 321, during the period claimed, plus 4 percent interest compounded annually from the first year of service until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made to the Retirement Trust Fund. However, any governmental entity which employed such member may elect to pay up to 50 percent of the contributions and interest required to purchase this prior service credit.

Section 13. Paragraph (a) of subsection (4), paragraph (e) of subsection (5), and paragraph (e) of subsection (7) of section 121.091, Florida Statutes, are amended, and an introductory paragraph is added to said section, to read:

121.091 Benefits payable under the system.—*No benefits shall be paid under this section unless the member has terminated employment as provided in s. 121.021(39).*

(4) DISABILITY RETIREMENT BENEFIT.—

(a) Disability retirement date.—A member who becomes totally and permanently disabled, as defined in paragraph (b), after completing 5 years of creditable service, or a member who becomes totally and permanently disabled in the line of duty regardless of service, shall be entitled to a monthly disability benefit; except that any member with less than 5 years of creditable service on July 1, 1980, or any person who becomes a member of the Florida Retirement System on or after such date must have completed 10 years of creditable service prior to becoming totally and permanently disabled in order to receive disability retirement benefits for any disability which occurs other than in the line of duty. But in the event that any member *employed on July 1, 1980,* with less than 5 years of creditable service *as of that date* ~~on July 1, 1980~~, becomes totally and permanently disabled after completing 5 years of creditable service and is found not to have attained fully insured status for ~~disability~~ benefits under the federal Social Security Act, such member shall be entitled to a monthly disability benefit. The disability retirement date shall be the first day of the month which coincides with or next follows the date the administrator approves payment of disability retirement benefits to the member.

(5) TERMINATION BENEFITS.—

(e) A member shall be deemed a terminated member *when termination of employment has occurred as provided in s. 121.021(39)* ~~only at such time as he is no longer employed by an employer, except as provided in subparagraph (9)(b)7.~~

(7) DEATH BENEFITS.—

(e) Notwithstanding any other provisions in this chapter to the contrary, if any member who has accumulated at least 10 years of creditable service dies and the surviving spouse receives a refund of the accumulated contributions made to the retirement trust fund, such spouse may pay to the Division of Retirement an amount equal to the sum of the amount of the deceased member's accumulated contributions previously refunded plus interest at 4 percent compounded annually each June 30 from the date of refund *until July 1, 1975, and 6.5 percent interest compounded annually thereafter, until full payment is made,* ~~to the date of repayment~~ and receive the monthly retirement benefit as provided in paragraph (b).

Section 14. Section 121.121, Florida Statutes, is amended to read:

121.121 Future service to include authorized leaves of absence.—Future service of any member as defined in s. 121.021(21) shall also include *up to 2 work years of creditable service for* authorized leaves of absence if:

(1) The member has completed a minimum of 10 years of creditable service, excluding periods of leave of absence.

(2) The leave of absence is authorized in writing by the employer of the member and approved by the administrator.

~~(3) The leave does not exceed 12 months at any one time nor 24 months in total during his employment.~~

(3)~~(4)~~ The member makes the required contributions for service credit during the leave of absence, which shall be 8 percent until January 1, 1975, and 9 percent thereafter of his rate of monthly compensation in effect immediately prior to the commencement of such leave for each month of such period, plus 4 percent interest until July 1, 1975, and 6.5 percent interest thereafter on such contributions, compounded annually each June 30 from the due date of the contribution to date of payment. Effective July 1, 1980, any leave of absence purchased pursuant to this section shall be at the contribution rates specified in s. 121.071 in effect at the time the leave is granted for the class of membership from which the leave of absence was granted; however, any member who purchased leave-of-absence credit prior to July 1, 1980, for a leave of absence from a position in a class other than the regular membership class, may pay the appropriate additional contributions plus compound interest thereon and receive creditable service for such leave of absence in the membership class from which the member was granted the leave of absence.

Section 15. Paragraph (a) of subsection (2) of section 121.35, F.S., is amended to read:

121.35 Optional retirement program for the State University System.—

(2) ELIGIBILITY FOR PARTICIPATION IN OPTIONAL PROGRAM.—

(a) Participation in the optional retirement program provided by this section shall be limited to persons who are otherwise eligible for membership in the Florida Retirement System; who are employed or appointed full time, that is, for no less than one academic year at 1.0 full-time equivalent; and who are employed in one of the following State University System positions:

1. Positions classified as instructional and research faculty which are exempt from the career service under the provisions of s. 110.205(2)*(d)*~~(f)2.~~;

2. Positions classified as administrative and professional which are exempt from the career service under the provisions of s. 110.205(2)*(d)*~~(f)2.~~, provided that only those positions *that are included in the State University System Executive Service, or those* which the division determines meet the following criteria, shall be eligible to participate: The duties and responsibilities of the position shall include either the formulation, interpretation, or implementation of academic policies, or the direct support of the academic program of the university; and recruiting to fill vacancies in the position shall be conducted within the national or regional market. The employer shall submit an application, including a certification that the position meets the criteria for eligibility, to the division for each administrative and professional position *not in the Executive Service* for which it seeks eligibility for the optional retirement program. If the division does not designate the position as eligible for the optional retirement program, the employer may appeal to the State Retirement Commission, as provided in s. 121.23, for designation of the position as eligible for the optional retirement program.

3. The Chancellor and the university presidents.

Section 16. Effective July 1, 1988, subsection (10) of section 121.40, Florida Statutes, is amended and effective January 1, 1989, paragraph (b) of subsection (12) of said section is amended to read:

121.40 Cooperative extension personnel at the Institute of Food and Agricultural Sciences; supplemental retirement benefits.—

(10) COST-OF-LIVING ADJUSTMENT OF SUPPLEMENTAL BENEFITS.—On each July 1, the supplemental benefit of each retired participant and each annuitant shall be adjusted as *provided in s. 121.101.* ~~as follows:~~

~~(a) Each retired participant and each annuitant who is receiving supplemental benefits pursuant to this section shall receive a cost-of-living adjustment resulting in an adjusted monthly supplemental benefit. The adjusted monthly supplemental benefit shall be the sum of the monthly supplemental benefit being received on June 30 immediately preceding the adjustment date and a percentage of this benefit equal to the percentage change in the average cost-of-living index as defined in s. 121.101(2)(a) as of the date of adjustment from that index for the next preceding adjustment date. However, in no event shall the percentage for the annual cost-of-living adjustment exceed 3 percent for any annual adjustment date.~~

~~(b) For those retired participants and annuitants who qualify for an initial cost-of-living adjustment within 12 months subsequent to the date on which supplemental benefits have commenced pursuant to this section, the percentage change in the average cost-of-living index shall be determined by interpolation from the average cost-of-living index for the two nearest adjustment dates.~~

(12) CONTRIBUTIONS.—

(b) The monthly contributions required to be paid pursuant to paragraph (a) *on* ~~shall be equal to 6.68 percent of~~ the gross monthly salaries, from all sources with respect to such employment, paid to those employees of the institute who hold both state and federal appointments and who participate in the federal Civil Service Retirement System *shall be as follows:*:

Dates of Contribution Percentage	*Rate Changes Due*
July 1, 1985, through December 31, 1988	*6.68%*
Effective January 1, 1989	*6.35%*

Section 17. *Notwithstanding the provisions of sections 9, 10 and 11 of this act, it is the intent of the Legislature that, should any other law be enacted which provides a contribution rate change for a membership class within the Florida Retirement System to take effect on or after July 1, 1988, the respective January 1, 1989, contribution rate shall be equal to the contribution rate specified in this act, plus the contribution rate change specified in each such other law; and, should any law be enacted which provides a contribution rate change for a membership class within the Florida Retirement System to take effect subsequent to January 1, 1989, the respective contribution rate shall equal the respective contribution rate in effect on the day before the new contribution rate is to take effect, plus the contribution rate change specified in such law. If a contribution rate, rather than a contribution rate change, is specified in any such other law, the contribution rate change for that law shall equal the difference between the December 31, 1988, contribution rate for the affected membership class and the contribution rate specified in such law. The language in this section of the act shall be construed as directory intent language only, which shall be placed in the statutes as a footnote.*

Section 18. Except as otherwise provided herein, this act shall take effect October 1, 1988. Sections 2 and 16 of this act shall operate retroactively to July 1, 1987.

House Amendment 2 (Applies to House Amendment 1 to Senate Amendment 1)—On page 38, line 7, insert:

Section 18. Paragraph (a) of subsection (2) of section 121.071, Florida Statutes, is amended to read:

121.071 Contributions.—Contributions to the system shall be made as follows:

(2)(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. *Effective January 1, 1989, each employer shall contribute 23.23 percent of gross compensation each pay period for each of its special risk members.*

Section 19. Paragraph (a) of subsection (1) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—

(1) NORMAL RETIREMENT BENEFIT.—Upon attaining his normal retirement date, the member, upon application to the administrator, shall receive a monthly benefit which shall commence on the last day of the month of retirement and be payable on the last day of each month thereafter during his lifetime. The amount of monthly benefit shall be determined as the product of A and B, subject to the adjustment of C, if applicable, when:

(a) A is 1.60 percent of his average monthly compensation, up to his normal retirement age. The first year after his normal retirement age, A is 1.63 percent of his average monthly compensation. The second year after his normal retirement age, A is 1.65 percent of his average monthly compensation. The third year after his normal retirement age, A is 1.68 percent of his average monthly compensation. A shall not exceed 1.68 percent of his average monthly compensation, except that, for all creditable years of special risk service, A is:

1. Two ~~2~~ percent of his average monthly compensation for all creditable years prior to October 1, 1974, for which additional retirement credit has not been purchased;

2. Three~~, and 3~~ percent of his average monthly compensation *for all creditable years after September 30, 1974, and before* ~~until~~ October 1, 1978;

3. Two percent of his average monthly compensation for all creditable years after September 30, 1978, and before January 1, 1989; and

4. Three percent of his average monthly compensation for all creditable years after December 31, 1988~~, when all years of creditable service thereafter as a special risk member shall be worth 3 percent of his average monthly compensation~~;

however, the normal retirement benefit, including any past or additional retirement credit, may not exceed 100 percent of the average final compensation;

(Renumber subsequent section.)

House Amendment 2 to Senate Amendment 2—On page 1, strike entire title after line 12 and insert: An act relating to retirement; amending s. 112.1904, F.S.; providing clarifying language to provide that death benefits are provided to state attorney investigators; amending s. 112.362, F.S.; revising the formula for cost-of-living adjustments to the minimum benefit adjustment; amending s. 112.363, F.S.; revising the effective date of contribution rate increases with respect to the retiree health insurance subsidy; amending s. 112.65, F.S., providing a new limitation of benefits for certain retirees; amending s. 121.021, F.S.; clarifying the definition of "past service," changing the definition of "prior service," and defining "termination"; amending s. 121.031, F.S.; repealing language requiring benefit increases to be amortized over a 15-year period; requiring actuarial reviews of the Florida Retirement System to be presented to the Legislature by a certain date; amending s. 121.051, F.S., providing existing system members must have a 12 month break in service to transfer to the Florida Retirement System; amending s. 121.0515, F.S.; permitting former members of the Highway Patrol Pension System to receive special risk credit for prior service; amending s. 121.052, F.S.; revising contribution rates applicable to members of the Elected State Officers' Class; providing a contribution rate for the Retiree Health Insurance Subsidy; amending s. 121.055, F.S.; permitting optional participation in the Senior Management Class for certain employees; providing for alternative participation; revising the contribution rate applicable to members of the Senior Management Service Class; providing a contribution rate for the retiree health insurance subsidy; amending s. 121.071, F.S.; revising contribution rates applicable to members of the Regular Class, Special Risk Class and Special Risk Administrative Support Class; providing a contribution rate for the retiree health insurance subsidy; amending s. 121.081, F.S.; requiring the purchase of past service credit at the contribution rate in effect at the time the service was earned; deleting the 12 continuous month reemployment provision for prior service; revising the contribution rate for the purchase of certain prior service; amending s. 121.091, F.S.; providing that no benefits shall be paid under the Florida Retirement System until a member has terminated employment; revising the criteria for eligibility to qualify for disability benefits; revising the contribution rate for purchase by a spouse of a deceased member's refunded service; amending s. 121.121, F.S.; providing new limitations for authorized leaves of absence; amending s. 121.35, F.S.; permitting employees of the State University System Executive Service to participate in the Optional Retirement Program; amending s. 121.40, F.S.; revising the formula for cost-of-living adjustments for Institute of Food and Agricultural Sciences supplemental benefits; revising the contribution rate applicable to Institute of Food and Agricultural Science Supplemental Retirement Act; specifying intent with respect to the contribution rates specified in this act; providing retroactivity of certain benefits; providing effective dates.

House Amendment 3 (Applies to House Amendment 2 to Senate Amendment 2)—On page 3, line 2, insert after the "semicolon": amending s. 121.071, F.S.; increasing the rate of employer contributions with respect to members of the special risk class of the system; amending s. 121.091, F.S.; increasing the monthly retirement benefit with respect to special risk service;

Senator Hair moved the following amendments which were adopted:

Senate Amendment 1 to House Amendment 2 (which applies to House Amendment 1 to Senate Amendment 1)—On page 1, line 13, through page 3, line 28, strike all of said lines.

Senate Amendment 1 to House Amendment 1 to Senate Amendment 1—On page 8, strike all of lines 9-15 and insert: *or chapter 321, or was employed as a correctional counselor with the Department of Corrections between December 1, 1970, and September 30, 1979,* in a position which satisfies the criteria provided for in subsection (2) for special risk membership except the requirement for a certificate or waiver of certificate, shall have those years of service counted towards the attainment of the normal retirement date as a special risk member under this chapter. The percentage value of each such year of creditable service under chapter 122, *chapter 321, or as a correctional counselor*

Senate Amendment 2 to House Amendment 1 to Senate Amendment 1—On page 18, line 14, through page 19, line 16, strike all of said lines and insert:

Section 10. Subsection (3) and paragraph (c) of subsection (6) of section 121.055, Florida Statutes, 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.

Senate Amendment 3 to House Amendment 1 to Senate Amendment 1—On page 38, between lines 6 and 7, insert:

Section 18. There is hereby created a Joint Legislative Retirement Study Committee composed of six members, three of whom shall be members of the Senate, appointed by the Senate President, and three of whom shall be members of the House, appointed by the Speaker of the House. The six members shall appoint one of their members as chairperson. The purpose of the Joint Legislative Retirement Study Committee shall be to develop an appropriate policy regarding the manner in which retirement issues are handled by the Legislature so as to promote a state-administered retirement system which provides an equitable benefit structure which is funded in a realistic and actuarially sound manner. Staff for the committeee shall be provided from the appropriate committees in the House and Senate. The Joint Legislative Retirement Study Committee shall complete its work and issue a report to the presiding officers of the Senate and House not later than March 1, 1989. This section is repealed July 1, 1989.

(Renumber subsequent section.)

Senate Amendment 1 to House Amendment 3 (which applies to House Amendment 2 to Senate Amendment 2)—In title, on page 1, strike all of lines 12-16.

Senate Amendment 1 to House Amendment 2 to Senate Amendment 2—In title, on page 2, strike all of lines 4-6 and insert: F.S.; providing for alternative participation in lieu of participation in the Senior Management Service Class; revising the contribution rate

Senate Amendment 2 to House Amendment 2 to Senate Amendment 2—In title, on page 3, line 2, after the semicolon (;) insert: creating the Joint Legislative Retirement Study Committee; providing membership and duties; requiring a report;

Senate Amendment 3 to House Amendment 2 to Senate Amendment 2—In title, on page 1, line 30, after "System" insert: and certain former members employed by the Department of Corrections

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

CS for HB 1497 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Crawford, Thurman

SPECIAL ORDER

Consideration of **CS for SB 1205 and CS for SB 150** was deferred.

HB 1432—A bill to be entitled An act relating to correctional industries; amending s. 946.515, F.S.; providing for items manufactured or serviced by the corporation operating the prison industry program to meet specifications of the purchasing authority or agency; providing for a nonbinding arbitration process for settling disputes; providing that certain competitive bidding provisions do not apply to purchases from the corporation; amending s. 946.516, F.S.; providing publication of sales not produced by the corporation; requiring a supplement to the annual report; amending s. 287.042, F.S.; providing for issuance of commodity numbers and state term contracts to certified corporation products; exempting purchases of correctional industry products from competitive bid requirements; providing that correctional industry products shall meet comparable requirements of purchasing agencies; amending s. 570.50, F.S.; providing for testing of samples submitted by the corporation operating the prison industry program; creating s. 236.0836, F.S.; providing authority for renovating and rehabilitating school buses; amending s. 946.009, F.S.; providing for priority of assignment of inmates to correctional work programs; providing an effective date.

—was read the second time by title.

The Committee on Corrections, Probation and Parole recommended the following amendment which was moved by Senator Woodson and adopted:

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

2. Inmates assigned pursuant to s. 946.40, F.S.; and

(Renumber subsequent subparagraphs.)

Senator Woodson moved the following amendment which was adopted:

Amendment 2—On page 5, lines 10, 13, 15, 16, and 21, strike *"counties"* and insert: *district school boards*

Senator Girardeau moved the following amendment which failed:

Amendment 3—On page 4, strike line 23 and insert: *shall be equivalent to products procured from other suppliers which meet the requirements of the purchasing agency.*

Senator Girardeau moved the following amendment which was adopted:

Amendment 4—On page 4, lines 17-22, after the semicolon (;) strike all of said lines.

The vote was:

Yeas—19

Mr. President	Gordon	Kiser	Ros-Lehtinen
Brown	Hair	Malchon	Stuart
Childers, D.	Hill	Margolis	Weinstein
Childers, W. D.	Jenne	Meek	Weinstock
Girardeau	Kirkpatrick	Plummer	

Nays—9

Beard	Johnson	Myers
Dudley	Langley	Peterson
Hollingsworth	Lehtinen	Woodson

Vote after roll call:

Yea—Thurman

Senator Woodson moved the following amendment:

Amendment 5—On page 6, between lines 10 and 11, insert:

Section 7. Section 921.125, Florida Statutes, is created to read:

921.125 Postponement of sentencing for childbirth.—Any woman who is certified by a licensed physician to be pregnant at the time of adjudication of guilt may petition the court to postpone imposition of sentence until 60 days after the birth of the child. The court may grant such petition if the petitioner does not present a threat to society and her appearance before the court is secured by an appearance bond. If the pregnancy is terminated by miscarriage or by any other means, the petitioner shall immediately notify the sentencing court. If the petitioner is arrested subsequent to any such postponement of sentence, the court may negate the terms of postponement and immediately impose sentence.

Section 8. Subsection (3) is added to section 944.24, Florida Statutes, to read:

944.24 Administration of correctional institutions for women.—

(3) Any woman inmate who gives birth to a child during her term of imprisonment and who is classified by the department as a minimum custody inmate at the time of such birth may, with prior department approval, spend up to 60 continuous days outside the correctional institution with her child and family members immediately after the birth. The department shall develop guidelines by March 1, 1989, for determining which minimum custody inmates may be permitted such extended visits with their child and family. All expenses associated with an extended visit are the responsibility of the inmate.

Section 9. Section 944.705, Florida Statutes, as created by section 8 of chapter 87-298, Laws of Florida, is amended to read:

944.705 Prerelease orientation program.—

(1) At least 30 days prior to release from department custody, the department shall provide participation in a standardized prerelease orientation program to every eligible inmate.

(2) The prerelease orientation shall consist of not less than 120 hours of classroom instruction in life and employment skills including, but not limited to:

(a) Job interviews.

(b) Consumer banking and credit.

(c) Housing and family economics.

(d) Community reentry concerns.

(e) Any other area appropriate to ensure the inmate's successful reentry into community life.

(3) Any inmate who claims to be a victim of spouse abuse shall receive, as part of the prerelease orientation program, spouse-abuse counseling from a domestic violence center certified under ss. 415.601-415.608.

(4)~~(3)~~ The department shall conduct a needs assessment of every inmate to determine which, if any, basic support services the inmate needs after release.

(5)~~(4)~~ The department is authorized to contract with public or private entities for the provision of all or part of the services pursuant to this section.

(6)~~(5)~~ An inmate may receive less than 120 hours required in subsection (2) if released pursuant to s. 944.276 or s. 944.598.

Section 10. *(1) By July 1, 1989, the Department of Corrections shall develop a pilot visitation program at a state correctional institution for women. The pilot program shall provide a visitation facility which is child-oriented and allows for normal and relaxed interaction between inmates and their children. The pilot program shall also provide an outdoor playground with play equipment and an indoor play area for children.*

(2) By July 1, 1989, the Department of Corrections shall implement a pilot program at a state correctional institution for women which shall provide support programs for inmates and their children. The pilot program shall include, but not be limited to:

(a) Parent and child enrichment programs for a visitation room which shall be administered by professional staff who are trained in social welfare or child development.

(b) Parenting workshops for inmates who are parents.

(c) A transportation program to enable contact between inmates and their families.

(d) A weekend furlough program for selected inmates who are parents and are within the last 60 days prior to release.

Section 11. *Section 12 of chapter 87-298, Laws of Florida, is hereby repealed.*

(Renumber subsequent section.)

Senator Woodson moved the following amendment to Amendment 5 which was adopted:

Amendment 5A—On page 2, strike all of lines 1-31

Amendment 5 as amended was adopted.

Senator Woodson moved the following amendment:

Amendment 6—In title, on page 1, line 29, after the semicolon (;) insert: creating s. 921.125, F.S.; providing conditions under which a court may postpone the sentencing of a pregnant defendant until a specified time after childbirth; requiring the court to be notified if such pregnancy is terminated before childbirth; providing for imposition of sentence if a defendant is arrested following such postponement of sentence; amending s. 944.24, F.S.; providing that certain inmates may be permitted an extended visit with their newborn child and family outside of the correctional institution; requiring the Department of Corrections to develop eligibility guidelines for such visits; amending s. 944.705, F.S.; requiring that certain additional counseling services be provided by prerelease orientation programs; requiring the department to develop a pilot visitation program for inmates and their children; requiring the department to implement a pilot support program for inmates and their children; repealing s. 12, ch. 87-298, Laws of Florida, relating to legislative review and repeal of the Transition Assistance Program Act;

Senator Woodson moved the following amendment to Amendment 6 which was adopted:

Amendment 6A—In title, on page 1, lines 1-27, insert: creating s. 921.125, F.S.; providing conditions under which a court may postpone the sentencing of a pregnant defendant until a specified time after childbirth; requiring the court to be notified if such pregnancy is terminated before childbirth; providing for imposition of sentence if defendant is arrested following such postponement of sentence; amending s. 944.24, F.S.; providing that certain inmates may be permitted an extended visit with their newborn child and family outside of the correctional institution; requiring the Department of Corrections to develop eligibility guidelines for such visits;

Amendment 6 as amended was adopted.

On motion by Senator Woodson, by two-thirds vote HB 1432 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, McPherson

Motions

On motion by Senator Kiser, by two-thirds vote HB 1717 was scheduled for consideration at 2:30 p.m.

On motion by Senator 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 1444 and requests the Senate to recede.

John B. Phelps, Clerk

HB 1444—A bill to be entitled An act relating to postsecondary education; amending s. 246.226, F.S., which provides an exemption from public records requirements for complaints received by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools and investigative information obtained by it or a private investigative firm, and an exemption from public meetings requirements for proceedings of a probable cause panel; providing an exemption for investigative information obtained by the Department of Education or the Department of Professional Regulation; saving such exemptions from repeal; providing for future review and repeal; amending s. 240.209, F.S., which provides an exemption from the public records and open meetings requirements for certain search committee activities relating to the selection of a Chancellor of the Board of Regents; saving such exemptions from repeal; providing for future review and repeal; providing an effective date.

On motions by Senator D. Childers, the Senate receded from the Senate amendments.

HB 1444 passed and was certified to the House. The vote on passage was:

Yeas—28

Mr. President	Gordon	Johnson	Peterson
Beard	Grant	Kirkpatrick	Ros-Lehtinen
Childers, D.	Hair	Kiser	Scott
Childers, W. D.	Hill	Langley	Stuart
Crenshaw	Hollingsworth	Lehtinen	Weinstein
Dudley	Jenne	Margolis	Weinstock
Girardeau	Jennings	Meek	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Deratany, Thurman

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 854 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 854—A bill to be entitled An act relating to sales tax; amending s. 212.08, F.S.; exempting certain foods or drinks sold by nonprofit or charitable organizations; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (1) of section 212.06, Florida Statutes, to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(1)

(c) Notwithstanding the provisions of paragraph (b), the use tax on asphalt manufactured for one's own use shall be calculated with respect to paragraph (b) only upon the cost of materials which become a component part or which are an ingredient of the finished asphalt and of the transportation of such components and ingredients and of the finished asphalt. In addition, an indexed tax of 38 cents per ton of such manufactured asphalt shall be due at the same time and in the same manner as taxes due pursuant to paragraph (b). Beginning July 1, 1989, the indexed tax shall be adjusted each July 1 to an amount, rounded to the nearest cent, equal to the product of 38 cents multiplied by a fraction, the numerator of which is the annual average of the "materials and components for construction" series of the producer price index, as calculated and published by the United States Department of Labor, Bureau of Statistics, for the previous calendar year, and the denominator of which is the annual average of said series for calendar year 1988.

(Renumber subsequent sections.)

House Amendment 1 to House Amendment 1—On page 1, lines 23 and 24, strike *"and of the finished asphalt"*

Amendment 2—In title, on page 1, line 2, strike "sales tax;" and insert: tax on sales, use and other transactions; amending s. 212.06, F.S.; providing for calculation of the use tax on asphalt manufactured for a person's own use; providing for an additional indexed tax on such asphalt;

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

Section 2. Paragraph (o) of subsection (7) of section 212.08, Florida Statutes, as amended by chapter 87-548, 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.

(7) MISCELLANEOUS EXEMPTIONS.—

(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 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 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. *The term "religious institutions" also includes any nonprofit corporation qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1986, as amended, whose activities and purpose are to broadcast to the general public television programs of a religious nature and whose financial support, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public.*

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 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 or the purpose of which is to protect wildlife 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. 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.

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.

(Renumber subsequent section.)

Amendment 4—In title, on page 1, line 4, after the semicolon (;) insert: including certain nonprofit corporations broadcasting television programs of a religious nature in the definition of "religious institutions" for purposes of exemption from said tax;

Senator W. D. Childers moved the following amendment to House Amendment 2 which was adopted:

Amendment 1—In title, on page 1, strike line 12 and insert: taxation; amending ss. 206.425, 206.97, F.S.; providing for relief from motor fuel taxes and other fuel taxes in certain circumstances;

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

Amendment 1—On page 1, lines 22-31; on pages 2-4, lines 1-31; and on page 5, lines 1-15, strike all of said lines and insert:

(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 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 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. *The term "religious institutions" also includes any nonprofit corporation which is qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1986, as amended, which owns and operates a Florida television station, at least 90 percent of the programming of which station consist of programs of a religious nature, and the financial support for which, exclusive of receipts for broadcasting from other nonprofit organizations, is predominantly from contributions from the general public.*

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 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 or the purpose of which is to protect wildlife 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. 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.

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.

Senator W. D. Childers moved the following amendment to House Amendment 3 which was adopted:

Amendment 2—On page 5, line 16, insert:

Section 3. Effective July 1, 1988, and applicable to audit periods which remain open for final assessment, subsection (4) of section 206.425, Florida Statutes, is amended to read:

206.425 Tax-exempt purchasers; refiner or importer to obtain affidavits or resale certificates; relief from audit or assessment; refunds authorized.—

(4)*(a)* In order to seek relief from an audit or assessment completed on or after June 24, 1984, a person may, through the informal protest procedure established under s. 213.21 and the rules of the department, provide the department with evidence of the exempt status of a sale or transfer of motor fuel. The department shall accept resale certificates or affidavits properly executed when submitted during the protest period, but such certificates or affidavits may not be considered in proceedings

instituted under chapter 120 or in actions instituted in circuit court under chapter 72, unless such certificates or affidavits have been submitted and considered by the department under the procedure established in s. 213.21.

(b) If a person or licensee can establish to the satisfaction of the department that the tax assessed has been remitted to the state, or that no tax is due because the special or alternative fuel was sold for a use other than for use in a motor vehicle, that person or licensee may seek relief from the department pursuant to s. 213.21.

Section 4. Section 206.97, Florida Statutes, is amended to read:

206.97 Applicability of specified sections of part I.—The provisions of ss. 206.026, 206.027, 206.028, 206.04, 206.055, 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, 206.23, 206.24, 206.25, 206.27, 206.28, 206.41(3), *206.425*, 206.44, 206.49, 206.56, 206.59, 206.61, and 206.62 of part I of this chapter shall, as far as lawful or practicable, be applicable to the tax herein levied and imposed and to the collection thereof as if fully set out in this part. However:

(1) "Refiner, importer, or wholesaler" means "dealer."

(2) "Motor fuel" means "special fuel."

(3) No provision of any such section shall apply if it conflicts with any provision of this part.

Senator W. D. Childers moved the following amendment to House Amendment 3 which was adopted:

Amendment 3—On page 5, line 17, insert:

Section 3. Paragraph (l) is added to subsection (3) of section 125.0104, Florida Statutes, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(l) Any county which has imposed the additional 1-percent tax pursuant to paragraph (d) for a period of 1 year may, by a majority plus one vote of the governing board of the county, impose an additional tax of 2 percent of each dollar if the state is participating with the county in an economic development project for which the additional 2-percent tax is necessary to retire the bonded indebtedness, if the state's contribution toward the cost of the project does not exceed $3 million, and if the total cost of the project does not exceed $12 million However, the additional tax imposed under this paragraph may not be levied in any portion of the county which is leased to another county. If the tax authorized in paragraph (c) or paragraph (d) 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.

Senator W. D. Childers moved the following amendment to House Amendment 4 which was adopted:

Amendment 1—In title, on page 1, line 15, after the semicolon (;) insert: amending s. 125.0104, F.S.; authorizing certain counties to levy an additional 2-percent tourist development tax on transactions involving living quarters or accommodations;

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

CS for SB 854 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Grant	Malchon	Stuart
Beard	Hair	Margolis	Thurman
Childers, D.	Hollingsworth	Meek	Weinstein
Childers, W. D.	Jenne	Myers	Weinstock
Crenshaw	Johnson	Peterson	Woodson
Deratany	Kirkpatrick	Plummer	
Dudley	Langley	Ros-Lehtinen	
Girardeau	Lehtinen	Scott	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

SPECIAL ORDER, continued

The Senate resumed consideration of—

HB 1473—A bill to be entitled An act relating to asbestos; amending s. 553.79, F.S., relating to building permits for demolition or renovation of structures containing asbestos; requiring such permits to contain an asbestos notification statement; amending s. 255.551, F.S.; providing definitions; amending s. 255.553, F.S.; revising language with respect to the required asbestos survey to include reference to AHERA (Asbestos Hazard Emergency Response Act of 1986) procedures; amending s. 255.554, F.S.; advancing the date for the review of the survey; amending s. 255.556, F.S.; revising language with respect to asbestos assessment; amending s. 255.557, F.S.; providing a time frame for the submission of operation and maintenance plans with respect to asbestos; amending s. 255.562, F.S.; revising language with respect to the completion of asbestos abatement projects; amending s. 255.563, F.S.; including reference to AHERA; amending s. 255.565, F.S.; providing that one member of the Asbestos Oversight Program Team shall be appointed by the Department of Education; amending s. 455.301, F.S.; providing definitions; amending s. 455.302, F.S.; revising license criteria; providing exemptions; amending ss. 455.303 and 455.305, F.S.; adding requirements for licensure as an asbestos consultant or asbestos contractor; amending s. 455.306, F.S.; revising language with respect to licensure revocation to clarify certain standards; amending s. 455.307, F.S.; conforming to the act; amending s. 455.308, F.S.; revising criteria with respect to course requirements for abatement contractor employees; creating s. 455.309, F.S.; providing course requirements for asbestos surveyors, management planners, and project monitors; providing for review and repeal; providing effective dates.

—was read the third time by title, having been amended June 1.

Senator Gordon moved the following amendment:

Amendment 3—On page 16, between lines 2 and 3, insert:

(c) The Department of Professional Regulation shall also license as an asbestos consultant any person who has a bachelor's degree in environmental, biological, or physical science and who is certified by the department as having:

1. Paid the initial licensing fee;

2. Successfully completed the course of instruction prescribed in s. 455.305;

3. Provided evidence of satisfactory work on ten asbestos projects within the last 5 years;

4. Provided evidence of financial stability; and

5. Passed a department-administered examination of qualifications and knowledge relating to asbestos.

Senator Thurman moved the following substitute amendment:

Amendment 4—On page 16, between lines 2 and 3, insert:

(c) The Department of Professional Regulation may also license as an asbestos consultant any person who has an earned doctorate degree in environmental, biological, or physical science and who is certified by the department as having:

1. Paid the initial licensing fee;

2. Provided evidence of satisfactory work on 10 asbestos projects within the preceding 7 years;

3. Provided evidence of financial stability.

Senator Thurman moved the following amendment to Amendment 4 which was adopted by two-thirds vote:

Amendment 4A—On page 1, strike line 13 and insert: stability;

4. Successfully completed the course of instruction prescribed in s. 455.305.

Amendment 4 as amended was adopted by two-thirds vote.

On motion by Senator Thurman, HB 1473 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Crawford, McPherson

On motion by Senator Langley, by unanimous consent—

CS for SB's 34, 83, 657, 721, 847, 1029 and 1182—A bill to be entitled An act relating to elections; amending s. 98.051, F.S.; authorizing supervisors of elections to provide for registration on Sundays and on holidays and legal holidays that occur on weekdays; revising the date for closing voter registration books under certain circumstances; amending s. 106.05, F.S.; excluding Saturdays from the calculation of time limits for deposit of campaign funds; amending s. 106.07, F.S.; prescribing when campaign treasurers' reports must be made; amending s. 106.021, F.S.; requiring candidates for other than statewide offices to file certain reports; amending s. 97.063, F.S.; deleting the requirement of completion of a separate form by an elector registering absentee in order to cancel a previous registration; amending s. 97.041, F.S.; revising qualifications for the preregistration of persons under 18 years of age to vote; amending s. 101.121, F.S.; providing certain restrictions on access to polling rooms; providing exceptions; amending s. 102.031, F.S.; prohibiting solicitation of voters within a specified distance of a polling place; providing exceptions; providing a definition of the term "solicit"; amending s. 99.097, F.S.; providing for the payment to supervisors of elections of the costs of verifying petition signatures to have an issue placed on the ballot; amending s. 101.72, F.S.; providing the supervisor of elections discretion in determining the number of voting booths needed in the county; amending s. 101.5609, F.S.; authorizing certain alternative procedures relating to absentee ballots; amending s. 98.211, F.S.; providing time limit within which supervisors must furnish copies of voter information; providing penalties; amending s. 97.091, F.S.; providing for registration of the homeless; providing an effective date.

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

Senator Langley moved the following amendments which were adopted:

Amendment 1—On page 15, lines 29-31, and on page 16, lines 1-8, strike all of said lines.

Amendment 2—On page 2, lines 21 and 22, strike "or on any Sunday,"; on page 2, line 26, strike "or any Sunday"; and on page 3, line 12, strike "or on any Sunday"

Amendment 3—On page 19, strike all of lines 12 and 13 and insert:

Section 14. Subsection (1) of section 104.071, Florida Statutes, is amended, subsection (2) is renumbered as subsection (3), and a new subsection (2) is added to said section, to read:

104.071 Remuneration by candidate for services, support, etc.; penalty.—

(1) It is unlawful for any person supporting a candidate, or for any candidate, in order to aid or promote the nomination or election of such candidate in any election, directly or indirectly to:

(a) Promise to appoint another person, promise to secure or aid in securing appointment, nomination or election of another person to any public or private position, or to any position of honor, trust, or emolument, except one who has publicly announced or defined what his choice or purpose in relation to any election in which he may be called to take part, if elected.

(b) Give, or promise to give, pay, or loan, any money or other thing of value to the owner, editor, publisher, or agent, of any communication media, as well as newspapers, to advocate or oppose, through such media, any candidate for nomination in any election or any candidate for election, and no such owner, editor, or agent shall give, solicit, or accept such payment or reward. It shall likewise be unlawful for any owner, editor, publisher, or agent of any poll-taking or poll-publishing concern to advocate or oppose through such poll any candidate for nomination in any election or any candidate for election in return for the giving or promising to give, pay, or loan any money or other thing of value to said owner, editor, publisher, or agent of any poll-taking or poll-publishing concern.

(c) Give, pay, expend, or contribute any money or thing of value for the furtherance of the candidacy of any other candidate.

(d) Furnish, give, or deliver to another person any money or other thing of value for any purpose prohibited by the election laws.

This subsection shall not prohibit a candidate from furnishing complimentary tickets to his campaign fund raiser to other candidates.

(2) A candidate may give his own personal or business funds to another candidate, so long as the contribution is not given in exchange for a promise or expectation that the recipient will directly or indirectly do anything to aid or promote the candidacy of the contributor which the recipient would not have otherwise done.

Section 15. Subsection (3) of section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(3) No person shall make any contribution in support of or opposition to a candidate for election or nomination, in support of or opposition to an issue, or to any political committee, through or in the name of another, directly or indirectly, in any election. The solicitation from, and contributions by, candidates, political committees, and party executive committees to any religious, charitable, civic, ~~eleemosynary,~~ or other causes or organizations established primarily for the public good are expressly prohibited. However, it shall not be construed as a violation of this subsection for a candidate, political committee, or party executive committee to make gifts of money in lieu of flowers in memory of a deceased person or for a candidate to continue *membership in or* regular ~~personal~~ contributions *paid from personal or business funds* to religious, civic, or charitable groups of which he is a member or to which he has been a regular contributor for more than 6 months. *A candidate may purchase with campaign funds tickets, admission to events, or advertisements from religious, civic, or charitable groups.*

Section 16. Except for this section and sections 14 and 15, which shall take effect upon becoming a law, this act shall take effect January 1, 1989.

Senator Lehtinen offered the following amendment which was moved by Senator Ros-Lehtinen and adopted:

Amendment 4—On page 2, line 17, insert a new Section 1:

Section 1. Subsections (4) and (5) of section 97.063, Florida Statutes, are amended to read:

97.063 Eligibility for absentee registration.—

(4) The absentee registration form shall be in substantially the following form:

ABSENTEE REGISTRATION FORM

I, ... , being first duly sworn, on oath say that I am a citizen of the United States and eligible to become a legal voter in the State of Florida; that my legal residence is . . . . Street (or Avenue) in the municipality of . . . . , County of . . . . ; that I have not been and will not be able to

register personally for the reason that . . . . ; that my full name is . . . . ; that I was born on . . . . at . . . . ; that, if I was born in a foreign country, I obtained citizenship by means of . . . . ; that my sex is . . . . ; that my race is . . . . ; that my party affiliation is . . . . ; that I desire a registration certificate to be mailed to me at . . . . ; and I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am 18 years of age, or will have attained the age of 18 on or before the election, and that I am qualified to vote under the Constitution and laws of the State of Florida; that if I am currently registered in another county or state, my registration in . . . . County, State of . . . . , is recorded at the following address:

. . . (Registering Official) . . .

. . . (Street) . . ., . . . (City) . . ., . . . (State) . . .

. . . (Signature) . . .

Sworn to and subscribed to before me this . . . . day of . . . . , 19. . . . .

. . . (Signature and title of person administering oath) . . .

or the signatures of two registered voters of . . . . County, Florida:.....

.....

or, in the case of an absent qualified elector overseas as defined in s. 101.62(7), the signatures of two persons 18 years of age or older: .....

.....

(5) The absentee registration form shall be witnessed either by a notary or other official authorized to administer oaths or by two registered electors of the county for which the form is requested *or, with respect to absent qualified electors overseas as defined in s. 101.62(7), by two persons 18 years of age or older.*

Section 2. Subsection (4) of section 101.62, Florida Statutes, is amended and subsection (7) is added to said section to read:

101.62 Request for absentee ballots.—

(4)*(a) To each absent qualified elector overseas who has requested an absentee ballot, the supervisor of elections shall, not fewer than 35 days before the first primary election, mail an absentee ballot. Not fewer than 45 days before the second primary and general election, the supervisor of elections shall mail an advance absentee ballot to those persons requesting ballots for such elections. The advance absentee ballot for the second primary shall be the same as the first primary absentee ballot as to the names of candidates, except that for any offices where there are only two candidates, those offices and all political party executive committee offices shall be omitted. The advance absentee ballot for the general election shall be as specifies in s. 101.151, except that in the case of candidates of political parties where nominations were not made in the first primary, the names of the candidates placing first and second in the first primary election shall be printed on the advance absentee ballot. The advance absentee ballot or advance absentee ballot information booklet shall be of a different color for each election and also a different color from the absentee ballots for the first primary, second primary, and general election. The supervisor shall mail an advance absentee ballot for the second primary and general election to each qualified absent elector for whom a request is received until the absentee ballots are printed. The supervisor shall enclose with the advance second primary absentee ballot and advance general election absentee ballot an explanation stating that the absentee ballot for the election will be mailed as soon as it is printed; and, if both the advance absentee ballot and the absentee ballot for the election are returned in time to be counted, only the absentee ballot will be counted.*

(b) ~~The supervisor of elections shall, not less that 30 days before the first primary election, not less that 24 days before the second primary election, and not less that 30 days before the general election, mail an absentee ballot to each absent elector overseas who has made a request for an absentee ballot; and,~~ As soon as the remainder of the absentee ballots are printed, the supervisor of elections shall deliver or mail an absentee ballot to each elector by whom a request for such ballot has been made. Any elector may designate in writing a person to pick up the ballot for him; however, no candidate may be designated to pick up an absentee ballot for any elector other than a member of his immediate family. Upon presentation of such written authorization by such designee in person, the supervisor may give the ballot to such designee for delivery to the elector. The supervisor shall initial the stub attached to the absentee ballot and enter the name of the elector in the place indicated for the elector to sign. The supervisor shall then detach the ballot from the stub and mail or deliver the ballot. ~~Before mailing or delivering the ballot, the supervisor shall fill in the number of the precinct in which the voter is registered in the space provided for this purpose on the envelope.~~ If an elector appears in person to cast an absentee ballot, the elector shall sign the stub, and the supervisor shall then detach the ballot from the stub and deliver the ballot to the elector.

(7)(a) For the purposes of this section, "absent qualified elector overseas" means:

1. Members of the Armed Forces while in the active service who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia;

2. Members of the Merchant Marine of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia; and

3. Other citizens of the United States who are permanent residents of the state and are temporarily residing outside the territorial limits of the United States and the District of Columbia,

who are qualified and registered as provided by law.

(b) Notwithstanding any other provision of law to the contrary, there shall appear on the ballots sent to absent qualified electors overseas, in addition to the names of the candidates for each office, the political party affiliation of each candidate for each office, other than a nonpartisan office.

(c) With respect to marked ballots mailed by absent qualified electors overseas, only those ballots mailed with an APO, FPO, or foreign postmark shall be considered valid.

(Renumber subsequent sections.)

Senator Brown moved the following amendment which was adopted:

Amendment 5—On page 19, strike all of lines 12 and 13 and insert:

Section 14. Effective upon becoming a law, subparagraph 2. of paragraph (b) of subsection (1) of section 99.021, Florida Statutes, is hereby repealed.

Section 15. Except as otherwise provided herein, this act shall take effect January 1, 1989.

Senator Thurman moved the following amendments which were adopted:

Amendment 6—On page 19, strike lines 12 and 13 and insert:

Section 14. Effective upon becoming a law, subsection (3) of section 106.011, Florida Statutes, is amended to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(3) "Contribution" means:

(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election.

(b) A transfer of funds between political committees, between committees of continuous existence, or between a political committee and a committee of continuous existence.

(c) The payment by any person other than a candidate or political committee of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.

(d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a campaign savings account or certificate of deposit, and the term includes any interest earned on such account or certificate.

Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee. *This definition shall not be construed to include editorial endorsements.*

Section 15. Effective upon becoming a law, section 106.142, Florida Statutes, is amended to read:

106.142 "Political advertisement" defined.—"Political advertisement" is a paid expression in any *communications media prescribed in s. 106.011(13)* ~~mass medium~~, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which shall support or oppose any candidate, *elected public official,* or issue, excluding:

(1) A statement by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization's newsletter which newsletter is distributed only to the members of that organization.

(2) Editorial endorsements by any newspaper, radio or television station, or other recognized news medium.

Section 16. Effective upon becoming a law, section 106.143, Florida Statutes, is amended to read:

106.143 Political advertisements circulated prior to election; requirements.—

(1) Any political advertisement and any campaign literature published, *displayed,* or circulated prior to, or on the day of, any election shall be marked "paid political advertisement" or with the abbreviation "pd. pol. adv.", *shall identify the persons or organizations sponsoring the advertisement, and shall state whether the advertisement is paid for, and if so by whom, or provided in-kind by the media source in which the advertisement appears.* However, this subsection does not apply to campaign messages used by a candidate and his supporters which messages are designed to be worn by a person.

(2) Any political advertisement of a candidate running for office in a general election shall express the name of the political party of which the candidate is the nominee. Any political advertisement endorsing the candidate shall expressly state whether the permission of the candidate has been obtained to advertise such endorsement.

(3) It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to make such representation. However, this section does not apply to:

(a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.

(b) Publication by a party committee advocating the candidacy of its nominees.

(4) Any political advertisement and any campaign literature published, displayed or circulated prior to or on the day of any election shall disclose the source of funding for the ad, whether paid or provided in-kind by or at the expense of the entity publishing, displaying, broadcasting or circulating the political advertisement if the source of sponsorship is not patently clear from the content or format of the political advertisement or campaign literature.

(5)~~(4)~~ Any person who willfully violates the provisions of this section is subject to the civil penalties prescribed in s. 106.265.

Section 17. Effective upon becoming a law, subsection (1) of section 106.144, Florida Statutes, is amended to read:

106.144 Endorsements *or opposition* by certain groups and organizations.—

(1) Any group, club, association, or other organization, except organizations affiliated with political parties regulated by chapter 103, which intends to endorse *or oppose* the candidacy of one or more candidates for public office, or which endorses or opposes any referendum, by means of political advertisements shall, prior to publishing, issuing, broadcasting, or otherwise distributing such advertisement, file a statement as provided by this section with the officer or officers provided in this section. Such statement shall be filed with the officer before whom each candidate that the organization intends to endorse *or oppose* qualified for office pursuant to law. Each statement shall contain the following information:

(a) The date the organization was chartered and the number of members during the most recent 12 months and how many of these members, if any, have paid dues;

(b) A list of current officers or directors of such organization and a statement as to their method of selection;

(c) A statement of the procedures used by such organization in determining which candidates to endorse *or oppose*;

(d) If political advertisements for endorsement *or opposition* purposes are to be paid from funds other than the dues of the membership of the organization, a statement describing the sources of such funds; and

(e) The amount of funds paid to the organization by candidates for public office, including payments in the form of dues, and the name of, and office sought by, each such candidate.

(2) Any officer, director, or other person acting on behalf of an organization who willfully violates the provisions of subsection (1) is subject to the civil penalties prescribed in s. 106.265.

Section 18. Except as otherwise provided herein, this act shall take effect January 1, 1989.

Amendment 7—On page 19, line 12, insert a new Section 14 to read:

Section 14. Subsection (5) of section 106.04, Florida Statutes, is amended to read:

106.04 Committees of continuous existence.—

(5) No committee of continuous existence shall contribute to any candidate or political committee an amount in excess of the limits contained in s. 106.08(1) or participate in any other activity which is prohibited by this chapter. If any violation occurs, it shall be punishable as provided in this chapter for the given offense. No funds of a committee of continuous existence shall be expended on behalf of a candidate, except by means of a contribution made through the duly appointed campaign treasurer of a candidate. No such committee shall make expenditures in support of, or in opposition to, an issue unless such committee first registers as a political committee pursuant to this chapter and undertakes all the practices and procedures required thereof*; provided a committee may make contributions in a total amount not to exceed 25 percent 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.*

(Renumber subsequent sections.)

Senator Deratany moved the following amendment:

Amendment 8—On page 19, line 12, insert a new Section 14 to read:

Section 14. Subsection (8)(d) of Section 106.04, Florida Statutes, is created to read:

106.04 Committees of continuous existence.—

(8)*(d) Effective July 1, 1988, the filing officer shall waive the fine for first-time offenders who had no activity during the reporting period and shall abate any uncollected fines against such offenders levied prior to July 1, 1988. The division of elections shall promulgate rules to carry out the provisions of this paragraph.*

Further consideration of **CS for SB's 34, 83, 657, 721, 847, 1029 and 1182** as amended was deferred.

The hour of 2:40 p.m. having arrived, the Senate resumed consideration of—

HB 1717—A bill to be entitled An act relating to professional sports franchises; providing for the duties of the Sports Advisory Council; providing for the duties of the Department of Commerce in carrying out the provisions of this act; providing for applications; providing for review; providing for legislative action; providing a state funding program; creating a Professional Sports/Economic Trust Fund; providing for uses of the fund; providing appropriations; providing an effective date.

—was read the third time by title, having been amended June 3.

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

Amendment 15—On page 8, between lines 2 and 3, insert:

Section 6. Any professional sports facility constructed with financial assistance from the State of Florida shall be designated as a shelter site for the homeless in accordance with the criteria of locally existing homeless shelter programs, except when the facility is otherwise contractually obligated for a specific event or activity. Should a local program not be in existence in the facility's area, such program shall be established in accordance with normally accepted criteria as defined by the County or its designee.

Senator Plummer moved the following amendment which failed:

Amendment 16—On page 7, line 30, insert:

Section 7. Subparagraph 2.d.II. of paragraph (b) of subsection (4) of section 212.0305, Florida Statutes, is amended to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(4) AUTHORIZATION TO LEVY; USE OF PROCEEDS; OTHER REQUIREMENTS.—

(b) Charter county levy for convention development.—

2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

d. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

(II) As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between a municipality and one or more business entities for projects authorized by this paragraph. *To the extent provided herein, notwithstanding the provisions of this part to the contrary, those municipalities or authorities whose funds are derived from sub-subparagraph b. may make application to the Department for the refund of any Florida sales or use tax paid by a contractor on the cost price of tangible personal property used in the fulfillment of any written contract with a municipality or authority if the property becomes an integral part of the project undertaken pursuant to this paragraph and at the completion of the contract the project becomes public property. The basis of the refund shall be the ratio of the cost price of incorporated property, on which Florida sales and use tax has been paid, to the total contract price. Such ratio shall be determined at the completion of the contract. This ratio shall be applied to the total contract price to establish the cost price of incorporated materials subject to refund. The cost price of incorporated materials subject to refund shall be multiplied by the applicable state sales and use tax rate to determine the amount of tax subject to refund. A pro-rata adjustment shall be made when any portion of the tax obligation was paid to another state or when any portion of the project was paid from sources other than the proceeds derived from the tax imposed by this paragraph. The refund claim shall not include tax paid by the contractor on expendable tools, supplies and equipment not adding to or becoming a component part of the project. In order to receive the refund herein provided for, the municipality or authority shall file a written request for said refund with the Department within six months of the completion of the contract. Each contractor must furnish the municipality or authority which qualifies for the refund with a certified statement stating the percent of the incorporated materials on which Florida sales and use tax due has been paid. The certification statement must accompany each refund application submitted to the Department. Each contractor shall keep at his principle place of business a complete record of each purchase for which a refund under this paragraph is claimed. If any taxes are refunded erroneously, the Department shall recover from the payee the amount of erroneous refund plus a penalty of 25 percent. The Department shall deduct an amount equal to 8.333 percent of each refund granted by the provisions of this paragraph from the amount deposited in the Local Government Half-Cent Clearing Trust Fund pursuant to s. 218.61 for the county in which the project is located and shall transfer that amount to the General Revenue Fund. In no case shall any municipality or authority collect a refund in excess of $300,000 in any fiscal year.* This section shall take effect upon becoming law.

(Renumber subsequent sections.)

Senator Gordon moved the following amendment which was adopted:

Amendment 17—In title, on page 1, line 11, after the semicolon (;) insert: requiring certain professional sports facilities to be used as shelters for the homeless, as specified;

On motion by Senator Kiser, HB 1717 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—20

Mr. President	Dudley	Jennings	Myers
Brown	Girardeau	Kiser	Ros-Lehtinen
Crawford	Gordon	Lehtinen	Scott
Crenshaw	Hill	Malchon	Stuart
Deratany	Jenne	Meek	Weinstein

Nays—13

Barron	Hair	Margolis	Woodson
Beard	Hollingsworth	Plummer	
Childers, D.	Johnson	Thurman	
Childers, W. D.	Langley	Weinstock	

Vote after roll call:

Yea—Kirkpatrick

Pair Votes

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Grizzle on HB 1717. If she were present she would vote "yea" and I would vote "nay."

John Grant, 21st District

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Frank on HB 1717. If she were present she would vote "yea" and I would vote "nay."

Tom McPherson, 30th District

The Senate resumed consideration of—

CS for SB's 34, 83, 657, 721, 847, 1029 and 1182—A bill to be entitled An act relating to elections; amending s. 98.051, F.S.; authorizing supervisors of elections to provide for registration on Sundays and on holidays and legal holidays that occur on weekdays; revising the date for closing voter registration books under certain circumstances; amending s. 106.05, F.S.; excluding Saturdays from the calculation of time limits for deposit of campaign funds; amending s. 106.07, F.S.; prescribing when campaign treasurers' reports must be made; amending s. 106.021, F.S.; requiring candidates for other than statewide offices to file certain reports; amending s. 97.063, F.S.; deleting the requirement of completion of a separate form by an elector registering absentee in order to cancel a previous registration; amending s. 97.041, F.S.; revising qualifications for the preregistration of persons under 18 years of age to vote; amending s. 101.121, F.S.; providing certain restrictions on access to polling rooms; providing exceptions; amending s. 102.031, F.S.; prohibiting solicitation of voters within a specified distance of a polling place; providing exceptions; providing a definition of the term "solicit"; amending s. 99.097, F.S.; providing for the payment to supervisors of elections of the costs of verifying petition signatures to have an issue placed on the ballot; amending s. 101.72, F.S.; providing the supervisor of elections discretion in determining the number of voting booths needed in the county; amending s. 101.5609, F.S.; authorizing certain alternative procedures relating to absentee ballots; amending s. 98.211, F.S.; providing time limit within which supervisors must furnish copies of voter information; providing penalties; amending s. 97.091, F.S.; providing for registration of the homeless; providing an effective date.

—with pending Amendment 8 which was adopted.

Senator Langley moved the following amendments which were adopted:

Amendment 9—In title, on page 2, lines 10 and 11, strike all of said lines and insert: 97.091, F.S.; providing for registrations at main office of supervisors of elections

Amendment 10—On page 1, line 5, strike "Sundays and on"

Amendment 11—In title, on page 2, strike line 11 and insert: homeless; amending s. 104.071, F.S.; authorizing a candidate to furnish complimentary tickets to his campaign fund raiser to other candidates; authorizing a candidate to give his own personal or business funds to another candidate under certain circumstances; providing a penalty; amending s. 106.08, F.S.; modifying provisions relating to limitations on contributions, for which there are penalties; providing that a candidate may purchase tickets or admission to political events sponsored by or advertisements from a religious, civic, or charitable group; providing effective dates.

Senator Brown moved the following amendment which was adopted:

Amendment 12—In title, on page 2, line 11, after the semicolon (;) insert: repealing s. 99.021(1)(b)2., F.S.;

Senator Lehtinen moved the following amendment which was adopted:

Amendment 13—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 97.063, F.S.; modifying attesting witness requirements for registration of absent qualified electors overseas; amending s. 101.62, F.S.; providing for a single mailing of first primary, second primary, and general elections ballots to absent qualified electors overseas; providing procedure for voting such ballots; providing a definition;

Senator Thurman moved the following amendments which were adopted:

Amendment 14—In title, on page 2, line 11, after the semicolon (;) insert: amending s. 106.011, F.S.; specifying exclusions from the definition of contribution; amending s. 106.142, F.S.; modifying the definition of political advertisement; amending s. 106.143, F.S.; revising requirements relating to political advertisements; amending s. 106.144, F.S.; providing that certain groups and organizations which intend to oppose a candidate by means of political advertisement must file a statement containing specified information;

Amendment 15—In title, on page 2, line 11, after the semicolon (;) insert: amending s. 106.04(5), F.S., relating to contributions by committees of continuous existence;

Senator Deratany moved the following amendment which was adopted:

Amendment 16—In title, on page 2, line 11, after the semicolon (;) insert: creating s. 106.04(8)(d), F.S., relating to fines for late reports;

On motion by Senator Langley, by two-thirds vote CS for SB's 34, 83, 657, 721, 847, 1029 and 1182 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Myers

The Senate resumed consideration of—

CS for SB 150—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.071, F.S.; increasing the rate of employer contributions with respect to members of the special risk class of the system; amending s. 121.091, F.S.; increasing the monthly retirement benefit with respect to special risk service; providing an effective date.

—which, having been considered June 6, was taken up with pending Amendment 1.

Senators Peterson, Langley, Beard, Deratany and Woodson offered the following substitute amendment which was moved by Senator Peterson:

Amendment 2—On page 2, line 14, through page 3, line 29, strike all of said lines and insert: members. Effective *January 1, 1989,* ~~October 1, 1988,~~ each employer shall contribute 13.62 percent of gross compensation each pay period for each of its regular members and *17.88* ~~15.59~~ percent of gross compensation each pay period for each of its special risk members. *Effective January 1, 1989, each special risk member shall pay 2.29 percent of gross compensation each pay period.*

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

121.091 Benefits payable under the system.—

(1) NORMAL RETIREMENT BENEFIT.—Upon attaining his normal retirement date, the member, upon application to the administrator, shall receive a monthly benefit which shall commence on the last day of the month of retirement and be payable on the last day of each month thereafter during his lifetime. The amount of monthly benefit shall be determined as the product of A and B, subject to the adjustment of C, if applicable, when:

(a) A is 1.60 percent of his average monthly compensation, up to his normal retirement age. The first year after his normal retirement age, A is 1.63 percent of his average monthly compensation. The second year after his normal retirement age, A is 1.65 percent of his average monthly compensation. The third year after his normal retirement age, A is 1.68 percent of his average monthly compensation. A shall not exceed 1.68 percent of his average monthly compensation, except that, for all creditable years of special risk service, A is:

1. Two ~~2~~ percent of his average monthly compensation for all creditable years prior to October 1, 1974, for which additional retirement credit has not been purchased;

2. Three, ~~and 3~~ percent of his average monthly compensation *for all creditable years after September 30, 1974, and before* ~~until~~ October 1, 1978;

3. Two percent of his average monthly compensation for all creditable years after September 30, 1978, and before January 1, 1989; and

4. Two and one-half percent of his average monthly compensation for creditable years after December 31, 1988, ~~when all~~

Further consideration of **CS for SB 150** was deferred.

CS for SB's 1158 and 1006—A bill to be entitled An act relating to radiation; amending s. 404.056, F.S.; revising provisions relating to land radiation emission standards to provide for environmental radiation standards and programs; providing for coordination of activities related to detection, control, and abatement of radon conducted by state universities by the Board of Regents; requiring the Board of Regents to develop and submit a report and recommendations on radon construction measures and mitigation techniques; establishing the Florida Coordinating Council on Radon Protection; providing council membership, organization, and responsibilities; providing for reimbursement of traveling expenses; creating the Radon Trust Fund to be administered by the Department of Health and Rehabilitative Services; providing for collection of a surcharge on local building permits to fund the trust fund; providing for review and repeal; requiring department certification of certain persons who perform measurements or mitigation of buildings for radon gas or radon progeny; providing fees; requiring reports; providing an exemption from public records law; providing for review and repeal; authorizing inspection of records; providing for denial, suspension, or revocation of certification; providing an administrative fine; directing the department to initiate a public information program; requiring testing of school buildings and certain 24-hour care facilities and day care centers for radon; requiring specified notice on real estate documents; providing rulemaking authority; creating s. 553.98, F.S.; providing for development of building codes for radon-resistant buildings; providing powers and duties of the Department of Community Affairs; authorizing use of funds from the Radon Trust Fund; precluding certain local ordinances; requiring the Department of Community Affairs to prepare a report and recommendations on implementation of the radon program and the need to preclude certain local ordinances; providing for future repeal of s. 404.056(2), (3), F.S., relating to radon research and the Florida Coordinating Council on Radon Protection; providing for review and repeal; providing appropriations; providing an effective date.

—was read the second time by title.

Three amendments were adopted to CS for SB's 1158 and 1006 to conform the bill to CS for CS for HB 1420.

Pending further consideration of CS for SB's 1158 and 1006 as amended, on motion by Senator Myers, by two-thirds vote CS for CS for HB 1420 was withdrawn from the Committees on Health and Rehabilitative Services; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Myers—

CS for CS for HB 1420—A bill to be entitled An act relating to radiation; amending s. 404.056, F.S.; revising provisions relating to land radiation emission standards to provide for environmental radiation standards and programs; providing for coordination of activities related to detection, control, and abatement of radon conducted by state universities by the Board of Regents; requiring the Board of Regents to develop and submit a report, recommendations, and a draft building code on radon construction measures and mitigation techniques; establishing the Florida Coordinating Council on Radon Protection; providing council membership, organization, and responsibilities; providing for reimbursement of traveling expenses; creating the Radon Trust Fund to be administered by the Department of Health and Rehabilitative Services; providing for collection of a surcharge on local building permits to fund the trust fund; providing for review and repeal; requiring department certification of certain persons who perform measurements or mitigation of buildings for radon gas or radon progeny; providing fees; requiring reports; providing an exemption from public records law; providing for review and repeal; authorizing inspection of records; providing for denial, suspension, or revocation of certification; providing an administrative fine; directing the department to initiate a public information program; requiring testing of school buildings and certain 24-hour care facilities and day care centers for radon; requiring specified notice on real estate documents; providing rulemaking authority; creating s. 553.98, F.S.; providing for development of building codes for radon-resistant buildings; providing powers and duties of the Department of Community Affairs; authorizing use of funds from the Radon Trust Fund; precluding certain local ordinances; requiring the Department of Community Affairs to prepare a report and recommendations on implementation of the radon program and the need to preclude certain local ordinances; providing for future repeal of s. 404.056(2), F.S., relating to radon research; providing for review and repeal; providing appropriations; providing an effective date.

—a companion measure, was substituted for CS for SB's 1158 and 1006 and read the second time by title. On motion by Senator Myers, by two-thirds vote CS for CS for HB 1420 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Barron

Consideration of **CS for SB 1355** was deferred.

The Senate resumed consideration of—

CS for SB 150—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.071, F.S.; increasing the rate of employer contributions with respect to members of the special risk class of the system; amending s. 121.091, F.S.; increasing the monthly retirement benefit with respect to special risk service; providing an effective date.

—with pending Substitute Amendment 2 which failed.

Amendment 1 was adopted.

On motion by Senator Hollingsworth, by two-thirds vote CS for SB 150 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

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

Nays—1

Peterson

Explanations of Vote

I have a firm commitment to funding high risk benefits for law enforcement personnel. When I cosponsored this legislation, I assumed that the plan was actuarially sound. Since the constitutional question arose, I hoped for a modification that would guarantee some immediate benefit. In the absence of any modification, I voted "yes," without any degree of confidence that we did any favors to our law enforcement officers who deserve so much.

Marlene Woodson, 24th District

As Chairman of the Senate Committee on Personnel, Retirement and Collective Bargaining, I felt that I had a duty to express my concerns to the Senate relative to the fiscal impact of CS for SB 150 which would increase the retirement credit of Special Risk members from 2 percent to 3 percent per year of service. The State Retirement Actuary has calculated the fiscal impact of this bill to be $74 million during its first year of operation if the 3 percent retirement credit was implemented all at once.

The amendment offered by Senator Hollingsworth would "phase in" this increased benefit over a five-year period which would have the effect of reducing the immediate fiscal impact upon Special Risk employers. Nonetheless, the ultimate fiscal impact associated with increasing the retirement benefit of Special Risk members is still present, albeit spread over a longer period of time. I am further concerned about the precedent of "phasing in" new benefits; this is a concept never tried in the FRS before and one that is specifically not recommended by the FRS's actuaries. Lastly, increasing retirement benefits only for Special Risk members creates a gross inequity with respect to the retirement benefits offered to regular employees.

On the other hand, I have been supportive of law enforcement, firefighters and correctional officers, i.e., Special Risk members, during my tenure in the Legislature, and for this reason am concerned about a negative vote on this bill. This fact, juxtaposed with my concerns expressed above relative to CS for SB 150, causes me to have very ambivalent feelings about voting on this measure.

After much soul searching, I have decided to vote for the bill out of a sense of continuing commitment to, and support of, those public employees in the Special Risk category.

Mattox Hair, 9th District

The Senate resumed consideration of—

CS for CS for HB 1605—A bill to be entitled An act relating to special districts; creating s. 189.401, F.S.; creating the Uniform Special District Accountability Act of 1988; creating s. 189.402, F.S.; providing a statement of legislative purpose and intent; creating s. 189.405, F.S.; providing for election requirements and procedures; creating s. 189.4065, F.S.; providing for the collection of non-ad valorem assessments; creating s. 189.408, F.S.; providing for special district bond referenda; creating s. 189.4085, F.S.; providing for bond issuance; creating s. 189.409, F.S.; providing for a determination of financial emergency; providing for preparation of the official list of special districts; providing definitions; creating s. 189.412, F.S.; creating the Office of Special District Information and providing duties and responsibilities thereof; creating s. 189.413, F.S.; providing for the oversight of state funds use by special districts; creating s. 189.415, F.S.; providing for a special district public facilities report; creating s. 189.4155, F.S.; providing for activities of special districts with respect to the local comprehensive plan; renumbering s. 189.004, F.S.; renumbering and amending s. 189.005, F.S.; modifying meeting notice

requirements; renumbering and amending s. 189.006, F.S.; modifying report filing requirements; correcting cross-references; renumbering and amending s. 189.007, F.S.; correcting cross-references; renumbering and amending s. 189.008, F.S.; correcting cross-references; renumbering and amending s. 189.009, F.S.; correcting cross-references; renumbering and amending s. 189.30, F.S., relating to purchase or sale of water or sewer utility by special district; providing applicability; renumbering s. 125.901, F.S., relating to county juvenile welfare boards; renumbering s. 154.331, F.S., relating to county indigent health care districts; transferring chapter 190, F.S., relating to community development districts; transferring chapter 298, F.S., relating to water control districts; transferring chapter 374, F.S., relating to canal authorities, navigation districts, and waterways development; amending s. 197.102, F.S.; redefining the terms "tax certificate" and "tax notice" and defining the terms "ad valorem tax roll" and "non-ad valorem assessment roll"; amending s. 197.322, F.S.; providing for the delivery of ad valorem tax and non-ad valorem assessment rolls; amending s. 197.363, F.S.; revising language with respect to the method of collection of special assessments, service charges, and non-ad valorem assessments; creating s. 197.3631, F.S.; providing general provisions with respect to non-ad valorem assessments; creating s. 197.3632, F.S.; providing a uniform method for the levy, collection, and enforcement of non-ad valorem assessments; creating s. 197.3635, F.S.; providing for the form of combined notice of ad valorem taxes and non-ad valorem assessments; amending s. 11.45, F.S.; providing for annual financial audits of certain special districts; providing for a hearing; providing for the transfer of certain information to designated recipients; correcting cross-references; amending s. 20.18, F.S.; providing for cooperation of the Department of Community Affairs and other state agencies with respect to special district reporting requirements; amending s. 75.05, F.S.; providing for a copy of certain served complaints with respect to independent special districts; amending s. 112.322, F.S.; providing for a report; amending s. 112.665, F.S.; directing the Division of Retirement of the Department of Administration to issue an annual report concerning compliance of special districts with certain retirement provisions; amending s. 218.32, F.S., relating to financial reporting; requiring the Legislative Auditing Committee to notify specified departments of failure to report; providing for a hearing; providing that the annual financial report of each municipality and county shall include a list of dependent districts located therein; correcting cross-references; deleting certain required reporting information; amending s. 218.37, F.S.; providing for a report to the Office of Special District Information; expanding powers and duties of the Division of Bond Finance with respect to bond validation; amending s. 218.38, F.S., relating to notice of bond issues; requiring the Legislative Auditing Committee to notify specified departments of failure to comply; providing for a hearing; correcting cross-references; amending s. 190.011, F.S.; providing that community development districts shall have the power to impose, collect, and enforce non-ad valorem assessments; amending s. 190.021, F.S.; providing for the funding of certain activities from non-ad valorem assessments; creating s. 200.0684, F.S.; requiring an annual compliance report for the Department of Community Affairs; amending s. 218.31, F.S.; providing definitions; amending s. 218.34, F.S.; deleting the authority of a local governing authority to approve the budget or tax levy of any special district; deleting a report to the Department of Banking and Finance; amending s. 100.011, F.S.; providing that independent and dependent special district elections shall be conducted in a certain manner; providing an exception; amending s. 218.503, F.S., relating to determination of financial emergency; providing for the application of the act with respect to certain ports; authorizing the Department of Community Affairs to make rules; repealing s. 189.001, F.S., relating to the short title of the "Special District Disclosure Act of 1979"; repealing s. 189.002, F.S., relating to legislative findings and intent; abolishing a group of special districts which are no longer functional; directing the Department of Community Affairs to establish a fee schedule with respect to the administration of the act; providing a limitation thereto; directing that changes in numbering and terminology in the Florida Statutes be made; providing an appropriation; providing effective dates.

—which, having been considered June 6, was taken up with pending Amendment 1B. Amendment 1B was withdrawn.

Senators Myers and Grant offered the following amendment to Amendment 1 which was moved by Senator Grant and adopted:

Amendment 1D—On page 25, between lines 12 and 13, insert a new Section 15:

Section 15. Section 189.4156, Florida Statutes, is created to read:

189.4156 Activities of Regional Water Supply Authorities, comprehensive planning. Activities of regional water supply authorities created pursuant to s. 373.1962, Florida Statutes, shall be consistent with the comprehensive regional policy plan as defined in s. 186.507, Florida Statutes, adopted by the regional planning council in which the regional water supply authority is located.

(Renumber subsequent subsections.)

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

Amendment 1E—On page 69, between lines 10 and 11, insert:

Section 59. *The governing body of a county or municipality may impose conditions upon the issuance of an occupational license in addition to the payment by the applicant of an occupational tax. Such conditions shall include a condition that the applicant demonstrate the existence of an arrangement or contract by which the applicant will dispose of solid waste in a manner that is consistent with the ordinance of the county or municipality. for any applicant which, upon issuance of the occupational license, will produce biohazardous waste or biological waste, the county or municipality may require satisfactory proof of a contract or similar arrangement by which such biohzardous or biologic waste will be collected by a qualified and duly licensed collector and disposed of in accordance with applicable state law and the rules and regulations of the department.*

(Renumber subsequent section.)

Senator Scott offered the following amendment to Amendment 1 which was moved by Senator Weinstein and adopted:

Amendment 1F—On page 69. between lines 10 and 11, insert:

Section 59. *Notwithstanding any special or general law to the contrary, no county or municipality may adopt or enforce regulations that discriminate against privately owned solid waste management facilities because they are privately owned. However, this section does not prevent a county or municipality from controlling the flow of solid waste within its boundaries pursuant to general law.*

(Renumber subsequent section.)

Amendment 1 as amended was adopted.

On motion by Senator Myers, the Senate reconsidered the vote by which Amendment 2 was adopted.

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

Amendment 2D—In title, on page 1, line 14, strike "special districts" and insert: local governments

Amendment 2E—In title, on page 6, line 5, after the semicolon (;) insert: authorizing the governing body of a county or municipality to impose certain conditions upon the issuance of an occupational license;

Senators Myers and Grant offered the following amendment to Amendment 2 which was moved by Senator Grant and adopted:

Amendment 2F—In title, on page 2, line 13, after "plan;" insert: creating s. 189.4156, F.S.; providing for the activities of Regional Water Supply Authorities;

Senator Scott offered the following amendment to Amendment 2 which was moved by Senator Myers and adopted:

Amendment 2G—On page 1, line 14, strike "special districts" and insert: local governments

Amendment 2 as amended was adopted.

On motion by Senator Myers, by two-thirds vote CS for CS for HB 1605 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Brown	Childers, W. D.	Crenshaw
Beard	Childers, D.	Crawford	Dudley

Girardeau	Jenne	Margolis	Scott
Gordon	Johnson	McPherson	Stuart
Grant	Kirkpatrick	Meek	Thurman
Hair	Kiser	Myers	Weinstein
Hill	Langley	Plummer	Weinstock
Hollingsworth	Lehtinen	Ros-Lehtinen	Woodson

Nays—None

Vote after roll call:

Yea—Deratany, Jennings

Consideration of **SB 140** was deferred.

CS for SB 479—A bill to be entitled An act relating to state universities; amending s. 240.209, F.S.; increasing the Capitol Improvement Trust Fund fee and the building fee assessed students for each credit hour taken; creating s. 240.2601, F.S.; establishing the State University System Facility Enhancement Challenge Grant Program; establishing a trust fund; providing for allocation and administration of the trust fund; establishing eligibility criteria; providing a procedure for naming a facility; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—On page 5, between lines 2 and 3, insert:

Section 2. The baseball stadium on the University of Florida campus is hereby named the "Alfred A. McKethan Baseball Stadium."

Section 3. The Central Science Library Building at the University of Florida is hereby named "Robert Q. Marston Hall."

Section 4. The University of Florida is authorized to expend funds to erect the appropriate identification markers for such buildings.

Section 5. The new Department of Education building in the City of Tallahassee is hereby named the "Ralph D. Turlington Education Building."

Section 6. Section 240.515, Florida Statutes, is amended to read:

240.515 Florida ~~State~~ Museum *of Natural History*; functions.—

(1) The functions of the Florida ~~State~~ Museum *of Natural History*, located at the University of Florida, are to make scientific investigations toward the sustained development of natural resources and a greater appreciation of human cultural heritage, including, but not limited to, biological surveys, ecological studies, environmental impact assessments, in-depth archaeological research, and ethnological analyses, and to collect and maintain a depository of biological, archaeological, and ethnographic specimens and materials in sufficient numbers and quantities to provide within the state and region a base for research on the variety, evolution, and conservation of wild species; the composition, distribution, importance, and functioning of natural ecosystems; and the distribution of prehistoric and historic archaeological sites and an understanding of the aboriginal and early European cultures that occupied them. State institutions, departments, and agencies may deposit type collections from archaeological sites in the museum, and it shall be the duty of each state institution, department, and agency to cooperate by depositing in the museum voucher and type biological specimens collected as part of the normal research and monitoring duties of its staff and to transfer to the museum those biological specimens and collections in its possession but not actively being curated or used in the research or teaching of that institution, department, or agency. The Florida ~~State~~ Museum *of Natural History* is empowered to accept, preserve, maintain, or dispose of these specimens and materials in a manner which makes each collection and its accompanying data available for research and use by the staff of the museum and by cooperating institutions, departments, agencies, and qualified independent researchers. The biological, archaeological, and ethnographic collections shall belong to the state with the title vested in the Florida ~~State~~ Museum *of Natural History*, except as provided in s. 267.12(3). In collecting or otherwise acquiring these collections, the museum shall comply with pertinent state wildlife, archaeological, and agricultural laws and rules. However, all collecting, quarantine, and accreditation permits issued by other institutions, departments, and agencies shall be granted routinely for said museum research study or collecting effort on state lands or within state jurisdiction which does not pose a significant threat to the survival of endangered wild species, habitats, or ecosystems. In addition, the museum shall develop exhibitions and conduct programs which illustrate, interpret, and explain the natural history of the state and region and shall maintain a library of publications pertaining to the work as herein provided. The exhibitions, collections, and library of the museum shall be open, free to the public, under suitable rules to be promulgated by the director of the museum and approved by the University of Florida.

(2)(a) There is established within the Florida ~~State~~ Museum *of Natural History* a *Museum of Medical History* ~~State Medical Museum~~. The ~~medical~~ Museum *of Medical History* is empowered to act as a depository for materials which enhance the mission of the College of Medicine of the University of Florida in teaching, research, and public service on behalf of the citizens of the state. The Florida ~~State~~ Museum *of Natural History* shall provide space to the ~~medical~~ Museum *of Medical History* and shall provide necessary staff to assist in the founding and inaugurating of the museum services.

(b) The ~~medical~~ Museum *of Medical History* shall be directed by the Florida ~~State~~ Medical Museum Council, which shall be appointed by the President of the University of Florida upon recommendation of the Dean of the College of Medicine. The council shall consist of 10 members who shall have a demonstrated interest in and knowledge of medicine. Members shall serve without remuneration and shall serve for a term of 5 years. The membership shall organize and elect a chairman from its membership. The council shall meet upon the call of the chair, but in no case shall it meet less often than once in each calendar year.

(3) Any gifts, transfers, bequests, or other conveyances made to the Florida State Museum are deemed to have been made to the Florida Museum of Natural History.

Section 7. Subsections (1) and (3) of section 240.516, Florida Statutes, are amended to read:

240.516 Vertebrate paleontological sites and remains; legislative intent and state policy.—

(1) It is the declared intention of the Legislature that vertebrate paleontological sites be protected and preserved and that, pursuant thereto, vertebrate paleontological field investigation activities, including, but not limited to, collection, excavation, salvage, restoration, and cataloging of fossils, be discouraged except when such activities are carried on in accordance with both the provisions and the spirit of this act. However, it is not the intention of the Legislature that the provisions of this act impede mining or quarrying for rock, gravel, fill, phosphate, and other minerals, or the construction of canals or similar excavations, when such activities are permitted by law. Rather, it is the intent of the Legislature that mine and heavy equipment operators be encouraged to cooperate with the state in preserving its vertebrate paleontological heritage and vertebrate fossils by notifying the Florida ~~State~~ Museum *of Natural History* whenever vertebrate fossils are discovered during mining or digging operations and by allowing such fossils to be properly salvaged and that persons having knowledge of vertebrate paleontological sites be encouraged to communicate such information to the museum.

(3) It is further declared to be the public policy of the state that all vertebrate fossils found on state-owned lands, including submerged lands and uplands, belong to the state with title to the fossils vested in the Florida ~~State~~ Museum *of Natural History* for the purpose of administration of ss. 240.516-240.5163.

Section 8. Section 240.5161, Florida Statutes, is amended to read:

240.5161 Program of vertebrate paleontology within Florida ~~State~~ Museum *of Natural History*.—There is established within the Florida ~~State~~ Museum *of Natural History* a program of vertebrate paleontology, which program has the following responsibilities:

(1) Encouraging the study of the vertebrate fossils and vertebrate paleontological heritage of the state, and providing exhibits and other educational materials on the vertebrate fauna to the universities and schools of the state.

(2) Developing a statewide plan, to be submitted to the director of the Florida ~~State~~ Museum *of Natural History*, for preserving the vertebrate paleontological resources of the state in a manner which is consistent with the state policies in s. 240.516 and which will not unduly hamper development in this state, including mining and excavating operations.

(3) Locating, surveying, acquiring, collecting, salvaging, conserving, and restoring vertebrate fossils; conducting research on the history and systematics of the fossil fauna of the state; and maintaining the official state depository of vertebrate fossils.

(4) Locating, surveying, acquiring, excavating, and operating vertebrate paleontological sites and properties containing vertebrate fossils, which sites and properties have great significance to the scientific study of such vertebrate fossils or to public representation of the faunal heritage of the state.

(5) Enlisting the aid of professional vertebrate paleontologists, mine and quarry operators, heavy digging equipment operators, and qualified amateurs in carrying out the provisions of subsections (1) through (4); and authorizing their active support and cooperation by issuing permits to them as provided in s. 240.5162.

(6) Cooperating and coordinating activities with the Department of Natural Resources under the provisions of ss. 375.021 and 375.031, and the Department of State under this chapter, in the acquisition, preservation, and operation of significant vertebrate paleontological sites and properties of great and continuing scientific value, so that such sites and properties may be utilized to conserve the faunal heritage of this state and to promote an appreciation of that heritage.

(7) Designating areas as "state vertebrate paleontological sites" pursuant to the provisions of this section, which areas are of great and continuing significance to the scientific study and public understanding of the faunal history of the state. However, no privately owned site or grouping of sites shall be so designated without the express written consent of the private owner of the site or group of sites. Upon designation of a state vertebrate paleontological site, the owners and occupants of such site shall be given written notification of such designation by the program. Once such site has been so designated, no person may conduct paleontological field investigation activities on the site without first securing a permit for such activities as provided in s. 240.5162.

(8) Arranging for the disposition of the vertebrate fossils by accredited institutions and for the temporary or permanent loan of such fossils for the purpose of further scientific study, interpretative display, and curatorial responsibilities by such institutions.

Section 9. Subsections (1) and (3) of section 240.5162, Florida Statutes, are amended to read:

240.5162 Destruction, purchase, and sale of vertebrate fossils prohibited, exceptions; field investigation permits required; penalty for violation.—

(1) The destruction, defacement, purchase, and sale of vertebrate fossils found on or under land owned or leased by the state and on land in state-designated vertebrate paleontological sites are prohibited, except that the Florida ~~State~~ Museum *of Natural History* may sell vertebrate fossils and may adopt rules defining "nonessential vertebrate fossils" and prescribing the conditions under which such fossils may be sold or otherwise disposed of by a person holding a permit issued by the Florida ~~State~~ Museum *of Natural History*. Field investigations of vertebrate fossils, including, but not limited to, the systematic collection, acquisition, excavation, salvage, exhumation, or restoration of such fossils, are prohibited on all lands owned or leased by the state and on lands in state-designated vertebrate paleontological sites, unless such activities are conducted under the authority of permits issued by the Florida ~~State~~ Museum *of Natural History*. A permit may be granted by the Florida ~~State~~ Museum *of Natural History*, upon application for the permit accompanied by an application fee not to exceed $5, as provided in rules adopted pursuant to s. 240.227(1), which rules are in furtherance of the preservation of the vertebrate paleontological resources of this state. The privileges authorized pursuant to the grant of a permit as provided in this subsection may not be assigned or sublet to any other party.

(3) The Florida ~~State~~ Museum *of Natural History* may institute a civil action in the appropriate circuit court for recovery of any unlawfully taken vertebrate fossil. The fossil shall be forfeited to the state if the Florida ~~State~~ Museum *of Natural History* shows, by the greater weight of the evidence, that the fossil has been taken from a particular site within this state and that the person found in possession of the fossil is not authorized by law to possess such fossil.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 12, after the semicolon (;) insert: authorizing and directing the University of Florida to name a designated sports facility the "Alfred A. McKethan Baseball Stadium"; authorizing and directing the university to name a designated building at the University of Florida the "Robert Q. Marston Hall"; providing funds; naming the Department of Education building in Tallahassee the "Ralph D. Turlington Education Building"; amending ss. 240.515, 240.516, 240.5161, 240.5162, F.S.; changing the name of the Florida State Museum to the Florida Museum of Natural History; changing the name of the State Medical Museum to the Museum of Medical History; changing the name of the Florida State Medical Museum Council to the Florida Medical Museum Council;

On motion by Senator Kirkpatrick, by two-thirds vote CS for SB 479 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—27

Mr. President	Girardeau	Kirkpatrick	Ros-Lehtinen
Beard	Gordon	Kiser	Scott
Brown	Hair	Lehtinen	Stuart
Childers, D.	Hill	Margolis	Thurman
Childers, W. D.	Hollingsworth	McPherson	Weinstock
Crenshaw	Jenne	Meek	Woodson
Dudley	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Deratany, Jennings

Consideration of **CS for SB 1124** was deferred.

On motion by Senator Brown, 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 SB 5 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 5—A bill to be entitled An act relating to public parking; amending ss. 316.1964, 320.0842, F.S.; exempting certain disabled persons from payment of certain fees and penalties exacted for parking in a parking facility that is open on a general basis to the public and that is owned or operated by a state agency, a county, a municipality, or a political subdivision thereof; providing an effective date.

Amendment 1—On pages 1-3, strike everything after the enacting clause and insert:

Section 1. Subsections (1) and (2) 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 *shall* ~~may~~ provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued parking permits pursuant to s. 316.1958 or s. 320.0848. The minimum number of such parking spaces ~~shall be as provided in s. 316.1955(2)(c).~~ *offered for the general public, excluding owner or employee designated parking, shall be as set forth in the following table:*

Total Parking Spaces in Lot for General Public	*Required number of Accessible Spaces*
Up to 5	*0*
6 to 30	*1*
31 to 49	*2*
50 to 75	*3*
76 to 100	*4*

For parking areas with more than 100 spaces, the number of parking spaces for physically disabled persons shall be 4, plus 2 percent of the total number of spaces above 100.

(2)*(a)* Each such parking space shall conform to the requirements of s. 316.1955(3), *shall be prominently outlined in blue paint,* and shall be posted and maintained with a permanent, above-grade sign bearing the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or bearing both such symbol and caption.

(b) Parking areas exempted under the formula shall have a 12-foot wide parking space adjacent or contiguous to the ramp or access path.

Section 2. Effective upon this act becoming a law, 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 *or any subcontracting firm* thereof, shall exact any fee for parking on *a* ~~the~~ public *street* ~~streets~~ or *highway, in a public parking lot or garage,* ~~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 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 *where official signs prohibit parking* ~~posted as "No Parking" zones~~.

Section 3. Effective upon this act becoming a law, subsections (4) and (5) of section 320.0842, Florida Statutes, are amended to read:

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

(4) No *state agency,* 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 internationally accepted wheelchair symbol under this section any fee for parking on the roads of this state, *in a public parking lot or garage,* or in any metered parking space.

(5) No penalty for parking on the roads of this state, *in a public parking lot or garage,* or in a metered space, except in a clearly defined bus loading zone, *fire zone, or in an area where official signs prohibit parking* ~~or an area posted as a "NO PARKING" zone~~, may be imposed *by any state agency, county or municipality, or any agency thereof,* upon any person who is issued a designated "DV" license plate under s. 320.084 or a license plate bearing the internationally accepted wheelchair symbol under this section.

Section 4. Subsection (2) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14(1), (2), and (4) are as follows:

(2)*(a) One hundred dollars for any violation of s. 316.1955 or s. 316.1956.*

(b) Thirty-two dollars for all *other* nonmoving traffic violations and:

1.~~(a)~~ For all violations of ss. 316.613 and 322.19.

2.~~(b)~~ For all violations of ss. 320.0605(1), 320.07(1), 322.03(1), and 322.15(1). Any person who is cited for a violation of s. 320.07(1) shall be charged a delinquent fee pursuant to s. 320.07(4).

3.~~(c)~~ For all violations of s. 316.610. However, for a violation of s. 316.610, if the person committing the violation corrects the defect within 10 days from the date upon which the traffic citation was issued, the fine shall be reduced to $9, of which $2 shall be distributed to the clerk of the court for administrative costs, $4 to the law enforcement agency which confirms that the defect has been corrected and completes the affidavit of compliance form, $1 to the Department of Highway Safety and Motor Vehicles, and $2 to the Department of Health and Rehabilitative Services.

Section 5. Paragraph (a) of subsection (1) of section 320.0848, Florida Statutes, is amended to read:

320.0848 Handicapped persons; issuance of exemption entitlement parking permits; 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 to any handicapped person who is currently certified by a physician licensed under chapter 458 or chapter 459 *or a chiropractor licensed under chapter 460* or a podiatrist licensed under chapter 461 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 as being severely physically disabled and having permanent mobility problems which substantially impair his ability to ambulate or who is certified as legally blind.

Section 6. Section 553.495, Florida Statutes, is created to read:

553.495 Accessibility to public entrances and parking areas.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature to provide for wheelchair access from parking areas to entrances used by the general public in all existing and future shopping centers, strip stores, professional buildings, office buildings, and other similar buildings used by the general public.

(2) APPLICABILITY.—

(a) The provisions of this section apply to the real estate owners of all businesses or facilities used by the general public. For the purposes of this act, "real estate owner" means the person or entity holding the real property title in fee.

(b) The specific accessibility features required by this section are not mandatory at locations where structural alterations of a building are necessary to effect compliance with such provisions. Further, if specific accessibility features prescribed by this section would obstruct pedestrian or vehicular traffic, such features are not mandatory.

(c) In the event of conflict between the provisions of this section and any other provision of law of this state or its political subdivisions, the provisions of this section shall control and apply.

(3) ACCESSIBILITY TO PUBLIC ENTRANCES.—

(a) Real estate owners using property for, or renting property to, businesses or facilities where the general public is invited or may frequent or be employed shall make at least one entrance that is used by the general public accessible to the disabled. Such accessibility to an entrance shall be accomplished by the use of ramps with landings if an abrupt change in elevation from the sidewalk area of the business or facility to the designated accessible entrance makes entry into the building via wheelchair or other ambulatory devices difficult or impossible. An "abrupt change in elevation" means a change of more than one-half inch and less than 12 inches.

(b) Any business or facility in which the finished floor elevation is more than 12 inches higher than the sidewalk area in front of the business or facility is exempt from this section.

(c) Each ramp shall have a minimum clear width of 44 inches and a maximum slope of 1:12. A ramp leading to an entrance shall have a level landing at the top of its run. If the door of an entrance swings out toward the ramp, the landing shall be at least 5 feet wide by 5 feet deep. Such landing shall extend at least 1 foot beyond the latch side of the door. If the door does not swing out toward the ramp, the landing shall be at least 3 feet wide by 5 feet deep.

(d) This section shall not be construed to require widening or other alteration of existing entrances or door frames of any building.

(4) ACCESSIBILITY TO PARKING AREAS.—If a curb or other abrupt change in elevation of more than one-half inch separates the parking area from the sidewalk area of a business or facility served by such parking area, such parking area shall have a curb-ramp or curb-cut which leads from the parking area to the sidewalk area of such business or facility. If the sidewalk curb length of a parking area exceeds 200 feet, a second curb-ramp or curb-cut is required. Regardless of the total length of the curb, there shall be no interval greater than 250 feet between a curb-ramp or curb-cut and the end of the curb.

(5) SPECIFICATIONS AND PROTECTION OF CURB-RAMPS AND CURB-CUTS.—

(a) A curb-ramp shall have a minimum clear width of 44 inches and a maximum slope of 1:12. A curb-cut shall have a minimum clear width of 36 inches and a maximum slope of 1:12. A curb-cut may not be located so that a curb-cut of the proper slope would cross the entire width of the sidewalk. A curb-ramp shall be located so that it does not project into

a vehicular traffic lane. If it is impossible to construct either a curb-ramp with a maximum slope of 1:12, or a curb-cut with a maximum slope of 1:12, that does not cross the entire width of the sidewalk, no curb-ramp or curb-cut shall be required.

(b) A curb-ramp or curb-cut shall be located or protected to prevent its obstruction by parked vehicles. Each curb-ramp or curb-cut shall be elaborately striped with blue paint or protected so that access routes are clearly visible to the general public.

(6) ENFORCEMENT.—It is the responsibility of the local code enforcement officer to enforce the provisions of this section relating to curb-ramps, curb-cuts, and parking.

Section 7. Except as otherwise provided herein, this act shall take effect January 1, 1989.

Amendment 2—On page 1, in the title, strike the entire title and insert: A bill to be entitled An act relating to public parking; amending s. 316.1956, F.S., specifying minimum number of parking spaces required to be provided by nongovernmental entities for certain disabled persons; providing requirements; amending ss. 316.1964, 320.0842, F.S.; exempting certain disabled persons from payment of fees and penalties exacted for parking in certain parking facilities; conforming language; amending s. 318.18, F.S., increasing the fine for illegally parking in a space provided for disabled persons; amending s. 320.0848, F.S., authorizing chiropractors to certify disabilities for parking permits; creating s. 553.495, F.S., requiring owners of businesses and facilities used by the public to provide wheelchair accessibility to public entrances and parking areas; providing specifications; providing exemptions; providing for enforcement; providing an effective date.

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

CS for SB 5 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	Dudley	Kirkpatrick	Plummer
Barron	Girardeau	Kiser	Ros-Lehtinen
Beard	Gordon	Langley	Scott
Brown	Grant	Lehtinen	Stuart
Childers, D.	Hair	Malchon	Thurman
Childers, W. D.	Hill	Margolis	Weinstein
Crawford	Hollingsworth	McPherson	Weinstock
Crenshaw	Jenne	Meek	Woodson
Deratany	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Jennings

SPECIAL ORDER, continued

CS for SB 221—A bill to be entitled An act relating to the insurance risk management trust fund; amending s. 284.31, F.S.; providing for coverage under the fund for coordinated community transportation providers; providing an effective date.

—was read the second time by title.

Senator W. D. Childers moved the following amendment which was adopted:

Amendment 1—On page 1, on lines 25 and 26, strike *"titled to the state, or to any department of the state,"*

On motion by Senator W. D. Childers, by two-thirds vote CS for SB 221 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	Brown	Childers, W. D.	Dudley
Beard	Childers, D.	Crenshaw	Girardeau
Gordon	Johnson	Meek	Thurman
Grant	Kirkpatrick	Myers	Weinstein
Hair	Langley	Plummer	Weinstock
Hill	Lehtinen	Ros-Lehtinen	Woodson
Hollingsworth	Margolis	Scott	
Jenne	McPherson	Stuart	

Nays—None

Vote after roll call:

Yea—Deratany, Jennings

Consideration of **CS for SB 1255** was deferred.

On motions by Senator Thurman, by two-thirds vote HB 1051 was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motions by Senator Thurman, by two-thirds vote—

HB 1051—A bill to be entitled An act relating to adult congregate living facilities; amending s. 400.424, F.S.; providing that certain facilities may require refund policies and termination notices in accordance with the Florida Residential Landlord and Tenant Act under certain circumstances; providing a definition; providing an effective date.

—a companion measure, was substituted for SB 1137 and by two-thirds vote read the second time by title. On motion by Senator Thurman, by two-thirds vote HB 1051 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—None

Vote after roll call:

Yea—Deratany, Jennings

Senator W. D. Childers presiding

SJR 1060—A joint resolution proposing the addition of Section 17 to Article VII of the State Constitution, relating to general laws that require a county or municipal government to expend funds or that limit the ability of a county or municipal government to raise revenue or receive state revenue.

—was read the second time.

The Committee on Economic, Community and Consumer Affairs recommended the following amendments which were moved by Senator Dudley and failed:

Amendment 1—On page 2, strike all of lines 2-8, and insert: environmental standards, once within the five years following the effective date of this amendment. Each such law will expire at the end of said five-year period unless it is reenacted, at a regular session prior to the end of that period, by a vote of three-fourths of the membership of each house of the legislature.

Amendment 2—On page 2, strike lines 11-14, and insert: limit, or reduce the aggregate authority of county or municipal governments to raise revenue, as such authority exists on February 1, 1988, or would abolish, limit, or reduce aggregate state revenues the county or municipal governments are receiving as

Senator Dudley moved the following amendments which were adopted:

Amendment 3—On page 1, line 10, strike everything after the enacting clause and insert:

That the addition of the following Section 17 to Article VII of the State Constitution, is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election to be held in November 1988:

ARTICLE VII
FINANCE AND TAXATION

SECTION 17. Laws requiring an expenditure of county or municipal revenues and receipts or limiting the ability of such a government to raise revenue or receive state revenue.—

(a) The legislature may not enact, amend, or repeal a general law if the effect of doing so would be to require, or to authorize an executive department of the state or any subdivision or agency thereof to require, a county or municipal government to expend moneys from state-shared revenue sources existing as of February 1, 1988, or revenues and receipts raised from its own sources, unless such law is approved by three-fourths of the membership of each house of the legislature.

(b) Criminal laws and laws adopted to require funding of pension benefits existing at the time of the enactment of this amendment are exempt from the requirements of paragraph (a).

(c) The legislature may not enact, amend, or repeal any general law if the effect of doing so would be to abolish, limit, or reduce the aggregate authority of county or municipal governments to raise revenue, as such authority exists on February 1, 1988, or would be to abolish, limit, or reduce aggregate state revenues that county or municipal governments are receiving as of February 1, 1988.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 17

LAWS AFFECTING LOCAL GOVERNMENTAL EXPENDITURES OR ABILITY TO RAISE REVENUE OR RECEIVE STATE REVENUE.—Proposing an amendment to the State Constitution to prohibit general laws that require a county or municipal government to expend state-shared and locally raised revenues and receipts, except upon a three-fourths vote of each house, or that limit the ability of such governments to raise revenue or receive state revenue. Exempts criminal laws and laws funding existing pension benefits from three-fourths vote.

Amendment 4—In title, on page 1, line 10, strike everything before the enacting clause, and insert:

Senate Joint Resolution No.

A joint resolution proposing the addition of Section 17 to Article VII of the State Constitution, relating to general laws that require a county or municipal government to expend existing state-shared revenues or revenues and receipts or that limit the ability of a county or municipal government to raise revenue or receive state revenue.

On motion by Senator Dudley, by two-thirds vote SJR 1060 as amended was read the third time in full as follows:

SJR 1060—A joint resolution proposing the addition of Section 17 to Article VII of the State Constitution, relating to general laws that require a county or municipal government to expend existing state-shared revenues or revenues and receipts or that limit the ability of a county or municipal government to raise revenue or receive state revenue.

Be It Resolved by the Legislature of the State of Florida:

That the addition of the following Section 17 to Article VII of the State Constitution, is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election to be held in November 1988:

ARTICLE VII
FINANCE AND TAXATION

SECTION 17. Laws requiring an expenditure of county or municipal revenues and receipts or limiting the ability of such a government to raise revenue or receive state revenue.—

(a) The legislature may not enact, amend, or repeal a general law if the effect of doing so would be to require, or to authorize an executive department of the state or any subdivision or agency thereof to require, a county or municipal government to expend moneys from state-shared revenue sources existing as of February 1, 1988, or revenues and receipts raised from its own sources, unless such law is approved by three-fourths of the membership of each house of the legislature.

(b) Criminal laws and laws adopted to require funding of pension benefits existing at the time of the enactment of this amendment are exempt from the requirements of paragraph (a).

(c) The legislature may not enact, amend, or repeal any general law if the effect of doing so would be to abolish, limit, or reduce the aggregate authority of county or municipal governments to raise revenue, as such authority exists on February 1, 1988, or would be to abolish, limit, or reduce aggregate state revenues that county or municipal governments are receiving as of February 1, 1988.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 17

LAWS AFFECTING LOCAL GOVERNMENTAL EXPENDITURES OR ABILITY TO RAISE REVENUE OR RECEIVE STATE REVENUE.—Proposing an amendment to the State Constitution to prohibit general laws that require a county or municipal government to expend state-shared and locally raised revenues and receipts, except upon a three-fourths vote of each house, or that limit the ability of such governments to raise revenue or receive state revenue. Exempts criminal laws and laws funding existing pension benefits from three-fourths vote.

—and as amended passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Deratany, Jennings

On motion by Senator Gordon, by unanimous consent—

SB 1207—A bill to be entitled An act relating to Dade County; providing for the relief of Maria Palacios, as personal representative of the estate of Octavio Palacios, deceased, and Maria Palacios, as natural guardian and next friend of Daisy Palacios and Jenny Palacios, minors; requiring the county to appropriate compensation to the survivors of Octavio Palacios for his death arising out of an automobile accident on January 1, 1983, at the entrance to the Key Biscayne Golf Course and Roger's on the Green restaurant in Dade County, Florida; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment:

Amendment 1—On page 2, line 19, strike everything after the enacting clause and insert:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The parties are directed to comply with the consent judgment entered in the Circuit Court of the 11th Judicial Circuit in and for Dade County, Florida, in the matter of Maria Palacios, as personal representative of the estate of Octavio Palacios, deceased, and Maria Palacios as natural guardian and next friend of Daisy Palacios and Jenny Palacios, minors, v. Metropolitan Dade County, except that the monthly payments beginning after 10 years to Daisy Palacios and to Jenny Palacios and the future lump-sum payments to said persons, as the same are provided in paragraphs 3.B. and 3.C. of the consent judgment of November 25, 1987, are authorized only to 80 percent of their stated amounts.

Section 3. Metropolitan Dade County is authorized and directed to compensate Maria Palacios, as personal representative of the estate of

Octavio Palacios, deceased, and Maria Palacios, as natural guardian and next friend of Daisy Palacios and Jenny Palacios, minors, in the amount of $275,000 and to obtain annuities consistent with the terms set forth in the consent judgment, except that the monthly payments beginning after 10 years to Daisy Palacios and to Jenny Palacios and the future lump-sum payments to said persons, as the same are provided in paragraphs 3.B. and 3.C. of the consent judgment of November 25, 1987, shall be paid only to 80 percent of their stated amounts.

Section 4. This act shall take effect upon becoming a law.

Further consideration of **SB 1207** was deferred.

Consideration of **SB 1018** was deferred.

On motions by Senator Margolis, by two-thirds vote CS for HB 1576 was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motions by Senator Margolis, by two-thirds vote—

CS for HB 1576—A bill to be entitled An act relating to health care services; creating part IV of chapter 631, F.S., consisting of ss. 631.811-631.828, F.S., relating to health maintenance organizations assistance to consumers; creating the Florida Health Maintenance Organization Consumer Assistance Plan; providing for the purpose and application of the part; providing definitions; providing for a Florida Health Maintenance Organization Consumer Assistance Plan; providing for a board of directors; providing for eligibility requirements; providing for powers and duties of the plan; providing for assessments; providing for a plan of operation; providing for powers and duties of the Department of Insurance; providing for records of the plan; providing for examination of the plan and annual report; providing for tax exemptions; providing for immunity; providing for extent of liability of the plan; providing for prohibitions on advertisements; providing for assessments against member HMOs; revising the Health Maintenance Organization Act; amending s. 641.19, F.S.; providing definitions; amending s. 641.21, F.S.; providing additional criteria for application for certificate; amending s. 641.22, F.S.; revising language with respect to issuance of certificate of authority; amending s. 641.225, F.S.; increasing the amount of surplus requirement; creating s. 641.228, F.S.; creating the Florida Health Maintenance Organization Consumer Assistance Plan; amending s. 641.23, F.S.; reducing the time frame for the department to suspend the authority of an HMO to enroll new subscribers or revoke any certificate; providing for a corrective action plan for certain HMO's; creating s. 641.234, F.S.; providing for administrative, provider, and management contracts; creating s. 641.2342, F.S.; providing for contract providers of comprehensive health care services to file financial statements; amending s. 641.25, F.S.; increasing administrative penalties; amending s. 641.26, F.S.; revising language with respect to the required annual report; amending s. 641.27, F.S.; authorizing the department to accept an independent certified public accountant's audit report; amending s. 641.29, F.S.; increasing fees; amending s. 641.31, F.S.; revising language with respect to health maintenance contracts; amending s. 641.311, F.S.; clarifying language with respect to the Statewide Subscriber Assistance Program; creating s. 641.3111, F.S.; providing for extension of benefits; amending s. 641.315, F.S.; providing additional criteria for provider contracts; amending s. 641.35, F.S.; revising language with respect to assets, liabilities, and investments; creating s. 641.365, F.S.; providing for dividends; amending s. 641.3913, F.S.; increasing a monetary penalty; amending s. 641.3921, F.S.; providing an additional criterion for denial of a converted contract; amending s. 220.02, F.S.; providing for order of credits; providing for review and repeal; providing an effective date.

—a companion measure, was substituted for SB 1009 and by two-thirds vote read the second time by title.

Senator Margolis moved the following amendments which were adopted:

Amendment 1—On page 19, strike all of lines 10-25 and insert: and

(d) Provides physician services, by physicians licensed under chapters 458, 459, 460, and 461, directly through physicians who are either employees or partners of such organization or under arrangements with a physician or any group of physicians.

Amendment 2—On page 18, strike all of lines 23-26 and insert:

Section 2. Subsections (6), (7), (8), (9), (10), and (11) of section 641.19, Florida Statutes, are amended and subsection (16) is added to said

Amendment 3—On page 6, line 8, and on page 14, line 13, strike "*1988*" and insert: *1989*

Amendment 4—On page 12, line 26, and on page 13, lines 2 and 18, strike "*1989*" and insert: *1990*

Amendment 5—On page 13, line 17, and on page 28, line 9, strike "*act*" and insert: *section*

Amendment 6—On page 52, strike line 16 and insert: 1988, except that sections 1 and 6 shall take effect October 1, 1989.

On motion by Senator Margolis, by two-thirds vote CS for HB 1576 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Barron	Girardeau	Margolis	Stuart
Beard	Hair	Meek	Thurman
Brown	Hill	Myers	Weinstein
Childers, D.	Hollingsworth	Peterson	Weinstock
Childers, W. D.	Jenne	Plummer	Woodson
Crenshaw	Kirkpatrick	Ros-Lehtinen	
Dudley	Lehtinen	Scott	

Nays—None

Vote after roll call:

Yea—Crawford, Deratany, Jennings

Reconsideration

On motion by Senator Margolis, the Senate reconsidered the vote by which CS for HB 1576 passed as amended.

Further consideration of **CS for HB 1576** as amended was deferred.

SB 140—A bill to be entitled An act relating to education; creating the Trust Fund for Centers of Excellence; providing for the administration of the fund by the Board of Directors of the Florida Endowment Fund for Higher Education; providing for making challenge grants; establishing standards for allocating trust fund moneys; providing procedures; providing for the establishment of new centers; providing restrictions on the expenditure of trust fund moneys; requiring annual audits to be provided as specified; providing an effective date.

—was read the second time by title.

Senator Kirkpatrick moved the following amendments which were adopted:

Amendment 1—On page 3, between lines 12 and 13, insert:

Section 3. The baseball stadium on the University of Florida campus is hereby named the "Alfred A. McKethan Baseball Stadium."

Section 4. The Central Science Library Building at the University of Florida is hereby named "Robert Q. Marston Hall."

Section 5. The University of Florida is authorized to expend funds to erect the appropriate identification markers for such buildings.

Section 6. The new Department of Education building in the City of Tallahassee is hereby named the "Ralph D. Turlington Education Building."

Section 7. Section 240.515, Florida Statutes, is amended to read:

240.515 Florida ~~State~~ Museum *of Natural History*; functions.—

(1) The functions of the Florida ~~State~~ Museum *of Natural History*, located at the University of Florida, are to make scientific investigations toward the sustained development of natural resources and a greater appreciation of human cultural heritage, including, but not limited to, biological surveys, ecological studies, environmental impact assessments, in-depth archaeological research, and ethnological analyses, and to collect and maintain a depository of biological, archaeological, and ethnographic specimens and materials in sufficient numbers and quantities to provide within the state and region a base for research on the variety, evolution, and conservation of wild species; the composition, distribution, importance, and functioning of natural ecosystems; and the distribution of prehistoric and historic archaeological sites and an understanding of the aboriginal and early European cultures that occupied them. State institu-

tions, departments, and agencies may deposit type collections from archaeological sites in the museum, and it shall be the duty of each state institution, department, and agency to cooperate by depositing in the museum voucher and type biological specimens collected as part of the normal research and monitoring duties of its staff and to transfer to the museum those biological specimens and collections in its possession but not actively being curated or used in the research or teaching of that institution, department, or agency. The Florida ~~State~~ Museum *of Natural History* is empowered to accept, preserve, maintain, or dispose of these specimens and materials in a manner which makes each collection and its accompanying data available for research and use by the staff of the museum and by cooperating institutions, departments, agencies, and qualified independent researchers. The biological, archaeological, and ethnographic collections shall belong to the state with the title vested in the Florida ~~State~~ Museum *of Natural History*, except as provided in s. 267.12(3). In collecting or otherwise acquiring these collections, the museum shall comply with pertinent state wildlife, archaeological, and agricultural laws and rules. However, all collecting, quarantine, and accreditation permits issued by other institutions, departments, and agencies shall be granted routinely for said museum research study or collecting effort on state lands or within state jurisdiction which does not pose a significant threat to the survival of endangered wild species, habitats, or ecosystems. In addition, the museum shall develop exhibitions and conduct programs which illustrate, interpret, and explain the natural history of the state and region and shall maintain a library of publications pertaining to the work as herein provided. The exhibitions, collections, and library of the museum shall be open, free to the public, under suitable rules to be promulgated by the director of the museum and approved by the University of Florida.

(2)(a) There is established within the Florida ~~State~~ Museum *of Natural History* a *Museum of Medical History* ~~State Medical Museum~~. The ~~medical~~ Museum *of Medical History* is empowered to act as a depository for materials which enhance the mission of the College of Medicine of the University of Florida in teaching, research, and public service on behalf of the citizens of the state. The Florida ~~State~~ Museum *of Natural History* shall provide space to the ~~medical~~ Museum *of Medical History* and shall provide necessary staff to assist in the founding and inaugurating of the museum services.

(b) The ~~medical~~ Museum *of Medical History* shall be directed by the Florida ~~State~~ Medical Museum Council, which shall be appointed by the President of the University of Florida upon recommendation of the Dean of the College of Medicine. The council shall consist of 10 members who shall have a demonstrated interest in and knowledge of medicine. Members shall serve without remuneration and shall serve for a term of 5 years. The membership shall organize and elect a chairman from its membership. The council shall meet upon the call of the chair, but in no case shall it meet less often than once in each calendar year.

(3) Any gifts, transfers, bequests, or other conveyances made to the Florida State Museum are deemed to have been made to the Florida Museum of Natural History.

Section 8. Subsections (1) and (3) of section 240.516, Florida Statutes, are amended to read:

240.516 Vertebrate paleontological sites and remains; legislative intent and state policy.—

(1) It is the declared intention of the Legislature that vertebrate paleontological sites be protected and preserved and that, pursuant thereto, vertebrate paleontological field investigation activities, including, but not limited to, collection, excavation, salvage, restoration, and cataloging of fossils, be discouraged except when such activities are carried on in accordance with both the provisions and the spirit of this act. However, it is not the intention of the Legislature that the provisions of this act impede mining or quarrying for rock, gravel, fill, phosphate, and other minerals, or the construction of canals or similar excavations, when such activities are permitted by law. Rather, it is the intent of the Legislature that mine and heavy equipment operators be encouraged to cooperate with the state in preserving its vertebrate paleontological heritage and vertebrate fossils by notifying the Florida ~~State~~ Museum *of Natural History* whenever vertebrate fossils are discovered during mining or digging operations and by allowing such fossils to be properly salvaged and that persons having knowledge of vertebrate paleontological sites be encouraged to communicate such information to the museum.

(3) It is further declared to be the public policy of the state that all vertebrate fossils found on state-owned lands, including submerged lands and uplands, belong to the state with title to the fossils vested in the Florida ~~State~~ Museum *of Natural History* for the purpose of administration of ss. 240.516-240.5163.

Section 9. Section 240.5161, Florida Statutes, is amended to read:

240.5161 Program of vertebrate paleontology within Florida ~~State~~ Museum *of Natural History*.—There is established within the Florida ~~State~~ Museum *of Natural History* a program of vertebrate paleontology, which program has the following responsibilities:

(1) Encouraging the study of the vertebrate fossils and vertebrate paleontological heritage of the state, and providing exhibits and other educational materials on the vertebrate fauna to the universities and schools of the state.

(2) Developing a statewide plan, to be submitted to the director of the Florida ~~State~~ Museum *of Natural History*, for preserving the vertebrate paleontological resources of the state in a manner which is consistent with the state policies in s. 240.516 and which will not unduly hamper development in this state, including mining and excavating operations.

(3) Locating, surveying, acquiring, collecting, salvaging, conserving, and restoring vertebrate fossils; conducting research on the history and systematics of the fossil fauna of the state; and maintaining the official state depository of vertebrate fossils.

(4) Locating, surveying, acquiring, excavating, and operating vertebrate paleontological sites and properties containing vertebrate fossils, which sites and properties have great significance to the scientific study of such vertebrate fossils or to public representation of the faunal heritage of the state.

(5) Enlisting the aid of professional vertebrate paleontologists, mine and quarry operators, heavy digging equipment operators, and qualified amateurs in carrying out the provisions of subsections (1) through (4); and authorizing their active support and cooperation by issuing permits to them as provided in s. 240.5162.

(6) Cooperating and coordinating activities with the Department of Natural Resources under the provisions of ss. 375.021 and 375.031, and the Department of State under this chapter, in the acquisition, preservation, and operation of significant vertebrate paleontological sites and properties of great and continuing scientific value, so that such sites and properties may be utilized to conserve the faunal heritage of this state and to promote an appreciation of that heritage.

(7) Designating areas as "state vertebrate paleontological sites" pursuant to the provisions of this section, which areas are of great and continuing significance to the scientific study and public understanding of the faunal history of the state. However, no privately owned site or grouping of sites shall be so designated without the express written consent of the private owner of the site or group of sites. Upon designation of a state vertebrate paleontological site, the owners and occupants of such site shall be given written notification of such designation by the program. Once such site has been so designated, no person may conduct paleontological field investigation activities on the site without first securing a permit for such activities as provided in s. 240.5162.

(8) Arranging for the disposition of the vertebrate fossils by accredited institutions and for the temporary or permanent loan of such fossils for the purpose of further scientific study, interpretative display, and curatorial responsibilities by such institutions.

Section 10. Subsections (1) and (3) of section 240.5162, Florida Statutes, are amended to read:

240.5162 Destruction, purchase, and sale of vertebrate fossils prohibited, exceptions; field investigation permits required; penalty for violation.—

(1) The destruction, defacement, purchase, and sale of vertebrate fossils found on or under land owned or leased by the state and on land in state-designated vertebrate paleontological sites are prohibited, except that the Florida ~~State~~ Museum *of Natural History* may sell vertebrate fossils and may adopt rules defining "nonessential vertebrate fossils" and prescribing the conditions under which such fossils may be sold or otherwise disposed of by a person holding a permit issued by the Florida ~~State~~ Museum *of Natural History*. Field investigations of vertebrate fossils,

including, but not limited to, the systematic collection, acquisition, excavation, salvage, exhumation, or restoration of such fossils, are prohibited on all lands owned or leased by the state and on lands in state-designated vertebrate paleontological sites, unless such activities are conducted under the authority of permits issued by the Florida ~~State~~ Museum *of Natural History*. A permit may be granted by the Florida ~~State~~ Museum *of Natural History*, upon application for the permit accompanied by an application fee not to exceed $5, as provided in rules adopted pursuant to s. 240.227(1), which rules are in furtherance of the preservation of the vertebrate paleontological resources of this state. The privileges authorized pursuant to the grant of a permit as provided in this subsection may not be assigned or sublet to any other party.

(3) The Florida ~~State~~ Museum *of Natural History* may institute a civil action in the appropriate circuit court for recovery of any unlawfully taken vertebrate fossil. The fossil shall be forfeited to the state if the Florida ~~State~~ Museum *of Natural History* shows, by the greater weight of the evidence, that the fossil has been taken from a particular site within this state and that the person found in possession of the fossil is not authorized by law to possess such fossil.

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 12, after semicolon (;) insert: authorizing and directing the University of Florida to name a designated sports facility the "Alfred A. McKethan Baseball Stadium"; authorizing and directing the university to name a designated building at the University of Florida the "Robert Q. Marston Hall"; providing funds; naming the Department of Education building in Tallahassee the "Ralph D. Turlington Education Building"; amending ss. 240.515, 240.516, 240.5161, 240.5162, F.S.; changing the name of the Florida State Museum to the Florida Museum of Natural History; changing the name of the State Medical Museum to the Museum of Medical History; changing the name of the Florida State Medical Museum Council to the Florida Medical Museum Council;

On motion by Senator Peterson, by two-thirds vote SB 140 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Jennings, Plummer

The Senate resumed consideration of—

SB 920—A bill to be entitled An act relating to teacher certification; amending s. 231.17, F.S.; clarifying the requirements for teacher certification; providing for endorsements of teaching certificates; clarifying certification requirements for vocational teachers; providing for the extension of temporary certificates; creating s. 231.174, F.S.; providing for an alternate preparation program for secondary school teachers; providing for the creation of regional centers; providing a procedure for funding; authorizing the charging of fees; requiring evaluation and reporting of program effectiveness; amending s. 231.24, F.S.; authorizing active status certificates for administrators; repealing s. 231.172, relating to alternate certification programs for secondary school teachers; providing multiple effective dates.

—which, having been considered June 6, was taken up with pending Amendment 8.

Further consideration of **SB 920** was deferred.

RECESS

On motion by Senator Barron, the Senate recessed at 3:47 p.m. to reconvene at 6:00 p.m. or upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 8:45 p.m. A quorum present—36:

Mr.President	Frank	Kirkpatrick	Peterson
Barron	Girardeau	Kiser	Plummer
Beard	Gordon	Langley	Ros-Lehtinen
Brown	Grant	Lehtinen	Scott
Childers, D.	Hair	Malchon	Thomas
Childers, W. D.	Hill	Margolis	Thurman
Crawford	Hollingsworth	McPherson	Weinstein
Deratany	Jennings	Meek	Weinstock
Dudley	Johnson	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 concurred in Senate Amendments 1 and 2; has amended Senate Amendment 3, concurred in same as amended and passed by the required constitutional three-fifths vote of the members of the House CS for HJR 290, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HJR 290—A joint resolution proposing the creation of Section 11 of Article IV of the State Constitution relating to a Department of Veterans Affairs.

House Amendment 1 to Senate Amendment 3—On page 1, lines 3 and 22, strike the words "Section 11" and insert: Sections 11 and 12

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

On motion by Senator Grant, CS for HJR 290 as amended was read in full as follows:

CS for HJR 290—A joint resolution proposing the creation of Sections 11 and 12 of Article IV of the State Constitution relating to a Department of Veterans Affairs.

WHEREAS, the Legislative Reorganization Act of 1969 reduced the Department of Veterans Affairs to the status of a division within the Department of Administration, and

WHEREAS, services to veterans in Florida are now scattered among three different state agencies and the sixty-seven virtually autonomous boards of county commissioners, and

WHEREAS, none of these agencies has the responsibility for setting an overall policy concerning veterans and their dependents, and

WHEREAS, the need exists to consolidate services and operations for veterans in Florida under one statewide agency, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the creation of Sections 11 and 12 of Article IV of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1988:

SECTION 11. Department of Veterans Affairs.—The Legislature, by general law, may provide for the establishment of the Department of Veterans Affairs.

SECTION 12. Department of Elderly Affairs.—The Legislature may create a Department of Elderly Affairs and prescribe its duties. The provisions governing the administration of the department must comply with Section 6 of Article IV of the State Constitution.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

DEPARTMENT OF VETERANS AFFAIRS AND ELDERLY AFFAIRS

Proposes an amendment to the State Constitution to authorize the creation of a Department of Veterans Affairs and a Department of Elderly Affairs.

—and as amended passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

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, 3 and 4 to CS for CS for SB 161, further amended, and passed as further amended and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 161—A bill to be entitled An act relating to state government; amending s. 20.04, F.S.; authorizing the Department of Administration to recommend establishment of new bureaus, sections, and subsections of departments; requiring the department to adopt and apply criteria for recommending agency reorganization; amending s. 20.31, F.S.; creating a Division of State Employees' Insurance in the department; deleting the Office of State Employees' Insurance; requiring a study and recommendations to be submitted to the Legislature regarding the pay plan for state employees and the state group insurance program; providing for lump sum bonus rewards; amending s. 110.109, F.S.; providing for personnel audits by the department; providing for agencies to initiate corrective action; creating s. 110.1095, F.S.; providing for the department to establish supervisory skills training for hired or promoted agency supervisors; providing for the department to establish a continuing education program for agency supervisors and managers; amending s. 110.123, F.S.; authorizing the department to establish or contract for medical services to improve health or reduce medical costs for state group insurance plan participants; authorizing the department to require copayments; authorizing the department to establish voluntary health maintenance program; amending s. 110.213, F.S.; providing for the department to determine guidelines for selection procedures by employing agencies; deleting provisions pertaining to competitive and noncompetitive employee classes; deleting provisions pertaining to examinations and recruitment; amending s. 110.217, F.S.; providing for the department to establish rules and guidelines for eligibility of applicants and selection by employing agencies; amending s. 110.403, F.S.; limiting positions in Senior Management Service to percentage of career service positions; providing for report when limitation is reached; authorizing department to approve contracts of employing agencies for executive searches; providing for in-house searches prior to contracting; deleting provisions for list of names approved to make executive searches; amending s. 110.602, F.S.; limiting positions in Selected Exempt Service to percentage of career service positions; providing for report when limitation is reached; amending s. 447.401, F.S.; precluding availability of more than one of civil service appeal procedure, unfair labor practice procedure, or grievance procedure; creating a task force on health benefits for state employees and prescribing its membership and duties; creating s. 20.37, F.S.; creating a Department of Veterans' Affairs and providing for its organization; transferring specified powers, duties, records, personnel, property, and appropriations, allocations, and funds from the Department of Education to the Department of Veterans' Affairs; transferring the Florida Commission on Veterans' Affairs from the Executive Office of the Governor to the Department of Veterans' Affairs; transferring the Division of Veterans' Affairs from the Department of Administration to the Department of Veterans' Affairs; providing that department personnel may not be required to move their households solely because of the reorganization effected by this act; amending s. 20.31, F.S.; eliminating the Division of Veterans' Affairs from the Department of Administration; amending s. 292.04, F.S.; assigning the Florida Commission on Veterans' Affairs to the department; amending s. 292.05, F.S.; providing for the duties of the department; amending s. 295.124, F.S.; providing that the department is the state approving agency for purposes of certain veterans' education and training; repealing s. 292.07, F.S., relating to the appointment of veterans' affairs officers; amending ss. 292.11, 295.01, 295.016, 295.11, 295.16, 295.17, 320.084, 322.21, 626.833, and 744.421, F.S.; amending provisions to conform to the reorganization made by this act; providing that administrative rules of the Division of Veterans' Affairs of the Department of Administration shall remain in effect; providing effective dates.

Amendment 5—On page 4, line 6, strike everything after the enacting clause and insert:

Section 1. Subsection (6) of section 20.04, Florida Statutes, is amended to read:

20.04 Structure of executive branch.—The executive branch of state government is structured as follows:

(6)(a) Unless specifically authorized herein, the head of the department shall not reallocate duties and functions specifically assigned herein to a specific unit of the department. Those functions or agencies assigned generally to the department without specific designation to a unit of the department may be allocated and reallocated to a unit of the department at the discretion of the head of the department.

(b) Within the limitations of this subsection, the head of the department may establish additional divisions, bureaus, sections, and subsections of the department to promote efficient and effective operation of the department. However, no department of state government shall have the authority to establish additional divisions of department after July 1, 1970, and no new bureaus, sections, and subsections of departments may be established until *recommended by the Department of Administration and* approved by the Executive Office of the Governor or by law.

(c) *For the purposes of such recommendations and approvals,* the *Department of Administration and the* Executive Office of the Governor, *respectively,* shall adopt and apply specific criteria for assessing the appropriateness of all reorganization requests from agencies. Such criteria shall not only be applied to future agency requests for reorganization, but shall also be utilized to review the appropriateness of bureaus currently in existence. Any current bureau which does not meet the criteria for a bureau shall be reorganized into a section or other appropriate unit.

Section 2. Section 20.31, Florida Statutes, is amended to read:

20.31 Department of Administration.—There is created a Department of Administration.

(1) The head of the Department of Administration is the Secretary of Administration. The secretary shall be appointed by the Governor subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

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

(a) Division of Administrative Hearings.

(b) Division of Personnel Management Services.

(c) Division of Retirement.

(d) Division of Veterans' Affairs.

(e) Division of State Employees' Insurance.

(3) There is created within the office of Secretary of Administration an Office of Labor Relations. The duties of the office shall be determined by the secretary and shall include, but not be limited to, the representation of the Governor as a public employer in collective bargaining negotiations pursuant to the provisions of chapter 447.

~~(4) There is created within the office of Secretary of Administration an Office of State Employees' Insurance. The duties of the office shall be determined by the secretary and shall include, but not be limited to, the administration of state employee health, life, and disability insurance programs and any other insurance programs applicable to state employees.~~

Section 3. Pay plan and state group insurance program studies.—

(1) The Department of Administration, in consultation with *the Legislature and* the Executive Office of the Governor and in accordance with chapter 447, Florida Statutes, shall submit to the Legislature by February 1, 1989, a study of the pay plan for state employees in the career service, Selected Exempt Service, and Senior Management Service. The study shall include recommendations for:

(a) A pay plan that is competitive with other governmental agencies and sufficient to attract qualified applicants into state government. At the request of the department, each agency of local government shall report to the department by November 1, 1988, salary and pay levels of employees with jobs equivalent to state positions.

(b) Allowing critical class adjustments for employees needed to protect the public health, safety, and welfare and in education when low pay prevents the state from filling key jobs.

(c) Including competitive area differentials when surveys by the department demonstrate a need.

(2) The Department of Administration shall conduct a study and submit a report to the Legislature by February 1, 1989, making recommendations with respect to abolishing the requirement under s. 110.123(5)(c), Florida Statutes, that the department contract on a competitive proposal basis with an insurance carrier or carriers or professional administrator to implement the state group insurance program.

(3) The Department of Administration may by rule authorize an agency head to approve a lump sum bonus payment to reward outstanding employees whose performance exceeds standards. Such bonus payment shall be outside of the employee's regular base rate of pay and shall not carry over into subsequent years.

Section 4. Section 110.109, Florida Statutes, is amended to read:

110.109 Productivity improvement *and personnel audits of executive branch agencies.—The department shall be responsible for conducting personnel audits of all executive branch agencies, except the State University System, to provide as follows:*

(1) In order to provide for the improvement of productivity and human resources management, the department shall have the authority to conduct agency personnel administration and management reviews to assist agencies in identifying areas of recommended improvement. *Such reviews shall be conducted so as to ascertain the operational necessity and effectiveness of agency personnel programs and human resource management.* A copy of any such reviews made by the department shall be submitted to the Legislature and the Auditor General.

(2) It shall be the duty of the department to *audit the personnel programs of the state agencies on a continuing and regular basis to ensure the agencies' compliance with state laws and regulations* ~~assist the Governor and state agencies in making a detailed study of each of the several state agencies, with a view toward ascertaining and determining the effectiveness and efficiency of agency personnel programs and human resources management~~. A copy of ~~any~~ such study made by the department shall be submitted to the *Governor, the President of the Senate, the Speaker of the House of Representatives,* ~~Legislature~~ and the Auditor General.

(3) At the conclusion of the audit, the Secretary of Administration or his designated representative shall discuss the audit with the official whose office is subject to audit and submit to him a list of his adverse findings which may be included in the audit report. If the official is not available for receipt of the list of adverse audit findings, clearly designated as such, then delivery thereof is presumed to be made when it is delivered to his office. The official shall submit to the Auditor General or his designated representative, within 30 days after the receipt of the list of findings, his written statement of explanation or rebuttal concerning all of the findings, including therein corrective action to be taken to preclude a recurrence of adverse findings.

~~(3) The department shall represent the public interest in the improvement of administration by providing training programs aimed at improving managerial, administrative, and technical skills.~~

Section 5. Section 110.1095, Florida Statutes, is created to read:

110.1095 Supervisory and management training and continuing education for executive branch agencies.—The department shall represent the public interest in the improvement of administration by providing training programs for all executive branch agencies, except the State University System, aimed at improving managerial, administrative, and technical skills.

(1) The department shall establish a basic supervisory skills training program to ensure that all persons filling supervisory or managerial positions in state government are instructed in basic supervisory functions. The program shall be designed so that a person who is hired or promoted into a supervisory position attends the training within 6 months after the date that he is hired or promoted into such position; when there are extenuating circumstances, this period may be extended up to 6 months.

(2) The department shall establish a continuing education program for supervisors and managers to ensure that persons filling such positions update their skills on a regular and continuing basis.

Section 6. Paragraph (c) of subsection (5) of section 110.123, Florida Statutes, is amended and paragraphs (d) and (e) are added to said subsection to read:

110.123 State group insurance program.—

(5) DEPARTMENT OF ADMINISTRATION; POWERS AND DUTIES.—The Secretary of Administration shall be responsible for the administration of the state group insurance program. The Department of Administration shall initiate and supervise the program as established by this section and shall promulgate such rules as are necessary to perform its responsibilities. To implement this program, the department shall, *with prior* ~~subject to~~ legislative approval:

(c) Contract on a competitive proposal basis with an insurance carrier or carriers, or professional administrator, determined by the Department of Insurance to be fully qualified, financially sound, and capable of meeting all servicing requirements. Alternatively, the Department of Administration may self-insure any plan or plans contained in the state group insurance program subject to approval based on actuarial soundness by the Department of Insurance. The department may contract with an insurance company or professional administrator qualified and approved by the Department of Insurance to administer such plan. Before entering into any contract, the Department of Administration shall advertise for competitive proposals, and such contract shall be let upon the consideration of the benefits provided in relationship to the cost of such benefits. *The department may contract for medical services which will improve the health or reduce medical costs for employees who participate in the state group insurance plan.*

(d) With respect to the state group health insurance plan, be authorized to require copayments with respect to all providers under the plan.

(e) Have authority to establish a voluntary program for comprehensive health maintenance, which may include health educational components and health appraisals.

Section 7. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

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

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

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

Section 8. Section 110.213, Florida Statutes, is amended to read:

110.213 ~~Examination and~~ Selection.—

(1) The department shall have the responsibility ~~for designating classes as competitive or noncompetitive and~~ for determining *guidelines for* ~~the type of examination or~~ selection *procedures* ~~procedure~~ to be utilized *by the employing agencies* ~~for each class~~. The department shall adopt rules providing *such guidelines* ~~for delegation of the administration of examination activities to those employing agencies which request to be delegated such functions~~.

(2) Any ~~competitive or noncompetitive~~ selection ~~or examination~~ procedure utilized in state employment ~~or examination programs~~ shall be designed to *provide maximum* ~~maximize~~ validity, reliability, and objectivity, shall be based on adequate job analysis ~~conducted~~ to ensure job relatedness, and shall measure the relative ability, knowledge, and skill needed for entry to a job.

(3) Selection for appointment from among the most qualified available eligibles shall be the responsibility of the employing agency in accordance with the rules adopted by the department. ~~Such rules shall also provide procedures for selection for noncompetitive classes where job-related ranking measures are not practical or are not appropriate.~~

~~(4) Appointments to positions in competitive classes shall be made from listings of certified eligibles from registers in accordance with rules adopted by the department. The employing agency shall assure that examination and certification requirements are met prior to the commitment of appointment to any applicant.~~

~~(5) The department shall conduct examinations and other recruitment activities for certain common classes of positions, as determined by the department, when centralized screening and placement activities are found to be more economical and effective than if carried out on a decentralized basis.~~

(4)~~(6)~~ The department shall adopt ~~any~~ rules ~~necessary~~ to implement the provisions of this section; however, such rules shall be approved by the Administration Commission prior to their adoption by the department.

Section 9. Section 110.217, Florida Statutes, is amended to read:

110.217 ~~Certification~~, Registers, appointments, and promotion.—

(1) The department shall have the responsibility for the establishment and maintenance of *rules and guidelines for determining eligibility of applicants* ~~eligible registers and for the certification of persons who have qualified~~ for appointment to ~~competitive~~ positions in the career service. *Eligibility determination is the responsibility of* ~~However, certification may be delegated to~~ the employing agency ~~in accordance with rules adopted by the department~~.

(2) Eligibility ~~for placement on registers~~ shall be based on ~~successful completion of any required examination and~~ possession of established minimum requirements for entrance to a class, unless the applicant's qualifications are determined to be equivalent to the required minimum training and experience established for the class.

(3) ~~Certification~~ Rules shall be established by the department to ensure that employing agencies review and give equitable consideration to ~~an appropriate number of~~ eligibles based on the *selection* ~~ranking~~ system that is *approved* ~~adopted~~ by the department ~~for selection for initial entry into the career service~~.

(4) The employing agency shall forward to the department on a timely basis a report of all *eligibility and selection* ~~certification~~ actions taken or shall report such actions through computer processing. Such reporting shall be in accordance with rules adopted by the department. *Eligibility and selection decisions made by the employing agencies are subject to postaudit by the department.*

(5) The employing agency shall be responsible for developing an employee career advancement program which shall assure consideration of qualified permanent employees in the agency or career service who apply. However, such program shall also include provisions to bring persons into the career service through open competition. Promotion appointments shall be subject to postaudit by the department.

(6) The department shall have the responsibility for the adoption of rules regarding demotion, reassignment, separation, promotion, original and reinstatement appointments, and status.

(7) The department shall adopt any rules necessary to implement the provisions of this section; however, such rules shall be approved by the Administration Commission prior to their adoption by the department.

Section 10. Paragraph (a) of subsection (1) and paragraph (c) of subsection (3) of section 110.403, Florida Statutes, are amended to read:

110.403 Powers and duties of the Department of Administration.—

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

(a) A system for employing, promoting, or reassigning managers that is responsive to organizational or program needs. In no event shall the number of *positions* ~~employees~~ included in the Senior Management Service exceed *.5 percent of the total full-time equivalent positions in the career service* ~~500~~. *The department shall deny approval to establish any position within the Senior Management Service which would exceed the limitation established in this paragraph. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.* Employees in the Senior Management Service shall serve at the pleasure of the agency head and shall be subject to suspension, dismissal, reduction in pay, demotion, transfer, or other personnel action at the discretion of the agency head. Such personnel actions are exempt from the provisions of chapter 120.

(3) The department shall have the following additional responsibilities:

(c) *To approve contracts of employing agencies* ~~At the completion of an unsuccessful in-house search and upon the request of the head of an employing agency or the executive director of an executive department, as defined in chapter 20, which is headed by a collegial body, to contract~~ with persons engaged in the business of conducting multistate executive searches to identify qualified and available applicants for Senior Management Service positions for which the Department of Administration sets salaries in accordance with the classification and pay plan. *Such contracts may be entered by the agency head only after completion of an unsuccessful in-house search.* ~~The department shall be reimbursed by the agency or department requesting the search in the amount of the contract price for the search. The department shall accept applications from any person desiring to contract with the department to conduct executive searches pursuant to this paragraph.~~ The department shall establish by rule the minimum qualifications for persons desiring to conduct executive searches, including a requirement for the use of contingency contracts. Such rules shall ensure that such persons possess the requisite capacities to perform effectively at competitive industry prices. ~~The department shall establish a list of names of persons approved to make executive searches. Departmental approval shall be based upon an evaluation of the person's ability to comply satisfactorily with any contract entered into for executive searches and upon past performance on similar contracts. The name of any person who has not complied fully with the terms of a contract for an executive search shall be removed from the approved list. The action of the department in placing the name of a person upon the approved list or in removing the name of a person from the list is not subject to the requirements of s. 120.57.~~ The department shall make the rules required pursuant to this paragraph in such a manner as to comply with state and federal laws and regulations governing equal opportunity employment.

Section 11. Section 110.602, Florida Statutes, is amended to read:

110.602 Selected Exempt Service; creation, coverage.—The Selected Exempt Service is created as a separate system of personnel administration for select exempt positions. Such positions shall include, and shall be limited to, those positions which are exempt from the Career Service System pursuant to s. 110.205(2) and for which the salaries and benefits

are set by the department in accordance with the rules of the Selected Exempt Service. In no event shall the number of employees included in the Selected Exempt Service exceed *2.5 percent of the total full-time equivalent positions in the career service* ~~$2,000~~. *The department shall deny approval to establish any position within the Selected Exempt Service which would exceed the limitation established in this section. The department shall report that the limitation has been reached to the Governor, the President of the Senate, and the Speaker of the House of Representatives, as soon as practicable after such event occurs.*

Section 12. Section 447.401, Florida Statutes, is amended to read:

447.401 Grievance procedures.—Each public employer and bargaining agent shall negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. Such grievance procedure shall have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties; however, when the issue under appeal is an allegation of abuse or neglect by an employee under s. 415.103 or s. 415.504, the grievance may not be decided until the confirmed report of abuse or neglect has been upheld pursuant to the procedures for appeal in ss. 415.103 and 415.504. However, an arbiter or other neutral shall not have the power to add to, subtract from, modify, or alter the terms of a collective bargaining agreement. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure, administered without regard to membership or nonmembership in any organization, except that certified employee organizations shall not be required to process grievances for employees who are not members of the organization. A career service employee shall have the option of utilizing the civil service appeal procedure, *an unfair labor practice procedure,* or a grievance procedure established under this section, but such employee *is precluded from availing himself to more than one of these procedures* ~~cannot use both a civil service appeal and a grievance procedure~~.

Section 13. Section 20.37, Florida Statutes, is created to read:

20.37 Department of Veterans' Affairs.—There is created a Department of Veterans' Affairs.

(1) The head of the department is the Governor and Cabinet. The executive director of the department shall be appointed by the Governor with the approval of three members of the Cabinet and subject to confirmation by the Senate. The executive director shall serve at the pleasure of the Governor and Cabinet.

(2) The following divisions, and bureaus within these divisions, of the Department of Veterans' Affairs are established:

(a) Division of Administration and Public Information.

1. Bureau of Information and Research.

(b) Division of Veterans' Benefits and Assistance.

1. Bureau of Veteran Claims Services.

2. Bureau of Veteran Field Services.

3. Bureau of State Approving for Veterans' Training.

(3) The headquarters for the department shall be located where the Florida Regional Office of the Veterans Administration was located immediately prior to the effective date of this act.

Section 14. (1) The powers, duties, records, personnel, property, and unexpended balances of appropriations, allocations, or other funds of the Department of Education which relate to the administration of section 295.124, Florida Statutes, are hereby transferred by a type four transfer as defined in section 20.06(4), Florida Statutes, to the Department of Veterans' Affairs.

(2) The Florida Commission on Veterans' Affairs, which is assigned to the Executive Office of the Governor, is hereby transferred by a type one transfer as defined in section 20.06(1), Florida Statutes, to the Department of Veterans' Affairs, except that the commission in the performance of its duties shall not be subject to control, supervision, or direction by the department.

(3) The Division of Veterans' Affairs of the Department of Administration is hereby transferred by a type three transfer as defined in section 20.06(3), Florida Statutes, to the Department of Veterans' Affairs.

Section 15. Personnel of the Department of Veterans' Affairs shall not be required to move their households solely as a result of the reorganization made by this act.

Section 16. Subsection (2) of section 20.31, Florida Statutes, is amended to read:

20.31 Department of Administration.—There is created a Department of Administration.

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

(a) Division of Administrative Hearings.

(b) Division of Personnel Management Services.

(c) Division of Retirement.

~~(d) Division of Veterans' Affairs.~~

Section 17. Section 292.04, Florida Statutes, is amended to read:

292.04 Florida Commission on Veterans' Affairs.—

(1)(a) There is created a Florida Commission on Veterans' Affairs~~, hereinafter referred to as the "commission,"~~ to be composed of nine commissioners who shall be appointed by the Governor, subject to confirmation by the Senate. Eight commissioners shall be appointed from various regions of the state, with consideration given to proportional representation of the veterans in the state based on population. One commissioner shall be appointed from the state at large. The Governor may suspend a member of the commission only for cause, subject to removal or reinstatement of the member by the Senate.

(b) Commissioners must be veterans of a war in which the United States was or is a participant, and they must have been separated from the Armed Forces of the United States under honorable conditions. Each member of the commission must be a *resident* ~~citizen~~ of the state~~, and at least one member of the commission must be 60 years of age or older~~. Commissioners shall be appointed to serve for terms of 4 years. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment. A member of the commission is eligible for reappointment.

(2)(a) The commission is assigned to the *Department of Veterans' Affairs and shall serve as an advisory body to that department* ~~Executive Office of the Governor~~. The *department shall provide administrative staff support for the commission and* ~~office~~ shall cooperate fully with the commission in matters related to the ~~specified authority, powers,~~ duties~~, and responsibilities~~ of the commission and shall endeavor to implement the recommendations of the commission ~~concerning the Division of Veterans' Affairs~~. However, the commission, in the performance of its ~~powers and~~ duties under this section, shall not be subject to control, supervision, or direction by the *department* ~~Executive Office of the Governor~~. ~~The commission may appear before the Veterans Administration and congressional committees to provide testimony on matters pertaining to veterans' affairs.~~

(b)1. The commission shall *biennially elect* ~~select~~ a chairman, vice chairman, and secretary to serve for terms of 2 years. The commission *shall* ~~may~~ meet *four times annually* ~~and exercise its powers~~ at any place within the state~~. Meetings of the commission shall be held~~ upon the call of the chairman~~, and such meetings shall be held no less frequently than semiannually~~. Members of the commission shall serve without compensation, but they shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.

2. ~~The commission shall have the authority to employ an executive director and such other personnel as may be necessary to carry out the provisions of this section. The executive director of the commission shall be a veteran as defined in s. 1.01(15).~~

~~(c) The commission may apply for and accept funds, grants, gifts, and services from the state, the United States Government or any of its agencies, or any other public or private source and is authorized to use funds derived from these sources to defray clerical and administrative costs as may be necessary for carrying out the duties of the commission.~~

~~(d) The commission shall, in accordance with chapter 120, adopt, promulgate, amend, or rescind such rules as it deems necessary to carry out the provisions of this section.~~

(3)(a) It is the duty of the commission to conduct ~~an ongoing study on the problems and needs of those citizens of this state who are veterans of the Armed Forces of the United States and the problems and needs of their dependents. The study shall include, but shall not be limited to:~~

~~1. A survey of existing state and federal programs available for such persons that specifies the extent to which such programs presently are being implemented, with recommendations for the improved implementation or the extension and improvement of such programs.~~

~~2. A survey of the needs of such persons in the areas of social services, health care, education, and employment, and any other areas of determined need, with recommendations regarding state and community services that would meet those needs.~~

~~3. A survey of public funds and private funds available that could be used to defray the costs of state and community services needed for such persons.~~

~~4.~~ a *biennial* survey of *possible* ~~the~~ contributions that veterans, or state organizations of veterans and their auxiliaries, could make to ~~the people of~~ the state *and to report the results of the survey to the department together*, with recommendations for encouraging such contributions.

(b) The commission shall work with the various veterans' organizations and their auxiliaries within the state and shall function as a liaison between such organizations and the *department* ~~state~~ on matters pertaining to veterans ~~and their organizations. Each state agency shall cooperate fully with the commission in matters related to the specified authority, powers, duties, and responsibilities of the commission.~~

~~(c) If the commission determines that a proposed state or federal project would benefit all veterans within the state, it is the responsibility of the commission to recommend legislation and initiate a statewide effort by veterans to obtain such benefit.~~

~~(d) The commission shall prepare an annual report based on the duties carried out under the provisions of paragraphs (a), (b), and (c), which report is to be presented to the Governor no later than January 1, with copies to the Speaker of the House of Representatives, President of the Senate, Secretary of Administration, and such other persons as the commission may desire. The report shall include specific suggestions for necessary legislation and specific recommendations for any necessary administrative or regulatory reform.~~

Section 18. Section 292.05, Florida Statutes, is amended to read:

292.05 Duties of *Department* ~~Division~~ of Veterans' Affairs.—

(1) The *Department* ~~Division~~ of Veterans' Affairs shall provide assistance to all former, present, and future members of the Armed Forces of the United States and their dependents in preparing claims for and securing such compensation, hospitalization, vocational training, and other benefits or privileges to which such persons or any of them are or may become entitled under any federal or state law or regulation by reason of their service in the Armed Forces of the United States. All services rendered under *this subsection* ~~the provisions of the law~~ shall be without charge to the claimant.

(2) The executive director of the department may employ such personnel and incur such expenses as he may deem necessary to administer this chapter and may also prescribe the salary standards, rights, powers, duties, and qualifications of all persons employed by the department. The director and his staff shall be reimbursed for traveling expenses as provided in s. 112.061.

(3) The department may adopt, amend, or rescind such rules as it deems necessary to carry out this chapter.

(4) The department may apply for and accept funds, grants, gifts, and services from the state, the United States Government or any of its agencies, or any other public or private source and may use funds derived from these sources to defray clerical and administrative costs as may be necessary for carrying out its duties.

(5) The department shall conduct an ongoing study on the problems and needs of those residents of this state who are veterans of the Armed Forces of the United States and the problems and needs of their dependents. The study shall include, but not be limited to:

(a) A survey of existing state and federal programs available for such persons that specifies the extent to which such programs presently are being implemented, with recommendations for the improved implementation, extension, or improvement of such programs.

(b) A survey of the needs of such persons in the areas of social services, health care, education, and employment, and any other areas of determined need, with recommendations regarding federal, state, and community services that would meet those needs.

(c) A survey of federal, state, public, and private moneys available that could be used to defray the costs of state or community services needed for such persons.

~~(2) The Secretary of Administration shall employ a Director of the Division of Veterans' Affairs to serve under the direction, supervision, and control of the secretary in carrying out the provisions of this chapter. The director may be selected by the secretary from a list of three persons nominated by the Commission on Veterans' Affairs. The director shall be a resident of the state; must have served as a member of the Armed Forces of the United States; and must have been separated from such service under honorable conditions. In addition, the director must have at least a 4-year degree from an accredited university or college and 3 years of administrative experience in veterans' affairs, or any equivalent combination of experience, training, and education totaling at least 7 years in work related to veterans' affairs.~~

~~(3) Except as may otherwise be provided in this law, the director may employ such personnel and incur such expenses as he may deem necessary to carry out the objects and purposes of this law and may also prescribe the salary standards, rights, powers, duties, and qualifications of all persons employed hereunder.~~

~~(4) The Division of Veterans' Affairs shall have authority to promulgate rules pertaining to all veteran service work and the duties of all veteran service officers in the state.~~

(6)~~(5)~~ The *department* ~~division~~ shall, on January 1 of each year, make an annual written report to the Governor of the state, the Speaker of the House of Representatives, and the President of the Senate, which report shall show the expenses incurred in veteran service work in the state; the number, nature, and kind of cases handled by the *department* ~~division~~ and by county and city veteran service officers of the state; the amounts of benefits obtained for veterans; the names and addresses of all certified veteran service officers, including county and city veteran service officers.~~;~~ *The report shall also describe the actions taken by the department in implementing subsections (4), (5), and (7)* and *shall contain* such other information and recommendations as may appear to the *department* ~~division~~ to be right and proper.

(7)~~(6)~~ The *department* ~~division~~ shall administer ~~the provisions of~~ this chapter and shall have the authority and responsibility to apply for and administer any federal programs and develop and coordinate such state programs as may be beneficial to the particular interests of the veterans of this state. Such programs shall be subject to ~~the provisions of~~ chapter 215 and ~~the provisions of~~ chapter 216.

Section 19. Section 292.07, Florida Statutes, is hereby repealed.

Section 20. Subsections (2), (3), and (4) of section 292.11, Florida Statutes, are amended to read:

292.11 County and city veteran service officer.—

(2) Any county or city desiring to employ a county or city veteran service officer under the provisions of this section may notify the *Department of Veterans' Affairs* ~~division~~ of its intention to do so and may furnish the *department* ~~division~~ with the name or names of any person or persons applying to fill such position, along with documentation supporting the qualifications thereof. The *department* ~~division~~ shall thereupon certify to such county or city the name or names of candidates for such position who meet the requirements and qualifications prescribed by the *department* ~~division~~. The county or city may thereupon employ any person or persons so certified by the *department* ~~division~~. Duties, compensation, and terms of employment shall be prescribed by the board of county commissioners or, where applicable, by the governing body of the city.

(3) Any person employed by any county or city under the provisions of this section shall, from the time of his employment, be subject to such rules as the *Department of Veterans'* ~~Division of Veterans'~~ Affairs may

from time to time prescribe. Appropriations made by any county or city, or both, for the purposes set forth in this section are hereby declared to be appropriations for a county or municipal purpose, as the case may be.

(4) The *Department of Veterans' Affairs* ~~Division of Veterans' Affairs of the Department of Administration~~ is directed to establish a training program for county and city veteran service officers. Every county or city veteran service officer employed under ~~the provisions of~~ this chapter shall attend the training program established by the *department* ~~division~~ and successfully complete a test administered by the *department* ~~Division of Veterans' Affairs~~ prior to assuming any responsibilities as a county or city veteran service officer. The *department* ~~division~~ shall further establish periodic training refresher courses which each county or city veteran service officer *must* ~~shall~~ attend and complete as a condition of remaining in employment as a county or city veteran service officer. County and city veteran service officers shall be reimbursed for traveling expenses, as provided in s. 112.061, in fulfilling the requirements of this section.

Section 21. Section 295.01, Florida Statutes, is amended to read:

295.01 Children of deceased or disabled veterans; education.—

(1) It is hereby declared to be the policy of the state to provide educational opportunity at state expense for dependent children either of whose parents was a resident of the state at the time such parent entered the Armed Forces and:

(a) Died in that service or from injuries sustained or disease contracted during a period of wartime service as defined in s. 1.01(15) or has died since or may hereafter die from diseases or disability resulting from such war service, or

(b) Has been:

1. Determined by the Veterans Administration to have a service-connected 100-percent total and permanent disability rating for compensation,

2. Determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, or

3. Issued a valid identification card by the *Department* ~~Division~~ of Veterans' Affairs ~~of the Department of Administration~~ in accordance with ~~the provisions of~~ s. 295.17,

when the parents of such children have been bona fide residents of the state for 5 years next preceding their application for the benefits hereof, and subject to the rules, restrictions, and limitations hereof.

(2) The provisions of ss. 295.03, 295.04, and 295.05 shall apply.

Section 22. Section 295.016, Florida Statutes, is amended to read:

295.016 Children of servicemen who died or became disabled in Operation Eagle Claw.—

(1) It is hereby declared to be a policy of the state to provide educational opportunity at state expense for the dependent children of any serviceman who died or suffered a service-connected 100-percent total and permanent disability rating for compensation as determined by the Veterans Administration, or who has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, in the Iranian rescue mission known as Operation Eagle Claw, which serviceman was residing in the state on April 25, 1980. A certified copy of a death certificate, a valid identification card issued by the *Department* ~~Division~~ of Veterans' Affairs ~~of the Department of Administration~~ in accordance with ~~the provisions of~~ s. 295.17, a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the Veterans Administration, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Services shall be prima facie evidence of the fact that the dependent children of the serviceman are eligible for such benefits.

(2) The provisions of ss. 295.03, 295.04, and 295.05 shall apply.

Section 23. Section 295.11, Florida Statutes, is amended to read:

295.11 Investigation; administrative hearing for not employing preferred applicant.—

(1) The *Department* ~~director of the Division~~ of Veterans' Affairs or *its designee* ~~his designated staff employee, hereinafter called "designee,"~~ shall, upon the written request of any person specified in s. 295.07, investigate any complaint filed with the *department* ~~division~~ by such person when the person has made application with any state agency or any agency of a political subdivision of the state for a position of employment which was awarded to a nonveteran and the person feels himself aggrieved under ~~the provisions of~~ this *chapter* ~~law~~. Such investigation shall be accomplished within existing amounts appropriated to the *department* ~~division~~.

(2) Upon completion of the investigation, the *department* ~~division director~~ shall furnish a copy of the investigative findings to the complainant and to the agency involved.

(3) When a satisfactory resolution to the complaint is not forthcoming, the *department* ~~division director~~ or *its* ~~his~~ designee shall, upon written request of the complainant and with advisory assistance from the Department of Administration, testify at the Public Employee Relations Commission hearing as to the investigative findings. The complainant, however, may be represented at the hearing by counsel of his choice at his expense.

(4) Jurisdiction to effectuate the purposes of ss. 295.07-295.09 shall vest with the Public Employees Relations Commission for appropriate administrative determination.

Section 24. Section 295.124, Florida Statutes, is amended to read:

295.124 State approving agency for veterans' education and training.—The *Department of Veterans' Affairs* ~~designated administrative unit of the Department of Education, under the authority of the department,~~ shall act as the state approving agency for purposes of veterans' education and training, in accordance with 38 U.S.C. s. 1771 and the applicable annual contract between the state and the Federal Government.

Section 25. Section 295.16, Florida Statutes, is amended to read:

295.16 Disabled veterans exempt from certain license or permit fee.—No totally and permanently disabled veteran who is a resident of Florida and honorably discharged from the Armed Forces, who has been issued a valid identification card by the *Department of Veterans' Affairs* ~~Division of Veterans' Affairs of the Department of Administration~~ in accordance with ~~the provisions of~~ s. 295.17 or has been determined by the Veterans Administration to have a service-connected 100-percent disability rating for compensation, or who has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the uniformed armed services, shall be required to pay any license or permit fee, by whatever name known, to any county or municipality in order to make improvements upon a mobile home owned by the veteran which is used as the veteran's residence; provided such improvements are limited to ramps, widening of doors, and similar improvements for the purpose of making the mobile home habitable for veterans confined to wheelchairs.

Section 26. Section 295.17, Florida Statutes, is amended to read:

295.17 Identification cards.—

(1)(a) The *Department* ~~Division~~ of Veterans' Affairs *may* ~~of the Department of Administration is empowered to~~ issue an identification card to any veteran who is a permanent resident of the state and who has been adjudged by the Veterans Administration to have a 100-percent, service-connected permanent and total disability rating for compensation, or who has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, upon the written request of such veteran. Such card may be used by the veteran as proof of eligibility for any benefit provided by state law for 100-percent, service-connected permanently and totally disabled veterans, except those benefits provided by ss. 196.081, 196.091, and 196.24. The identification card shall bear a statement that it is unlawful for any person other than the veteran to whom it was issued to use the card.

(b) The *department is* ~~division shall be~~ responsible for design and content of the identification card and shall *adopt* ~~develop and promulgate~~ rules and procedures relating to the eligibility and application for, and issuance and control of, identification cards. There shall be a service charge of $1 for each identification card issued by the *department* ~~division~~.

(2) Such identification card shall be valid for 4 years after the date of issuance; however, the *department* ~~division~~ may, if necessary, issue an identification card which is valid for less than 4 years. Each veteran who holds an identification card issued by the *department* ~~division~~ may apply to the *department* ~~division~~ to renew such card.

(3) It is unlawful for any person to:

(a) Display, cause or permit to be displayed, or have in his possession any fictitious, fraudulently altered, or fraudulently obtained identification card.

(b) Lend his identification card to any person or knowingly permit the use thereof by another.

(c) Display or represent any identification card which has not been issued to him as being his card.

(d) Permit any unlawful use of an identification card issued to him.

(e) Photograph, photostat, duplicate, or in any way reproduce any identification card or facsimile thereof in such a manner that the photograph, photostat, duplicate, reproduction, or facsimile could be mistaken for a valid identification card or display or have in his possession any such photograph, photostat, duplicate, reproduction, or facsimile.

(f) Display, or cause or permit to be displayed, his identification card after such card has expired.

(4) Any person *who violates* ~~found in violation of~~ any provision of *subsection (3) is* ~~this section shall be~~ guilty of a noncriminal violation and shall be punished by a fine of $200.

Section 27. Subsection (2) of section 320.084, Florida Statutes, is amended to read:

320.084 Free motor vehicle license plate to certain disabled veterans.—

(2) The production by a veteran of a valid identification card issued by the *Department* ~~Division~~ of Veterans' Affairs ~~of the Department of Administration~~ in accordance with ~~the provisions of~~ s. 295.17 or a letter from the Veterans Administration or any branch of the uniformed Armed Services certifying a service-connected disability rating of 100 percent for the veteran is prima facie evidence of the veteran's eligibility for the benefits contained in subsection (1).

Section 28. Subsection (7) of section 322.21, Florida Statutes, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(7) Any veteran honorably discharged from the Armed Forces who has been issued a valid identification card by the *Department* ~~Division~~ of Veterans' Affairs ~~of the Department of Administration,~~ in accordance with ~~the provisions of~~ s. 295.17, or has been determined by the Veterans Administration to have a 100-percent total and permanent service-connected disability rating for compensation, or has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, and who is qualified to obtain an operator's or chauffeur's license under this chapter is exempt from all fees required by this section.

Section 29. Section 626.833, Florida Statutes, is amended to read:

626.833 Veterans Administration employees disqualified.—*A* ~~No~~ person *who is* employed by the Veterans Administration or the *Department* ~~Division~~ of Veterans' Affairs *may not* ~~of the Department of Administration shall~~ be licensed as a health agent. The license of any person who accepts such employment will automatically terminate when the employment commences.

Section 30. Section 744.421, Florida Statutes, is amended to read:

744.421 Petition for support of ward's dependents.—Any person dependent on the ward for support may petition for an order directing the guardian of the property to contribute to the support of the dependent person from the property of the ward. The court may enter an order for suitable support and education of the dependent person out of the ward's property. The grant or denial of an order for support shall not preclude a further petition for increase, decrease, modification, or termination of allowance for support by either the petitioner or the guardian. The order for support shall be valid for payments made pursuant to it, but no valid payments can be made after the termination of the guardianship. The receipt of the petitioner shall be a sufficient release of the guardian for payments made pursuant to the order. If the property of the ward is derived in whole or in part from payments of compensation, adjusted compensation, pension, insurance, or other benefits made directly to the guardian by the Veterans Administration, notice of the application for support shall be given by the applicant to the office of the Veterans Administration having jurisdiction over the area in which the court is located and the chief attorney for the *Department* ~~Division~~ of Veterans' Affairs ~~of the Department of Administration~~ in this state at least 15 days before the hearing on the application.

Section 31. The administrative rules of the Division of Veterans' Affairs of the Department of Administration that are in effect immediately prior to the effective date of this section shall remain in effect until specifically changed in the manner provided by law.

Section 32. Section 295.019, Florida Statutes, is created to read:

295.019 Children of servicemen who died in U.S.S. Stark attack.—

(1) It is hereby declared to be state policy to provide educational opportunity at state expense for the dependent children of those servicemen killed in the Iraqi missile attack on the U.S.S. Stark in the Persian Gulf on May 17, 1987, which servicemen claimed Florida as their home of record on the date of the attack.

(2) The provisions of ss. 295.03, 295.04, and 295.05 shall apply.

Section 33. *The Secretary of Administration is directed to apply now to the Veterans Administration for federal funds for the purpose of providing a state nursing home for veterans in this state, which application is necessary to ensure Florida future consideration for such funds, said funds to provide 65 percent of the cost of such home.*

Section 34. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later, except that sections 13 through 31 shall take effect on the effective date of an amendment to the State Constitution approved by the electors at the general election to be held in November 1988 which requires the creation of a Department of Veterans' Affairs.

House Amendment 1 to House Amendment 5—On page 5, line 20, strike "Auditor General" and insert: Secretary of Administration

House Amendment 2 to House Amendment 5—On page 10, line 9, and on page 11, line 24, after "approved by" insert: *a majority vote of*

Amendment 6—On page 4, in the title, line 3, strike everything before the enacting clause and insert: An act relating to state government; amending s. 20.04, F.S.; authorizing the Department of Administration to recommend establishment of new bureaus, sections, and subsections of departments; requiring the department to adopt and apply criteria for recommending agency reorganization; amending s. 20.31, F.S.; creating a Division of State Employees' Insurance in the department; deleting the Office of State Employees' Insurance; requiring a study and recommendations to be submitted to the Legislature regarding the pay plan for state employees; providing for lump sum bonus rewards; amending s. 110.109, F.S.; providing for personnel audits by the department; providing for agencies to initiate corrective action; creating s. 110.1095, F.S.; providing for the department to establish supervisory skills training for hired or promoted agency supervisors; providing for the department to establish a continuing education program for agency supervisors and managers; amending s. 110.123, F.S.; authorizing the department to contract for medical services to improve health or reduce medical costs for state group insurance plan participants; authorizing the department to require copayments; authorizing the department to establish voluntary health maintenance program; amending s. 110.205, F.S.; to add public information administrator or comparable position for a cabinet officer; amending s. 110.213, F.S.; providing for the department to determine guidelines for selection procedures by employing agencies; deleting provisions pertaining to competitive and noncompetitive employee classes; deleting provisions pertaining to examinations and recruitment; amending s. 110.217, F.S.; providing for the department to establish rules and guidelines for eligibility of applicants and selection by employing agencies; amending s. 110.403, F.S.; limiting positions in Senior Management Service to percentage of career service positions; providing for report when limitation is reached; authorizing department to approve contracts

of employing agencies for executive searches; providing for in-house searches prior to contracting; deleting provisions for list of names approved to make executive searches; amending s. 110.602, F.S.; limiting positions in Selected Exempt Service to percentage of career service positions; providing for report when limitation is reached; amending s. 447.401, F.S.; precluding availability of more than one of civil service appeal procedure, unfair labor practice procedure, or grievance procedure; creating s. 20.37, F.S.; creating a Department of Veterans' Affairs and providing for its organization; transferring specified powers, duties, records, personnel, property, and appropriations, allocations, and funds from the Department of Education to the Department of Veterans' Affairs; transferring the Florida Commission on Veterans' Affairs from the Executive Office of the Governor to the Department of Veterans' Affairs; transferring the Division of Veterans' Affairs from the Department of Administration to the Department of Veterans' Affairs; providing that department personnel may not be required to move their households solely because of the reorganization effected by this act; amending s. 20.31, F.S.; eliminating the Division of Veterans' Affairs from the Department of Administration; amending s. 292.04, F.S.; assigning the Florida Commission on Veterans' Affairs to the department; amending s. 292.05, F.S.; providing for the duties of the department; amending s. 295.124, F.S.; providing that the department is the state approving agency for purposes of certain veterans' education and training; repealing s. 292.07, F.S., relating to the appointment of veterans' affairs officers; amending ss. 292.11, 295.01, 295.016, 295.11, 295.16, 295.17, 320.084, 322.21, 626.833, and 744.421, F.S.; amending provisions to conform to the reorganization made by this act; providing that administrative rules of the Division of Veterans' Affairs of the Department of Administration shall remain in effect; creating s. 295.019, F.S.; providing educational opportunity at state expense for the dependent children of certain servicemen killed in Persian Gulf incident; directing the Secretary of Administration to apply to the Veterans Administration for federal funds for a state nursing home for veterans; providing effective dates.

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

CS for CS for SB 161 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	Gordon	Kirkpatrick	Peterson
Beard	Grant	Langley	Plummer
Brown	Hair	Lehtinen	Ros-Lehtinen
Childers, D.	Hill	Malchon	Scott
Childers, W. D.	Hollingsworth	Margolis	Thurman
Deratany	Jenne	McPherson	Weinstein
Dudley	Jennings	Meek	Weinstock
Girardeau	Johnson	Myers	Woodson

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

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 711 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 711—A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.0805, F.S.; deleting a time limit on the issuance of prestige license plates; amending s. 320.0808, F.S.; authorizing additional uses for Challenger license plate fees; removing the termination date for availability of such plates; amending s. 320.0809, F.S.; including community colleges within the collegiate license plate statute; reducing the number of applications which must be received before creation of independent university license plates; providing an effective date.

Amendment 1—On page 3, beginning on line 23, strike all of section 3

(Renumber subsequent section.)

Amendment 2—On page 1, lines 8-14, strike all of said lines and insert: availability of such plates; providing an effective date.

Amendment 3—On page 2, lines 6-31, and on page 3, lines 1-3, strike all of said lines and insert:

(3)*(a) Fifty percent of* the Challenger license plate annual use fee shall be distributed to The Astronauts Memorial Foundation, Inc., for the purpose of designing, constructing, and the perpetual care of a memorial to the astronauts who have lost their lives while flying, training, or awaiting assignment to fly for the space agency *and for other educational activities that constitute a living testament to the courage and dedication of the astronauts who gave their lives to explore space. Such educational activities shall include, but not be limited to, developing, maintaining and operating a Space Research Foundation as established in paragraph (b).* The site for the memorial is the Kennedy Space Center located in Cape Canaveral, Florida. ~~All such funds may be used only for this purpose.~~

(b) There is hereby established the Space Research Foundation which shall serve as a repository for postsecondary research that relates to the development of extraterrestrial scientific, commercial, and other activities in space. The operations of the Space Research Foundation shall be located in close proximity to the Kennedy Space Center in coordination with the Space Coast Development Commission, Inc., to foster collaboration between state government, the Federal Government, and the private sector. Funding for the Space Research Foundation, in whole or in part, shall be derived from the Challenger license plate annual use fee.

(c) Twenty-five percent of the Challenger license plate annual use fee shall be distributed to the Challenger Astronauts Memorial Scholarship Trust Fund for use as provided by s. 240.408, Florida Statutes.

(d) The remaining 25 percent shall be distributed to the Technological Research and Development Authority created by chapter 87-455 for the purpose of funding space research grants to be conducted at the Space Research Foundation established in paragraph (b). The Technological Research and Development Authority shall coordinate and distribute available resources among state universities and independent colleges and universities based on the research strengths of such postsecondary institutions in space science technology.

Amendment 4—On page 1, in the title, line 7, after the semicolon insert: establishing a Space Research Foundation; providing for purpose, location and funding of the foundation;

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

CS for SB 711 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—30

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

Nays—1

Johnson

Vote after roll call:

Yea—Crawford, Girardeau, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed CS for CS for HB 777, as amended and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for HB 777—A bill to be entitled An act relating to parimutuel wagering; creating s. 550.013, F.S.; providing legislative findings; providing for operating days, conditions, and exceptions with respect to greyhound racing, jai alai, harness racing, and thoroughbred racing in

conjunction with recommendations made by the Florida Pari-mutuel Commission; providing legislative intent; amending ss. 550.09 and 551.06, F.S.; clarifying language with respect to the admission tax; amending s. 550.095, F.S., relating to additional taxes, to conform; amending ss. 550.066, 550.0841, and 550.37, F.S.; correcting references; amending s. 550.33, F.S.; correcting a cross-reference; including reference to a specified thoroughbred permittee with respect to substitutions; repealing s. 550.065, F.S., relating to certain harness racing permits; repealing s. 550.08, F.S., relating to the maximum length of race meetings; repealing s. 550.082, F.S., relating to special allocation periods of operation of certain dogracing tracks; repealing s. 550.083, F.S., relating to periods of operation generally for dogracing; repealing s. 550.0831, F.S., relating to dogracing periods; repealing s. 550.291, F.S., relating to periods of operation for greyhound racing and jai alai; repealing s. 550.34, F.S., relating to dogracing at North Florida tracks; repealing s. 550.351, F.S., relating to the effect of certain passed amendments; repealing s. 551.031(3), F.S., relating to periods of operation for certain jai alai frontons; repealing s. 551.15, F.S., relating to special allocation of periods of operation for certain frontons; repealing ss. 551.152, 551.153, and 551.155, F.S., relating to additional jai alai days; providing for repeal of certain sections of the act under certain circumstances; amending s. 550.04, F.S.; revising language with respect to racetrack meetings to conform; amending s. 550.35, F.S.; deleting prohibition against certain transmission of racing and jai alai information; amending s. 550.355, F.S.; correcting references; amending s. 20.16, F.S.; providing for the appointment of commission members; providing for meetings; requiring minutes of meetings; providing for per diem and travel expenses for members; deleting provisions listing the authority of the commission; amending s. 550.02, F.S.; providing a date for the issuance of the annual report by the division on the racing and jai alai industry in this state; creating s. 550.022, F.S.; consolidating the authority of the commission within chapter 550, F.S., for consistency; amending s. 120.57, F.S.; exempting certain hearings held by the Division of Pari-mutuel Wagering from the requirement of having a hearing officer under the Administrative Procedures Act; amending s. 550.011, F.S.; deregulating race dates with respect to thoroughbred horseracing; amending s. 550.09, F.S.; revising language with respect to the tax on handle; amending s. 550.10, F.S.; authorizing the division to place conditions or restrictions on certain licenses; amending s. 550.16, F.S., relating to pari-mutuel pools, to conform; amending s. 550.262, F.S., to correct a cross-reference; amending s. 550.29, F.S.; revising language with respect to reallocation of racing dates; creating s. 550.52, F.S.; providing for operating days for Florida thoroughbred racing; providing for the indefinite suspension of ss. 550.081(1), (2), (3), (4), and (6), 550.40, 550.41, 550.42, 550.43, 550.45, 550.46, and 550.4904, F.S., relating to racing periods; reviving and readopting provisions relating to the commission, notwithstanding repeal scheduled pursuant to the Sundown Act, and providing for future review and repeal of said provisions; amending s. 12(3) of ch. 87-38; advancing the date of repeal for the provision relating to additional tax on handle; providing for the application of the act; providing an appropriation; providing an effective date.

House Amendment 1 to Senate Amendment 1—On page 18, between lines 20 and 21, insert:

Section 21. *It is the intent of the Legislature that Section 20 of this act, in conjunction with other provisions of chapters 550 and 551, Florida Statutes, allow the listed permitholders to operate the following number of performances: (1) Greyhounds: The permit located in Hillsborough County presently held by Associated Outdoor Clubs, Inc., shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in St. Johns County, presently held by Bayard Raceways, Inc., shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Monroe County, presently held by Berenson's Key West Greyhound Track, shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; the permit located in Dade County, presently held by Biscayne Kennel Club, Inc., shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Lee County, presently held by Bonita-Fort Myers Corporation, shall have an operational season during which it may conduct as many as 308 evening performances, plus as many as 157 matinee performances; the permit located in Palm Beach County, presently held by Investment Corporation of Palm Beach, shall have an operational season during which it may conduct as many as 210 evening performances, plus as many as 108 matinee performances; the permit located in Broward County, presently held by Investment Corporation of South Florida, shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Duval County, presently held by Jacksonville Kennel Club, Inc., shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Jefferson County, presently held by Jefferson County Kennel Club, Inc., shall have an operational season during which it may conduct as many as 190 evening performances, plus as many as 79 matinee performances; the permit located in Clay County, presently held by Orange Park Kennel Club, Inc., shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Escambia County, presently held by Pensacola Greyhound Track, Inc., shall have an operational season during which it may conduct as many as 260 evening performances, plus as many as 133 matinee performances; the permit located in Pinellas County, presently held by St. Petersburg Kennel Club, Inc., shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Seminole County, presently held by Sanford-Orlando Kennel Club, Inc., shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; the permit located in Sarasota County, presently held by Sarasota Kennel Club, Inc., shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Seminole County, presently held by Seminole Racing, Inc., shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; the permit located in Volusia County, presently held by Seminole Racing, Inc., shall have an operational season during which it may conduct as many as 260 evening performances, plus as many as 129 matinee performances; the permit located in Washington County, presently held by Washington County Kennel Club, Inc., shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; the permit located in Dade County, presently held by West Flagler Associates, Ltd., shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; (2) Jai Alai: The permit located in Broward County, presently held by Dania Jai Alai Division, shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Broward County, presently held by Summersport Enterprises, Ltd., shall have an operational season during which it may conduct as many as 159 total performances, of which as many as 54 may be matinee performances, however, no matinee performance may be operated on a day when a thoroughbred horse track within 50 miles of such permitholder's fronton is conducting a performance; the permit located in Seminole County, presently held by Florida Jai Alai, Inc., shall have an operational season during which it may conduct as many as 210 evening performances, plus as many as 54 matinee performances; the permit located in St. Lucie County, presently held by Fort Pierce Jai Alai, shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; the permit located in Gadsden County, presently held by Golden Crown Corporation, shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; the permit located in Dade County, presently held by Miami Jai Alai, shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Marion County, presently held by Ocala Jai Alai, shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; the permit located in Brevard County, presently held by Sports Palace, Inc., shall have an operational season during which it may conduct as many as 260 evening performances, plus as many as 133 matinee performances; the permit located in Hillsborough County, presently held by Tampa Jai Alai, shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances, furthermore, during the period from May 8 through September 3, it may conduct as many as 105 additional evening performances, plus as many as 54 additional matinee performances, however, none of these additional performances shall conflict with any days of operation currently authorized for any permitholder located within a 35-mile radius of this facility; the permit located in Palm Beach*

County, presently held by The Fronton, Inc., shall have an operational season during which it may conduct as many as 210 evening performances, plus as many as 108 matinee performances; the permit located in Volusia County, presently held by Volusia Jai Alai, Inc., shall have an operational season during which it may conduct as many as 260 evening performances, plus as many as 133 matinee performances; the permit located in Dade County, presently held by Summer Jai Alai, shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; (3) Harness: the permit located in Broward County, presently held by Pompano Park Associates, Ltd., shall have an operational season during which it may conduct as many as 170 evening performances.

Such performances do not include the charity and scholarship performances authorized in s. 550.03, Florida Statutes. No more than one greyhound permitholder in a county may conduct performances on any day, and all matinee performances shall be conducted on the same day as an evening performance. No more than one jai alai permitholder in a county may conduct performances on any day, and all matinee performances shall be conducted on the same day as an evening performance.

(Renumber subsequent sections.)

House Amendment 1 to Senate Amendment 2—On page 3, line 10, after the semicolon (;), insert: providing legislative intent;

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

CS for CS for HB 777 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Dudley

Vote after roll call:

Yea—Crawford, Stuart

Yea to Nay—D. Childers

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, 4, 5, 6, 7, 8, 9 and 10; has refused to concur in Senate Amendment 3 and requests the Senate to recede; and has passed HB 1504, as amended.

John B. Phelps, Clerk

HB 1504—A bill to be entitled An act relating to public procurement; amending s. 119.07, F.S., modifying an exemption for sealed bids or proposals received; exempting subscriber records supplied by telecommunications companies to governmental agencies; amending s. 120.53, F.S., providing notice requirements for exceptional purchase decisions of the Division of Purchasing of the Department of General Services; amending s. 216.136, F.S., requiring the Economic Estimating Conference to project the financial condition of the employee group health self-insurance plan; amending s. 216.164, F.S., requiring that proposed changes in benefits provided under the state group health self-insurance plan include a statement on the impact on plan premiums; amending s. 216.345, F.S., exempting certain membership dues from public procurement requirements; amending s. 287.012, F.S., modifying definition of "commodity"; defining "exceptional purchase", "term contract", and "competitive bids/offers"; amending s. 287.042, F.S., providing powers and duties of the division with respect to term contracts; providing procedures for actions protesting term contract or exceptional purchase decisions; requiring a bond; providing for hearings; providing for payment of attorney's fees and costs; modifying provisions relating to reporting use of minority business enterprises in state contracting; amending s. 287.052, F.S., providing for commodities acquired incidental to the acquisition of services; amending s. 287.057, F.S., clarifying language; amending s. 287.058, F.S., increasing the threshold amount for contractual services requiring a written agreement; requiring certification of an emergency precluding execution of a written agreement within a specified time period; amending s. 287.062, F.S., exempting certain emergency purchases from competitive bid requirements; providing for waiver of requirements for written agreements for certain services; providing an effective date.

On motion by Senator Kiser, the Senate receded from Amendment 3 and passed HB 1504 as amended. 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	Hair	Lehtinen	Scott
Brown	Hill	Malchon	Thomas
Childers, D.	Hollingsworth	Margolis	Thurman
Childers, W. D.	Jenne	McPherson	Weinstein
Deratany	Jennings	Meek	Weinstock
Dudley	Johnson	Myers	Woodson
Girardeau	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Crawford, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 919 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 919—A bill to be entitled An act relating to information management; requiring the Department of Education to develop and maintain the Florida Education and Training Placement Information Program; amending s. 229.557, F.S.; providing additional requirements for data to be included in the vocational education management information system; revising requirements for the dissemination of such data; amending s. 443.171, F.S.; authorizing the Division of Unemployment Insurance of the Department of Labor and Employment Security to provide certain information to the Department of Education; providing an effective date.

Amendment 1—On page 1, line 19, insert:

Section 1. Section 110.141, Florida Statutes, is created to read:

110.141 Agency solicitation of personnel educational services.—Unless otherwise authorized by law, each state agency shall first solicit state postsecondary educational institutions for the procurement of contractual services to meet the personnel training needs of such agency. Interested institutions shall provide a written response to the agency within 21 days of notification by the agency. The agency may solicit other providers if no state postsecondary educational institutions respond or if the responses are not cost effective.

Section 2. Subsection (2) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental transfer and interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with the Federal Government, with another state, with another municipality or political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with the Federal Government, with another state, with a municipality or political subdivision including a school district, or with a

public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(2) The period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years. Upon agreement of the sending party and the receiving party and under the same or modified terms, an assignment or detail of 2 years may be extended by 3 months *except that agreements relating to faculty members of the State University System may be extended biennially upon approval by the Department of Administration.* If the appointing agency is the Governor or the Governor and Cabinet, the period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years plus an extension of 3 months or the number of years left in the term of office of the Governor, whichever is less.

Section 3. Subsection (7) is added to section 159.445, Florida Statutes, to read:

159.445 Florida High Technology Innovation Research and Development Fund.—

(7) Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of activities conducted pursuant to this section shall be exempt from the provisions of chapter 119, except that the board shall make available, upon request, the title and description of a funded activity, the name of the funded applicant and business concern, and the amount of funding provided to the applicant. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 4. Paragraph (a) of subsection (2) of section 222.21, Florida Statutes, is amended to read:

222.21 Exemption of pension money, ~~and~~ retirement or profit-sharing benefits, *and prepaid postsecondary education expense plan* from legal processes.—

(2)(a) Except as provided in paragraph (b), any money or other assets payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement or profit-sharing plan that is qualified under s. 401(a), s. 403(a), s. 403(b), s. 408, or s. 409 of the Internal Revenue Code of 1986, as amended, *or any prepaid postsecondary education expense plan that is purchased pursuant to s. 240.551* is exempt from all claims of creditors of the beneficiary or participant.

Section 5. Subsections (1), (2), (3), (5), (7), and (8) of section 228.074, Florida Statutes, are amended to read:

228.074 Regional coordinating councils; establishment.—

(1) There shall be established in each vocational education planning region a regional coordinating council for vocational education, adult general education, and community *instructional* ~~institutional~~ services.

(2) Each regional council shall consist of the superintendent of schools; the directors of vocational education and adult education of each school district within the planning region; the president of the community college; the deans or directors of vocational education and community instructional services of the community college; the vice president for academic programs, or his designee, of each state university servicing the region; a representative of an independent vocational, technical, trade, or business school located within the region, to be appointed by the Commissioner of Education; a representative of a branch of *Job Services of Florida of the Department of Labor and Employment Security* ~~the Florida State Employment Service~~ located within the region; a local district administrator of the Department of Health and Rehabilitative Services or his designee; and lay citizens of the planning region.

(3) No less than 51 percent of the voting membership of each council shall be comprised of lay members. The lay members shall be appointed by the Governor and confirmed by the State Board of Education for 4-year terms. ~~Effective February 1987, one third of the lay members shall be appointed for 4-year terms, one third of the lay members shall be appointed for 3-year terms, and one-third of the lay members shall be appointed for 2-year terms.~~ The Governor shall select lay members for appointment from among nominees submitted by economic development councils, chambers of commerce, community development corporations, and other bona fide trade and business organizations within the vocational planning region. *Organizations that nominate candidates for appointment shall give priority to representatives from business and industry.* At least one lay member of each council shall be a member of a business and industry advisory council or craft committee within the planning region. At least one of the total membership of each council shall be a member of a private industry council as provided for by the Job Training Partnership Act (Pub. L. No. 97-300).

(5) ~~The Governor shall be responsible for calling the first meeting of the council.~~ The council shall elect a chairman ~~at its first meeting and~~ annually ~~thereafter~~. The chairman shall preside at all meetings of the council, call special meetings thereof, and attest to actions of the council. The council shall elect a vice chairman who shall act as chairman during the absence or disability of the chairman. The chairman shall notify the Governor whenever a lay member ~~or the independent postsecondary vocational technical school representative~~ of the council *fails* ~~has failed~~ to attend three consecutive meetings *and notify the Commissioner of Education whenever the independent postsecondary vocational technical school representative of the council fails to attend three consecutive meetings* ~~in 1 year~~. Such absences shall be considered a resignation. The council shall provide for maintaining minutes of its meetings.

(7) The Department of Education, the Department of Commerce, the Department of Labor and Employment Security, and the Florida *Labor Market Information* ~~Occupational Information Coordinating~~ Committee shall provide such technical assistance as the boards may request to carry out their assigned responsibilities.

(8) ~~Beginning July 1, 1985,~~ The Postsecondary Education Planning Commission shall evaluate the councils with respect to their administrative effectiveness and the extent to which regional needs are being met and unnecessary duplication is being controlled. No fewer than seven regional coordinating councils shall be evaluated each year.

Section 6. Section 228.075, Florida Statutes, is amended to read:

228.075 Regional coordinating councils; responsibilities.—

(1) The primary goals of each regional coordinating council shall be to:

(a) Maximize effective student articulation in programs of vocational education, adult general education, and community instructional services.

(b) Establish and maintain effective and cooperative linkages with business and industry so that vocational training programs are responsive to the needs of the labor market.

(c) Lead regional efforts in cooperation among school districts, community colleges, and state universities.

(d)~~(2) Each regional coordinating council shall~~ Assure that the vocational education, adult education, and community instructional services needs of the community are provided for with maximum efficiency, cost-effectiveness, and minimum unwarranted duplication.

(2) To *accomplish these goals* ~~do so~~, each council shall have the following powers, duties, and responsibilities:

(a) Review the vocational education, adult *general* education, and community instructional services programs available in the planning region. ~~As its initial activity,~~ Each council shall conduct an analysis of current vocational training, counseling, and placement programs available in the planning region. The council shall identify and list in order of priority the critical opportunities and problems of the planning region which can be addressed and improved through these programs and shall identify state, federal, and other funding sources to be used to address these priorities. Data used to conduct this analysis shall include labor supply and demand information from the Florida Occupational Information System. This list shall be reviewed at least every 2 years and may be revised at any time. A current list shall be filed with the Commissioner of Education, the secretaries of the Department of Commerce and the Department of Labor and Employment Security, the Florida Occupational Information Coordinating Committee, and the community college boards of trustees and school boards within the planning region.

(b) As a result of this review, develop agreements which provide for the assignment of fiscal and programmatic responsibility to either the local community college board of trustees, one or more of the school boards in the planning region, or a shared arrangement between the local community college and a school board or boards specifically agreed to by the council for the delivery of programs in the following areas: vocational education at the secondary level and below that level; vocational education at the postsecondary *and postsecondary adult levels* ~~level~~; community instructional services; and adult *general* ~~basic and high school~~ education. This provision shall not prevent a board-assigned responsibility for one or more of these programs from developing joint programs or contracting for specific instructional services with another board or agency, subject to review by the regional coordinating council. However, in order to maintain accountability in each of these programs, all related enrollment projections, FTE reports, cost analyses, and other elements required for the allocation of funds shall be the sole responsibility of the assigned board or boards.

(c) Notwithstanding the provisions of ss. 230.03, 230.64, 233.068, *240.311* ~~243.11~~, and *240.319* ~~243.19~~, review and evaluate all proposals of the community college boards of trustees and the school boards of the planning region to address identified needs, including all proposals to create new programs, terminate existing programs, or significantly modify existing programs. The council shall review and evaluate program and course proposals on the basis of the need for the programs and courses, the populations to be served, existing or potential duplication, labor market supply and demand data, costs of programs and courses, recommendations and information provided by local and regional advisory councils and craft committees, student fees, *equal access and equal opportunity provisions,* and other criteria deemed appropriate by the council. Each council shall give priority to proposals which provide cooperative arrangements with public or independent institutions, agencies, or organizations for use of facilities or resources.

(d) Based upon the evaluation provided for in paragraph (c), make recommendations relating to the creation, modification, or termination of vocational programs, adult general education programs, or community instructional service programs and submit the recommendations in writing to the affected community college board of trustees and the school boards of the planning region. The boards shall accept, reject, or modify such recommendations and submit their responses to the recommendations to the regional coordinating council in writing. Any recommendation not formally acted upon by a board within 60 days shall be deemed rejected. Should the regional coordinating council and the affected school board or boards or community college board of trustees fail to reach agreement on any proposal, the council or the affected board or boards may appeal to the State Board of Education, sitting as the State Board for Vocational Education, the decision of which shall constitute final agency action.

(3) Each regional coordinating council shall prepare an annual report to be submitted to the Commissioner of Education for inclusion in the annual state accountability report *and for distribution to*~~,~~ the secretaries of the Department of Commerce and the Department of Labor and Employment Security, and the Legislature by *November* ~~February~~ 1 of each year. This report shall describe all actions taken by the council to address identified *critical opportunities and problems* ~~needs, priorities, and deficiencies~~, including the final disposition of all recommendations made by the council.

(4) Each regional coordinating council shall coordinate the development of a vocational education plan for the region. The plan shall be developed to address assessments of the state's needs for vocational education developed by the Department of Education. By April 1, 1989, the department shall disseminate to the councils the assessment of statewide needs and the policies, goals, objectives, and quantifiable performance measures of success that may be used to meet the needs. By August 1, 1989, each council shall identify the resources its region will contribute to the goals and objectives and project its region's achievement of the measures of success for the following 2 years. Using the 28 regional plans, the department shall summarize the combined resources and measures projected by the regional coordinating councils, add any state resources that will complement the regional resources, and identify the federal contributions that will be integrated to implement the state policies and accomplish the state goals and objectives for vocational education. The resulting plan may be used to apply for federal funds as required by the Carl D. Perkins Act of 1984 (Pub. L. No. 98-539), and may be modified, revised, and reviewed as necessary.

Section 7. Subsection (1) of section 228.076, Florida Statutes, is amended to read:

228.076 Vocational education, adult general education, and community instructional services programs; eligibility for funding.—

(1) In order to receive state funding for programs or activities in vocational education, adult general education, or community instructional services, each community college board of trustees and each school board shall submit its course offerings in these programs ~~and its annual budget for these programs~~ to the appropriate regional coordinating council for review.

Section 8. Paragraphs (h) through (l) of subsection (3) of section 229.551, Florida Statutes, are amended to read:

229.551 Educational management.—

(3) As a part of the system of educational accountability, the department shall:

~~(h) Maintain a listing of college level communication and computation skills defined by the Articulation Coordinating Committee as being associated with successful student performance through the baccalaureate level and submit the same to the State Board of Education for approval.~~

(h)~~(i)~~ Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit the same to the State Board of Education for approval.

(i)~~(j)~~ Maintain for the information of the State Board of Education and the Legislature a file of data compiled by the Articulation Coordinating Committee to reflect achievement of college-level communication and computation competencies by students in state universities and community colleges.

(j)~~(k)~~ Develop or contract for, and submit to the State Board of Education for approval, tests which measure and diagnose student achievement of college-level communication and computation skills. Any tests and related documents developed shall be exempt from the provisions of s. 119.07. The commissioner shall maintain statewide responsibility for the administration of such tests and may assign administrative responsibilities for the tests to any public university or community college. The state board, upon recommendation of the commissioner, is authorized to enter into contracts for such services beginning in one fiscal year and continuing into the next year which are paid from the appropriation for either or both fiscal years.

(k)~~(l)~~ Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, or law.

Section 9. 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. *These rules may include, but not be limited to, provisions for fees, frequency of examinations, and procedures for retaking an examination upon unsatisfactory performance.*

Section 10. Section 231.621, Florida Statutes, is amended to read:

231.621 *Critical Teacher Shortage* Student Loan Forgiveness Program.—

(1) In order to encourage qualified personnel to seek employment in areas of this state in which critical teacher shortages exist, *as identified annually by the State Board of Education,* there is established the *Critical Teacher Shortage* Student Loan Forgiveness Program. The primary function of the program is to make repayments towards loans received by students from federal programs or commercial lending institutions for the support of postsecondary education study ~~in areas identified annually by the State Board of Education~~.

(2) From the funds available, the Department of Education is authorized to make loan principal repayments as follows:

(a) Up to $2,500 a year for up to 4 years on behalf of selected graduates of state-approved undergraduate postsecondary teacher preparation programs, persons certified to teach pursuant to any applicable teacher certification requirements, or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.

(b) Up to $5,000 a year for up to 2 years on behalf of selected graduates of state-approved graduate postsecondary teacher preparation programs, *persons certified to teach pursuant to any applicable teacher certification requirements,* or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.

(c) All repayments shall be contingent on continued proof of employment in the designated fields in this state and shall be made directly to the holder of the loan. The state shall not bear responsibility for the collection of any interest charges or other remaining balance.

~~(3) For the first 2 years of this program, at least 50 percent of the loan principal repayments or reserves shall be for teachers in the areas of science and mathematics.~~

(3)~~(4)~~ Students receiving a scholarship loan are not eligible to participate in the *Critical Teacher Shortage* Student Loan Forgiveness Program.

(4)~~(5)~~ The State Board of Education is authorized to adopt rules necessary for the administration of this program.

(5)~~(6)~~ This section shall be implemented ~~in the 1983-1984 school year and thereafter only to the extent~~ as specifically funded and authorized by law.

Section 11. Subsection (7) is added to section 232.2463, Florida Statutes, 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:

(7) Any district school board that assigns a weighted value to courses shall assign a uniform weighted value to all dual enrollment, advanced placement, international baccalaureate, and other courses that are contained within the Course Code Directory and designated by a district school board as honors courses that are conducted within the school district.

This section shall first apply to students entering the ninth grade in the 1987-1988 school year.

Section 12. Section 233.015, Florida Statutes, is amended to read:

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

Section 13. Subsection (1) of section 233.051, Florida Statutes, is amended to read:

233.051 Programs of remediation.—

(1) By August 1, 1990, programs of remediation, *excluding college preparatory instruction and vocational preparatory instruction conducted pursuant to s. 228.072,* 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 and assist residents of the district who request remedial assistance, including those residents with high school diplomas.

Section 14. Subsection (14) of section 235.014, Florida Statutes, is amended, subsections (15) and (16) are renumbered as subsections (16) and (17), respectively, and a new subsection (15) is added to said section, to read:

235.014 Functions of the office.—The functions of the office shall include, but not be limited to, the following; it shall:

(14) Make available to boards, including the Board of Regents, technical assistance relating to maintenance and operation of educational plants; custodial and maintenance training; educational facilities specifications; ~~product specifications and evaluations;~~ safety; security and risk management; and plant services.

(15) Provide technical assistance to boards, including the Board of Regents, by developing standards and specifications for commodities and products needed in the construction and management of educational plants, and by providing a list of vendor or manufacturer commodities and products which conform to the specifications. Testing for conformity shall be conducted by the Department of Agriculture and Consumer Services Commodity Testing Laboratory, pursuant to s. 570.50(3). Vendors or manufacturers desiring to be included on the list shall pay the actual costs of testing, as determined by the laboratory, for the initial testing of each commodity or product and for any subsequent testing in which the product fails to conform to specifications. Testing fees collected shall be deposited in the Facility Construction Administrative Trust Fund. Use of the standards, specifications, and vendor or manufacturer commodities or products listed shall be discretionary by individual boards.

Section 15. Paragraph (a) of subsection (1) of section 235.31, Florida Statutes, is amended to read:

235.31 Advertising and awarding contracts; day-labor projects; prequalification of contractor.—

(1)(a) As soon as practicable after any bond issue has been voted upon and authorized or funds have been made available for the construction, remodeling, renovation, demolition, or otherwise for the improvement, of any educational or ancillary plant, and after plans for the work have been approved by the office, the board, after advertising the same in the manner prescribed by law or rule, shall award the contract for such building or improvements to the lowest responsible bidder. However, *if the bid of the lowest responsible bidder exceeds the construction budget and no additional funds are available, the board may declare an emergency and, after setting forth the reasons why an emergency exists, may negotiate the construction contract or modify the contract, including the specifications, with the lowest responsible bidder. The Department of Education shall develop rules which define the criteria for declaring such emergencies.* The board may, within its discretion, reject all bids received, if it deems the same expedient, and may readvertise, calling for new bids. For constructing, renovating, or remodeling, or otherwise improving, educational facilities at a cost not exceeding $100,000, the board may arrange for the work to be done on a day-labor basis. For renovating or remodeling only, at a cost of over $100,000 but not exceeding $200,000, if no bids are received after advertising the same in the manner prescribed by law, the work may be done on a day-labor basis.

Section 16. Section 235.34, Florida Statutes, is amended to read:

235.34 Expenditures authorized.—

(1) School boards, boards of trustees *of community colleges,* the Board of Regents, boards of county commissioners, municipal boards, and other agencies and boards of the state may expend funds, separately or collectively, *only* by contract or agreement, for*:*

(a) The placement, paving, or maintaining of any road, byway, or sidewalk contiguous to or running through the property of any educational plant*;* ~~or for~~

(b) The maintenance or improvement of the property of any educational plant or of any facility on such property*;*~~. Expenditures may also be made for~~

(c) The construction of sanitary and utility improvements*;* and

(d) ~~for~~ The installation, operation, and maintenance of traffic control and safety devices upon, or contiguous to, any existing or proposed educational plant.

(2) The boards of county commissioners, municipal boards, and other agencies and boards of the state may plant or maintain trees, flowers, shrubbery, and beautifying plants upon the grounds of any educational plant, upon approval of the superintendent or president or the designee of either of them.

(3) Payment by a board for any improvement set forth in this section shall be authorized in any amounts agreed to by the board. Any payments so authorized to be made *by a board or the Board of Regents* shall not be mandatory unless the specific improvement and costs have been agreed to *by the board* prior to the improvement's being made.

(4)~~(2)~~ The provisions of any law, municipal ordinance, or county ordinance to the contrary notwithstanding, the provisions of this section shall regulate the levying of assessments for special benefits on school or community college districts and the directing of the payment thereof. Any municipal ordinance or county ordinance *adopted pursuant to chapter 163 or chapter 380 or any other law or as a matter of local policy and* making provision to the contrary *of this section* is void and shall be of no effect.

(5) No governmental body which regulates the use of land shall make its permit or order authorizing the development of land for a school plant or for the construction of educational facilities conditional upon the provision of any off-site improvements by a board, except as provided in this section.

Section 17. Paragraphs (h) and (i) of subsection (1) of section 236.081, Florida Statutes, are amended, and paragraph (j) is added to said subsection, 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, exploratory vocational education, vocational supplemental courses, and adult basic and secondary education courses.—

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. *Notwithstanding the provisions of s. 236.013, when a dual enrollment course that will earn at least 0.5 high school credit is provided off the high school site, the net instructional time that shall be used to calculate the full-time equivalent student membership reported by a school district for that course shall be the same net instructional time used to calculate the full-time equivalent student membership for a period of instruction at the home high school of the student for the same survey period.* 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.

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.

6. Vocational supplemental courses and adult basic and secondary education courses may be made available to any person who wishes to improve his competencies, provided that the priorities established in s. 228.072(5) are maintained.

a. A student in an adult basic and secondary education course shall be reported as an adult basic and secondary education full-time equivalent student if he is pursuing a program of studies to achieve literacy, prepare for the Test of General Educational Development (GED), or earn a high school diploma. A student in such a course who has received a high school diploma and who does not demonstrate skills at or below the eighth-grade level, as measured by tests approved for this purpose by the State Board of Education, shall be reported for funding as a full-time equivalent student in the lifelong learning category.

b. A student in a vocational supplemental course shall be reported as a vocational supplemental full-time equivalent student if he:

(I) Currently holds wage-earning employment and is taking a course to enhance or upgrade skills related to that employment; or

(II) Has a wage-earning employment history and enrolls in a course related to that employment history with the intent to seek employment in an occupation directly related to that course and that employment history; or

(III) Has a wage-earning employment history and desires to convert to the English language existing knowledge, training, or skills to qualify for employment; provided, however, that such a student shall be reported for funding purposes in the Adult Basic and High School Program as an adult basic vocational student for the length of time the student spends in a language class.

Any student enrolled in a vocational supplemental course who does not meet one of the criteria of this sub-subparagraph shall be reported for funding as a full-time equivalent student in the lifelong learning category.

c. A student shall be reported for funding as a full-time equivalent student in the lifelong learning category for enrollment in a consumer home economics course unless that course comprehensively addresses competencies identified in the program courses standards as home and family management competencies. Students in courses that comprehensively address such competencies may be reported as full-time equivalent students in the vocational supplemental category.

d. A student shall be reported as a lifelong learning student for his enrollment in any course that he has previously taken, unless it is a credit course in which he earned a grade of D or F.

(i) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of *0.24* ~~0.3~~ full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(j) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.48 full-time equivalent student membership shall be calculated for each student who receives a score of 4 or higher on a higher level subject examination. A value of 0.24 full-time equivalent student membership shall be calculated for each student who receives a score of 4 or higher on a subsidiary level examination. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

Section 18. Subsection (6) is added to section 240.107, Florida Statutes, to read:

240.107 College-level communication and computation skills examination.—

(6) Students who do not successfully complete the college-level communication and computation skills examination during the first administration of the examination shall be allowed additional time to complete the section or sections of the examination that are required for passage during subsequent administrations of the examination. The Board of Regents and the State Board of Community Colleges, respectively, shall develop guidelines through which constituent institutions may implement the provisions of this subsection. Each state university shall submit a plan to the Board of Regents and each community college shall submit a plan to the State Board of Community Colleges that provides additional time for students to complete examination sections required for passage during subsequent administrations of the examination. The boards shall approve any plan that complies with the guidelines established pursuant to this subsection.

Section 19. Paragraph (a) of subsection (2) of section 240.116, Florida Statutes, is amended to read:

240.116 Articulated acceleration.—

(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. *Dual enrollment instruction in which a student earns a grade of "C" or better shall be transferable to any state university or public community college to fulfill the academic or elective curricular requirements for student acquisition of a 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.

Section 20. Subsections (1) through (4) of section 240.125, Florida Statutes, are amended to read:

240.125 Postsecondary consortia; cooperation.—

(1) *Postsecondary education institutions* ~~Community colleges and universities~~ serving the same students in a geographic and service area are encouraged to establish appropriate interinstitutional mechanisms to achieve cooperative planning and delivery of academic programs and related services, share a high-cost instructional facility and equipment, coordinate credit and noncredit outreach activities, have access to each other's library and media holdings and services, and provide cooperative campus activities and consultative relationships for the discussion and resolution of interinstitutional issues and problems which discourage student access or transfer.

(2) Public *postsecondary education institutions* ~~community colleges and universities~~ are encouraged to include independent colleges and universities and industries within their service areas in mutual planning of a comprehensive, complementary, cost-effective array of undergraduate and beginning graduate programs of study to serve that geographic area.

(3) The Commissioner of Education is authorized to establish a Trust Fund for Postsecondary Cooperation. The trust fund shall be used to reward institutional creativity and initiative in assisting student articulation and in cooperating with local business and industry. *Trust fund proposals shall include a provision for matching financial support from participating business and industry or local education agencies, or both, for projects that anticipate funding for more than 1 year.* These initiatives may include:

(a) Local consortia or institutional arrangements.

(b) Organized faculty and professional staff networks.

(c) The use of adjunct faculty from industry.

(d) Apprenticeship or cooperative training of students.

(4) The Postsecondary Education Planning Commission shall review, set priorities for, and recommend to the commissioner proposals for use of the fund *based on moneys specifically appropriated for the purposes of this section.* The commissioner has authority to make grants from the trust fund.

Section 21. Subsection (4) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(4) Recommend to the State Board of Education contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education. Each program shall be reviewed, with the cooperation of the institution, every 5 years. *Except as provided in s. 240.609, before new programs, special grants, or contracts, any of which involve academic offerings or services to students, with independent institutions which call for the expenditure of state funds are submitted to the Legislature for approval, such programs, grants, or contracts shall first be reviewed by the commission. The review shall be completed in the most expeditious manner possible. The commission shall convey the results of the review and its corresponding recommendations to the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate upon completion of the review.*

Section 22. Subsection (2) and paragraphs (a) and (f) through (o) of subsection (3) of section 240.209, Florida Statutes, are amended, and subsection (6) is added to said section, to read:

240.209 Board of Regents; powers and duties.—

(2) The Board of Regents shall appoint a Chancellor to serve at its pleasure, who shall perform such duties as are assigned to him by the

board. The board shall fix the compensation and other conditions of employment for the Chancellor. The board shall also *approve* ~~provide for~~ the compensation and other conditions of employment for employees necessary to assist the board and the Chancellor in the performance of their duties. The Chancellor shall be the chief administrative officer of the board and shall be responsible for appointing *and providing for the compensation and other conditions of employment for* all employees of the board who *are necessary to assist the board and the Chancellor in the performance of their duties* ~~shall serve under his direction and control~~. The Chancellor shall be a person qualified by training and experience to understand the problems and needs of the state in the field of postsecondary education. Search committee activities for the selection of the Chancellor, up to the point of transmitting a list of nominees to the Board of Regents, shall be exempt from the provisions of s. 286.011 and chapter 119.

(3) The board shall:

(a) Appoint or remove the president of each university in accordance with rules adopted by the Board of Regents. *The Chancellor and the Board of Regents, or a committee composed of members of the Board of Regents, shall review the applications of all presidential candidates and shall transmit the names of applicants they deem to be qualified to the Chancellor. The Chancellor shall be responsible for conducting the applicant interview process, analyzing the qualifications of the remaining candidates, and recommending one or more applicants to the board for appointment. At least 50 percent of any search committee appointed to serve at the university level shall be composed of representatives of business and industry. The remainder of any university-level search committee shall be composed of equal numbers of representatives of university administrators, faculty, other employees, and students. No entity shall officially endorse or withhold endorsement from any candidate except the university-level search committee, the committee of the Board of Regents, or the Chancellor. Each such appointment shall be conducted in accordance with the provisions of ss. 286.011 and 119.07.* The board shall determine the compensation and other conditions of employment for each president. The board shall not provide a tenured faculty appointment to any president who is removed through termination by the board or resignation tendered at the request of the board.

~~(f) Develop a plan, to be mutually agreed upon by applicable bargaining units, for the transfer of employees from career service status provisions of chapter 110. Such plan shall be submitted to the Legislature by March 1, 1986. Subject to the approval of the President of the Senate and Speaker of the House of Representatives, the plan shall become effective July 1, 1986.~~

(f)~~(g)~~ Recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees. The Capital Improvement Trust Fund fee is established as *$2.44* ~~$1.94~~ per credit hour per semester. The building fee is established as *$2.32* ~~$1.82~~ per credit hour per semester.

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

(h)~~(i)~~ After consultation with the university presidents, adopt a systemwide master plan which specifies goals and objectives for the State University System and a master plan for each of the universities defining the particular contributions each university will make toward the achievement of these goals and objectives. In developing these plans, the board shall consider the role of individual public and independent institutions within the state. The plans shall also provide for the roles of the universities to be coordinated to best meet state needs and reflect cost-effective use of state resources. The systemwide master plan shall identify service areas for purposes of continuing education and extension programs, except that the service area of the comprehensive graduate research and service universities shall be statewide in scope. The university master plan shall identify degree programs to be offered at each university in accordance with the objectives provided herein and translate general systemwide guidelines into specific goals, objectives, priorities, and strengths for the universities. Plans shall also include recommendations regarding the upper division concept. The systemwide master plan and university master plans shall provide projections for the State University System for a period of 5 years with modification biennially. The systemwide master plan and the university master plans shall be consistent with the defined mission of each university. The Board of Regents shall submit a report to the Speaker of the House of Representatives and the President of the Senate upon modification of the system plan or any university plan.

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

(j)~~(k)~~ Coordinate and provide for educational television in the State University System.

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

(l)~~(m)~~ Seek the cooperation and advice of superintendents and board members of local school districts in the state in performing its duties and making its plans, studies, and recommendations. The systemwide and university master plans shall specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state.

(m)~~(n)~~ Notwithstanding the provisions of ss. 216.044, 255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt rules to administer a program for the maintenance and construction of facilities in the State University System.

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

(6) Notwithstanding the provisions of s. 216.262(1), the Board of Regents may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. The board may authorize a university to charge fees for parking at such rented or leased parking facilities.

Section 23. Subsection (1) of section 240.2111, Florida Statutes, is amended to read:

240.2111 Meritorious service awards program.—

(1)(a) Notwithstanding the provisions of s. 110.1245(1), the Board of Regents and each university shall promulgate rules for a meritorious service awards program which provides for the following components:

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

2. A superior accomplishment component to recognize employees who have contributed outstanding and meritorious service in their fields, including those who have made exceptional contributions to efficiency, economy, or other improvement in State University System operations.

3. A continuous satisfactory service component to recognize employees who are retiring or who have achieved increments of 5 continuous years of satisfactory service.

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

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

1. Suggestion component.—

a.~~1.~~ The number of proposals made.

b.~~2.~~ The number of awards made to employees for adopted proposals.

c.~~3.~~ The actual cost savings realized as a result of implementing employee proposals.

d.~~4.~~ Total expenditures incurred by the university or board for providing awards to employees for adopted proposals.

2.~~5.~~ *Superior accomplishment.*—The number of employees recognized for superior accomplishments.

3.~~6.~~ *Continuous satisfactory service.*—The number of employees recognized for continuous satisfactory service to the Board of Regents or universities.

Section 24. Subsection (5) of section 240.227, Florida Statutes, is amended to read:

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

(5) Appoint university personnel and provide for the compensation and other conditions of employment consistent with applicable collective bargaining agreements and the Board of Regents *rules* ~~rule for university personnel who are exempt from chapter 110~~.

Section 25. Subsection (3) of section 240.233, Florida Statutes, is amended to read:

240.233 Universities; admissions of students.—Each university shall govern admissions of students, subject to this section and rules of the Board of Regents.

(3)(a) Nonresident students may be admitted to the university upon such terms as the university may establish. ~~However, effective August 1, 1987, such terms shall include, but shall not be limited to: completion of a secondary school curriculum which includes 4 years of English; 3 years each of mathematics, science, and social sciences; and 2 years of a foreign language.~~

(b) *The Board of Regents may assign a uniform weighted value to dual enrollment, advanced placement, international baccalaureate, and other courses designated by a district school board as honors courses for student admission purposes.* ~~Within the admission standards provided for in subsection (1), the Board of Regents shall develop procedures for weighting courses which are necessary to meet the requirements of s. 232.2465 at a higher value than less rigorous courses. Credits received in such courses shall be given greater value in determining admission by universities than cumulative grade point averages in high school.~~

Section 26. Subsection (3) and paragraph (a) of subsection (4) of section 240.257, Florida Statutes, are amended to read:

240.257 Florida Endowment Trust Fund for Eminent Scholars Act.—

(3) ESTABLISHMENT OF THE TRUST FUND.—There is established a Trust Fund for Eminent Scholars to be divided into challenge grants to be administered by the Board of Regents. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 18.125. *Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and* interest income accruing to that portion of the trust fund not matched *shall remain in the trust fund and* shall increase the total funds available for challenge grants. In the event funds in the trust fund are insufficient to match private contributions, the Board of Regents may authorize any university to encumber the state matching portion from funds available under s. 240.272, up to a total of $5 million for the system. Such authorization shall not entitle a university to a subsequent general revenue appropriation.

(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:

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 *of $2,000,000* ~~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. 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. 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 shall be transferred to a university foundation upon notification that the university has received and deposited the proportionate amount specified in this section 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.

Section 27. Subsection (1) of section 240.259, Florida Statutes, is amended to read:

240.259 Trust Fund for New Donors.—

(1) There is established a Trust Fund for New Donors to be divided into challenge grants to be administered by the Board of Regents. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. All appropriated funds deposited into the trust fund shall be invested pursuant to rules of the Board of Regents. *Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and* interest income accruing to that portion of the trust fund not allocated *shall remain in the trust fund and* shall increase the total funds available for such challenge grants. As used in this section, "qualified new donor" means any person who contributes a minimum of $20 to a university and who has not previously donated money to that university.

Section 28. Subsections (1) and (2) of section 240.2605, Florida Statutes, are amended to read:

240.2605 Trust Fund for Major Gifts.—

(1) There is established a Trust Fund for Major Gifts to be divided into challenge grants to be administered by the Board of Regents. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. All appropriated funds deposited into the trust fund shall be invested pursuant to rules of the Board of Regents. *Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and* interest income accruing to that portion of the trust fund not allocated *shall remain in the trust fund and* shall increase the total funds available for such challenge grants.

(2) The amount appropriated to the trust fund shall be allocated by the Board of Regents to each university on the ~~basis of one $50,000 grant for each $100,000 contributed by private sources.~~ *following basis:*

(a) Each university that raises a contribution of at least $50,000, but no more than $75,000, from private sources shall receive a matching grant equal to 70 percent of the private contribution.

(b) Each university that raises a contribution in excess of $75,000, but no more than $100,000, from private sources shall receive a matching grant equal to 75 percent of the private contribution.

(c) Each university that raises a contribution in excess of $100,000, but no more than $125,000, from private sources shall receive a matching grant equal to 80 percent of the private contribution.

(d) Each university that raises a contribution in excess of $125,000 from private sources shall receive a matching grant of $125,000. ~~Prior to July 1, 1988, one-ninth of the moneys appropriated to the trust fund shall be set aside for each university. Any university that has matched one-ninth of the funds shall be eligible to match any funds remaining in the fund after July 1, 1988. If the moneys remaining in the fund after July 1, 1988, are insufficient to provide matching grants, each university shall be eligible to receive its proportionate share of the moneys on the basis of its total unmatched contributions.~~

Grants from the fund shall be allocated for contributions made after July 1, *1988* ~~1985~~. *Contributions made prior to July 1, 1988, shall be matched on the basis of a $50,000 match for each $100,000 in private contributions. Contributions may also be eligible for matching if the donor commits to make a contribution of $125,000, and an initial payment of $25,000 is accompanied by a written pledge to provide the balance within 4 years after the date of such initial payment. Payments on the balance shall be at least $25,000 per year.* ~~A contribution may also qualify for a matching grant if the donor makes an initial payment of $20,000 and provides a written pledge to pay at least $20,000 per year for the subsequent 4 years.~~ Payments on the balance shall be made on or before the anniversary date of the initial payment. No grant shall be allocated prior to collection of the total *private* ~~$100,000~~ contribution. *The private sources providing contributions may include combined contributions for a common purpose, but shall not include separate unrelated contributions.*

Section 29. Paragraph (h) of subsection (3) of section 240.311, Florida Statutes, is amended to read:

240.311 State Board of Community Colleges; powers and duties.—

(3) The State Board of Community Colleges shall:

(h) Establish an effective information system which will provide composite data about the community colleges and assure that special analyses and studies about the colleges are conducted, as necessary, for provision of accurate and cost-effective information about the colleges and about the community college system as a whole. A component of this information system shall be an annual report from each community college to the State Board of Community Colleges on its progress towards meeting state and institutional quality goals. *The annual report shall be written in a format prescribed by the State Board of Community Colleges.* ~~Such reports shall be based upon information from the prior academic year and shall contain:~~

~~1. An interpretation and analysis of student progress, including grade point average data and college level academic skills test information.~~

~~2. Follow-up information, including the success of graduates in upper-division university programs or placement rates of graduates in related employment fields.~~

~~3. Information on the needs of the community college and its students.~~

~~4. Information on college salaries and fringe benefits.~~

~~5. A report on college travel expenditures.~~

~~6. A report on the expenditure of funds raised by community college direct-support organizations.~~

The annual report shall be submitted to the State Board of Community Colleges by November 1 each academic year, and it shall clearly show the progress in each area from one year to the next year. The report shall be reproduced and made available at the least possible cost and may be issued in a series or as part of existing college publications.

Section 30. Subsection (3) of section 240.331, Florida Statutes, is amended to read:

240.331 Direct-support organizations; use of property; audit; status.—

(3) ANNUAL AUDIT.—Each direct-support organization shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be promulgated by the district board of trustees. The annual audit report shall be submitted to the Auditor General and the board of trustees for review. The board of trustees and the Auditor General shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization, other than the information necessary for the annual report required by s. 240.311~~(3)(h)6.~~ and the auditor's report and supplemental data requested by the board of trustees and the Auditor General, shall not be considered public records for the purposes of chapter 119.

Section 31. Subsection (1) of section 240.334, Florida Statutes, is amended to read:

240.334 Technology transfer centers at community colleges.—

(1) Each public community college may establish a technology transfer center for the purpose of providing institutional support to local business and industry in the application of new research in technology. The primary responsibility of each center shall be the conduct of technical support for universities, *state or federal governmental agencies, the United States Armed Forces, business and industry,* and product development activities. *Each center may also conduct industrial or technological training to support the application of research.* ~~In order to establish an initial network of university and community college linkages, the following community colleges shall serve as primary contacts for the purposes of providing technical support to state universities: Pensacola Junior College - University of West Florida; Gulf Coast Community College - Florida State University; North Florida Junior College - Florida Agricultural and Mechanical University; Florida Junior College - University of North Florida; Daytona Beach Community College - University of Florida; Brevard Community College - University of Central Florida; Hillsborough Community College - University of South Florida; Palm Beach Junior College - Florida Atlantic University; Miami-Dade Community College - Florida International University.~~

Section 32. Paragraph (b) of subsection (1) and paragraph (c) of subsection (6) of section 240.35, Florida Statutes, are amended, and subsections (10) and (11) are added to said section, to read:

240.35 Student fees.—

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for each of the following program categories:

(b) Noncredit instruction that may not be counted toward an associate or higher degree. This category includes, but is not limited to, postsecondary adult programs, supplemental vocational programs, ~~and~~ developmental programs, *lifelong learning programs, and community education programs.* Developmental programs shall include adult basic and high school instruction, college preparatory instruction, and vocational preparatory instruction.

(6)(a) Each community college is authorized to collect for financial aid purposes an additional amount up to, but not to exceed, 5 percent of the total student tuition or matriculation fees collected. However, if the amount generated by the additional 5 percent is less than $125,000, a community college that charges tuition and matriculation fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $125,000 and the amount generated by the additional 5 percent of the total student tuition and matriculation fees. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(c) Up to 25 percent or $125,000, whichever is greater, of the fees collected may be used to assist students who demonstrate academic merit or who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution. *A minimum of 50*

percent of the balance of these funds shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his eligibility assessed on the same criteria used at the time of his original award. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(10) Each community college district board of trustees may establish a separate fee for capital improvements not to exceed an amount specified in the General Appropriations Act. The fee for capital improvements shall be collected as a component part of the registration and tuition fees. The capital improvements fee shall be paid into a separate account and shall be expended only to maintain, improve, or enhance the community college's educational facilities. Projects funded through the use of the capital improvements fee shall meet the survey and construction requirements of chapter 235. As part of the plan required by s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by the fee authorized by this subsection.

(11) Each community college district board of trustees may adopt rules which provide for student advance fee payment. Such rules shall be limited to those which allow students to pay matriculation and tuition and capital improvement fees for instruction for which the students enroll during a preregistration period.

Section 33. Subsection (2) of section 240.355, Florida Statutes, is amended to read:

240.355 State Board of Education rules with respect to vocational education programs; minimum requirements; criteria for determining level of degree or certificate; common definitions; basic skills standards.—

(2) The State Board of Education shall develop guidelines to determine the criteria by which the level of degree or certificate shall be assigned to a program. The guidelines shall ensure that such assignments are made at the lowest level possible commensurate with sound professional practice; however, the guidelines shall also ensure that assignments are upgraded for programs that increase in technical complexity or general education requirements beyond the parameters of a certificate program. *Effective July 1, 1989, each school district and community college that conducts postsecondary vocational education programs shall report each such program according to the program title, number, and level specified in the Vocational Education Program Course Standards. Institutions may continue to offer existing programs which are assigned to a lower level; however, such programs shall be reported and funded at the assigned level.*

Section 34. Paragraphs (b) and (c) of subsection (1) of section 240.359, Florida Statutes, are 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:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(b) The allocation of funds for community colleges shall be based on advanced and professional disciplines, vocational program areas, compensatory programs, and adult *basic* ~~elementary~~ and secondary programs. The vocational program areas shall be further subdivided into postsecondary, postsecondary adult, and supplemental vocational program areas. *Students who are enrolled in dual enrollment instruction pursuant to s. 240.116 shall be funded at an additional .25 full-time equivalent enrollment for their proportional share of such enrollments.*

(c) The funding category of lifelong learning is for certain students in adult basic and secondary education programs or in supplemental vocational program areas.

1. A student in an adult basic and secondary education course is a lifelong learning student if he has received a high school diploma and does not demonstrate skills at or below the eighth-grade level.

2. A student in a supplemental vocational course is a lifelong learning student unless he fulfills one of the following criteria:

a. He currently holds wage-earning employment and is taking a course to enhance or upgrade skills related to that employment; or

b. He has a wage-earning employment history with intent to seek employment in an occupation directly related to that course and to that employment history.

3. A student shall be reported for funding as a lifelong learning student for enrollment in a consumer home economics course unless that course comprehensively addresses competencies identified in the program courses standards as home and family management competencies. Students in courses that comprehensively address such competencies may be reported as full-time equivalent students in the vocational supplemental category.

4. A student shall be reported as a lifelong learning student for his enrollment in any course that he has previously taken, *unless the course was taken more than 3 years prior to his subsequent enrollment or* unless it is a credit course in which he earned a grade of D or F. *A student shall not be reported as a lifelong learning student if he enrolls in a credit course in which he previously received a grade of C if he is required to earn a grade of B in that course for admission to a state university or to a particular department within a specific state university.*

Section 35. Subsection (2) of section 240.36, Florida Statutes, is amended to read:

240.36 Florida Academic Improvement Trust Fund for Community Colleges.—

(2) Funds appropriated shall be deposited in the trust fund and shall be invested pursuant to s. 18.125. *Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and* interest income accruing to that portion of the trust fund not matched *shall remain in the trust fund and* shall increase the total funds available for challenge grants. At the end of a fiscal year, any unexpended balance of an appropriation in the trust fund will not revert to the fund from which appropriated, but will remain in the trust fund until used for the purposes specified in this section.

Section 36. Section 240.363, Florida Statutes, is amended to read:

240.363 Financial accounting and expenditures.—All funds accruing to the benefit of a community college shall be received, accounted for, and expended in accordance with rules ~~and regulations~~ of the State Board of *Community Colleges* ~~Education~~, *except that each community college board of trustees may adopt policies that provide procedures for transferring private contributions to the community college to the direct-support organization of the community college for administration by such organization.*

Section 37. Paragraphs (a), (b), (d), and (e) of subsection (1), paragraphs (a), (b), and (d) of subsection (2), and subsections (3), (4), and (8) of section 240.402, Florida Statutes, are amended to read:

240.402 Florida Undergraduate Scholars' Fund.—

(1) There is created a Florida Undergraduate Scholars' Fund, to be administered by the Department of Education. The department shall award scholarships to each Florida student who:

(a)1. Is recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist;

2. Has obtained a 3.5 unweighted grade point average on a 4.0 scale, or the equivalent, in high school subjects acceptable for credit toward a diploma and has scored 1,200 or above 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~~;~~. *However, students who enroll as first-term high school students after June 30, 1988, shall obtain a 3.5 unweighted grade point average on a 4.0 scale, or the equivalent, in Florida Academic Scholar curriculum pursuant to s. 232.2465 in order to be eligible to receive a scholarship award as provided in this section;*

3. Has been designated by the State Board of Education as a Florida Academic Scholar, pursuant to the provisions of s. 232.2465~~, and, if a first term high school student after June 30, 1987, has maintained a 3.5 unweighted grade point average on a 4.0 scale, or the equivalent, in high school subjects acceptable for credit toward a diploma~~; or

4. Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office.

(b) *Meets the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.* ~~Has been a bona fide resident of this state for the 2 years preceding receipt of the award.~~

(d) Files an application *during the final year of high school* for and, if offered, accepts the award within established time limits.

(e) Attends, on a full-time basis, a state university or community college authorized by Florida law; a nursing diploma school approved by the Board of Nursing; any Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation *and*~~; or any Florida institution~~ the credits of which are acceptable for transfer to state universities.

(2)*(a) The department shall accept applications for initial and renewal awards between February 15 and April 1 of each year. All applications postmarked within the application period shall be acknowledged and the department shall notify each applicant that a scholarship will be awarded, pending his compliance with applicable eligibility criteria. Each applicant must respond to this acknowledgment and notify the department by May 1 of his intent to accept the award. After May 1, the department may cancel any offers of awards to initial and renewal applicants who have not notified the department of their acceptance, and may offer awards instead to otherwise eligible applicants who filed late applications. The department shall establish a deadline by which these students must respond to the offer.*

(b) When available funds are insufficient to provide full awards to all eligible applicants who file timely applications, the department shall distribute awards on a pro rata basis. ~~New awards shall be distributed, first come, first served, based on the postmark of the application, in the following manner:~~

~~(a) After reserving sufficient funds to assure a commitment to provide the full amount of an award, the department shall determine the number of initial and renewal awards to be made within the funds available.~~

~~(b) The department shall begin accepting applications for new awards on February 15 of each year. If necessary, applications received with the same postmark may be ranked by the department according to grade point average. The department shall determine the student's eligibility and notify the student as to status as eligible to receive an award, eligible to receive an award but on the waiting list, or ineligible to receive an award. Each student notified as to his eligibility to receive an award shall notify the department of his intention to accept the award by May 1. After May 1, the department may use the uncommitted and reserve funds to offer awards to eligible students on the waiting list. The department shall establish a deadline by which these students must respond to the offer.~~

(d) Any student failing to accept an award may reapply for the scholarship *during a subsequent application period* ~~at a subsequent date~~. The department shall determine the eligibility of such students in the same manner as first-time applicants, except that students who apply pursuant to this paragraph shall be exempt from the provisions of paragraph (1)(f). Students determined to be eligible may be awarded scholarships from any funds that remain after new and renewal awards have been allocated.

(3) The annual award to a student shall be *$4,500, or as specified in the General Appropriations Act* ~~$2,500~~; however, students designated as Florida Academic Scholars who ~~were first term high school students prior to July 1, 1987, and who~~ obtain less than a 3.5 unweighted grade point average on a 4.0 scale, or the equivalent, shall receive initial awards of $1,000 if attending an institution with annual tuition and registration fees of $2,000 or less. Such students shall receive initial awards of $1,500 if attending an institution with annual tuition and registration fees of more than $2,000. Payment of an award shall be transmitted, on behalf of the student, to the president of the college, university, community college, or nursing diploma school which the recipient is attending or to his representative in advance of the registration period. *Institutions shall certify to the department, within 60 days of the end of registration, the eligibility status of each awarded student and the amount of funds disbursed to each student. Undisbursed advances and other refunds due for students who terminate enrollment for any reason during the academic year shall either be returned to the department or deducted from subsequent payments in accordance with rules of the state board.* ~~If a recipient does not enroll or terminates his enrollment for any reason during the academic year, the unused portion of the award, as determined by policies and rules, shall be refunded within 60 days to the department, for the purposes of this section, by the president of the college, university, community college, or nursing diploma school or by his representative.~~

(4) A recipient shall maintain the equivalent of a 3.2 cumulative grade average on a 4.0 scale, or shall maintain an approved equivalent student progress evaluation plan, on at least 12 hours per quarter, trimester, or semester in order to be eligible for a continuation of the award. No student may receive a Florida Undergraduate Scholars' Fund award for more than the equivalent of 8 semesters or 12 quarters*; however, a student enrolled in a 5-year undergraduate degree program may receive an award for the equivalent of 10 semesters or 15 quarters.* The award may be renewed annually upon documentation by the recipient that he meets the necessary qualifications. If any recipient transfers from one accredited Florida college, university, community college, or nursing diploma school to another eligible institution, his award will be transferable, provided he is otherwise eligible for the award.

(8) The Legislature shall appropriate, from general revenue, funds to be deposited into the Florida Undergraduate Scholars' *Trust* Fund, as created herein, for the purpose of funding this act. *Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section.*

Section 38. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 240.4025, Florida Statutes, are amended to read:

240.4025 Florida Graduate Scholars' Fund.—

(1) There is created a Florida Graduate Scholars' Fund to be administered by the Department of Education. The department shall award fellowships to each Florida graduate student who:

(a)1. Has received a scholarship pursuant to s. 240.402 for the duration of his undergraduate enrollment; or

2. Has obtained a 3.5 grade point average on a 4.0 scale, or the equivalent, in college-level academic subjects taken during his last 2 academic years and has scored 1,200 or above on the combined verbal and quantitative parts of the Graduate Record Examination ~~or an equivalent score on any other graduate examination that is specific to a discipline and recognized nationally~~.

(b) Files an application for and, if offered, accepts the award within established time limits.

(c) Attends, on a full-time basis, a state university authorized by Florida law; any Florida university which is accredited by a regional association of the Council on Postsecondary Accreditation; or any Florida institution the credits of which are acceptable for transfer to state universities.

(d) Enrolls as a first-time graduate student ~~after July 31, 1986,~~ in the areas of engineering, information technology, biomedical technology or sciences, materials sciences, or other such areas identified by the Florida High Technology and Industry Council.

(e) Is a legal resident of the United States.

(f) Meets the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

(2) Florida residents shall have the highest priority in the distribution of new awards. New awards shall be distributed~~, first come, first served, based on the postmark of the application,~~ in the following manner:

(a) After reserving sufficient funds to assure a commitment to provide the full amount of an award *to each renewal applicant*, the department shall determine the number of initial ~~and renewal~~ awards to be made within the funds available.

(b) *The department shall accept applications for initial and renewal awards between February 15 and April 1 of each year. The department shall rank initial applications received within the application period by applicant combined verbal and quantitative scores on the Graduate Record Examination. If necessary, applications may be further ranked by grade point average and then postmark. Subject to the availability of funds, the department shall determine the student's eligibility and notify the student of his eligibility status. Each student notified of his tentative eligibility to receive an award shall communicate to the department, in writing, his intention to accept the award by May 1. The department may cancel the awards of students who have not responded by the May 1 deadline, and may offer awards instead to other eligible students, including those who filed late applications. The department shall establish a deadline by which students offered an award after May 1 must respond to the offer.* ~~The department shall begin accepting applications for new awards on February 15 of each year. If necessary, applications received with the same postmark may be ranked by the department according to grade point average. The department shall determine the student's eligibility and notify the student as to his status as eligible to receive an award, eligible to receive an award but on the waiting list, or ineligible to receive an award. Each student notified as to his eligibility to receive an award shall notify the department of his intention to accept the award by May 1. After May 1, the department may use the uncommitted and reserve funds to offer awards to eligible students on the waiting list. The department shall establish a deadline by which these students must respond to the offer.~~

Section 39. Section 240.403, Florida Statutes, is amended to read:

240.403 Ex-Confederate Soldiers' and Sailors' Home Endowment Trust Fund.—Any funds which have been or may hereafter be deposited into the State Treasury under chapter 8505, Laws of Florida, 1921, shall be known as the "Ex-Confederate Soldiers' and Sailors' Home Endowment Trust Fund," and they shall be invested as provided by law. The proceeds thereof shall be used for the endowment of a scholarship or scholarships in the State University System or in a state community college. Each such scholarship shall be awarded to a lineal descendant of a Confederate soldier or sailor, subject to State Board of Education rule, *who meets the general requirements for student eligibility as provided in s. 240.404*~~; further, whenever it appears that no one can qualify for such award as a lineal descendant of a Confederate soldier or sailor, the Department of Education shall use the endowment trust fund to erect a permanent memorial to the Confederate soldiers and sailors in the form of a building upon the campus of the University of Florida or Florida State University, in the discretion of the Department of Education, and suitably mark such building as a memorial to the Confederate soldiers and sailors~~. The Department of Education shall administer this scholarship program subject to rules of the state board.

Section 40. Section 240.4035, Florida Statutes, is created to read:

240.4035 Florida Regents Scholarship Program.—

(1) There is created the Florida Regents Scholarship Program for the purpose of providing financial incentives to encourage meritorious Florida secondary school students to attend state universities. The program shall be administered by the Department of Education.

(2) To be eligible to receive a Florida Regents Scholarship, a student shall:

(a) Be a graduate of a Florida public or nonpublic secondary school during or after the 1988-1989 school year and have been designated the valedictorian of his or her graduating class.

(b) Meet the general requirements for student eligibility for state financial aid as defined in ss. 240.404 and 240.4045.

(c) Have obtained a 3.8 unweighted grade point average on a 4.0 scale, or the equivalent, in high school subjects acceptable for credit toward a diploma.

(d) Attend, on a full-time basis, a state university authorized by Florida law.

(e) File an application and accept the award within established time limits.

(3) Each scholarship shall be in the amount of $500 per year, or as specified in the General Appropriations Act, for a maximum of 8 semesters or 12 quarters. Scholarships shall be subject to annual renewal contingent upon the recipient maintaining full-time enrollment status at a state university and a grade point average of 3.2 on a 4.0 scale, or the equivalent. Notwithstanding any other provision of law to the contrary, scholarships awarded pursuant to this section shall be in addition to any other state scholarship aid for which the recipient qualifies.

(4) Scholarships shall be awarded as follows:

(a) One scholarship shall be reserved annually for each public secondary school in the state. A Florida Regents Scholarship shall be offered to the student at each public high school designated as the valedictorian of his or her graduating class.

(b) In the event more than one student is designated as the valedictorian of a given graduating class of a public secondary school, the valedictorians shall be ranked by the high school using additional criteria including, but not limited to, rank in class, standardized test scores, cumulative grade point average, extracurricular activities, letters of recommendation, and an essay. The scholarship shall be offered to the valedictorian with the highest rank.

(c) A number of scholarships, in addition to those provided for public schools, shall be reserved annually for valedictorians of nonpublic schools. Eligible nonpublic schools shall be listed with the department and accredited by the Southern Association of Colleges and Schools or some other private statewide accrediting agency which makes public the standards and procedures under which it accredits schools. Eligible schools shall demonstrate compliance with regulations of the Office of Civil Rights. The number of nonpublic school scholarships shall be equal to the product of the ratio of nonpublic to public high school seniors in the state multiplied by the number of public high schools in the state. Priority for the receipt of scholarships reserved for nonpublic schools shall be given to those nonpublic school valedictorians with the highest scores on the Scholastic Aptitude Test of the College Entrance Examination or the American College Testing Program. Final selection of scholarship recipients from nonpublic schools shall be made by a committee appointed by the Commissioner of Education and composed of representatives from nonpublic secondary education and the department. In the event that two nonpublic school valedictorians have the same test scores, the committee shall use additional criteria including, but not limited to, cumulative grade point average, extracurricular activities, letters of recommendation, and an essay to rank nonpublic school applicants. If a nonpublic school valedictorian is offered, but declines to accept, a scholarship, the committee shall offer the scholarship to the nonpublic school valedictorian with next highest rank.

(5) Funds appropriated by the Legislature for this program shall be deposited in the Florida Regents Scholarship Trust Fund which is hereby created. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any unexpended funds remaining in the trust fund at the end of any fiscal year shall remain in the fund and be available for Florida Regents Scholarships in future years.

(6) The State Board of Education shall establish rules necessary to implement this section.

Section 41. Subsections (1) and (3) of section 240.404, Florida Statutes, are amended to read:

240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation; any Florida institution the credits of which are acceptable for transfer to state universities; any area vocational-technical center; or any private vocational-technical institution accredited by a member of the Council on Postsecondary Accreditation.

2. Participation in the college-level communication and computation skills testing program. This requirement is limited to students seeking associate's or bachelor's degrees.

3. Residency in this state for no less than *1 year* ~~2 years~~ preceding the award of aid for a program established pursuant to ~~s. 240.401,~~ s. 240.402, *s. 240.4035, s. 240.408,* s. 240.409, *s. 240.4095, s. 240.4097, s. 240.4098,* s.

240.412, s. 240.60, or s. 240.604. *Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 240.1201.*

4. Compliance with Selective Service System registration requirements pursuant to s. 240.4045.

5. Submission of certification attesting to the accuracy, completeness, and correctness of information provided within the financial aid application or verification process. Falsification of such information shall result in the denial of any pending application and revocation of eligibility for future payments for any award currently held by the student. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

(b)1. Student eligibility for the renewal of state financial aid awards shall be evaluated at the end of the second semester or third quarter of each academic year. In order to be eligible for such renewal, a student shall:

a. Demonstrate a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

b. Demonstrate, for full-time study, the completion of 12 credit hours per term or the equivalent of 12 credits per term, for the number of terms for which the student received financial aid.

2. A student who earns the minimum number of credit hours required for renewal pursuant to this paragraph, but who fails to earn a 2.0 cumulative grade point average, may be granted a probationary award for a maximum of 1 academic year. Any such student who earns a minimum cumulative grade point average of 2.0 at the end of the probationary period shall be removed from probationary status and shall be eligible for subsequent renewal. A student who receives a probationary award and fails to earn a minimum cumulative grade point average of 2.0 at the end of the probationary period shall be suspended from renewing his award for a period of 1 academic year following his probationary period. Any student who loses eligibility based on his failure to maintain a minimum of a 2.0 cumulative grade point average may reapply for financial aid during an application period subsequent to the suspension period, provided that he has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

3. A student who fails to earn the minimum number of credit hours required for renewal pursuant to this paragraph shall not be eligible to renew his financial aid award for a period equal to 1 academic year; however, he may reapply for financial aid during a subsequent application period, provided that he has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

~~(b) As a condition for renewal of a financial aid award, a student must have earned a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.~~

(3) *Undergraduate students shall be eligible to receive financial aid for a maximum of 8 semesters or 12 quarters; however, students participating in college preparatory instruction, students requiring additional time to complete the college-level communication and computation skills testing programs, or students enrolled in a 5-year undergraduate degree program shall be eligible to receive financial aid for a maximum of 10 semesters or 15 quarters.* ~~Institutional policies shall allow students participating in college preparatory instruction or requiring additional time to complete the college-level communication and computation skills testing programs to continue to receive financial aid during enrollment in such instruction. Such students shall be eligible to receive financial aid for a maximum of 10 semesters or 15 quarters.~~

Section 42. Paragraphs (a) and (c) of subsection (2) and subsections (1), (4), (5), and (6) of section 240.4062, Florida Statutes, are amended to read:

240.4062 *Critical Teacher Shortage Scholarship Loan Program* ~~Teacher scholarship loan programs.—~~

(1) *A* scholarship loan *program* ~~programs~~ shall be established and implemented for the purpose of attracting capable and promising students to the teaching profession in areas of projected or critical teacher shortage. The State Board of Education shall adopt rules necessary to implement the programs and shall annually identify critical teacher shortage areas, if any.

(2) To be eligible, a candidate shall:

(a) Be a full-time student at the upper division or higher level in a teacher training program approved by the department pursuant to s. 240.529 leading to certification in a critical teacher shortage area. *In the event that areas of critical teacher shortage are changed by the State Board of Education, a student shall be eligible for an award as long as he continues in the teacher education program for which the initial award was made and he meets all other conditions of eligibility.*

(c) *Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.* ~~Have a record of high performance in the area of certification being sought.~~

(4) A scholarship loan must be paid back within 10 years of completion of a program of studies.

(a) Credit for repayment of a scholarship loan shall be *for a maximum of $4,000 plus applicable accrued interest for each full year of eligible teaching service.* ~~as follows:~~

~~1. Twenty-five percent of the loan principal and accrued interest shall be retired after the first year of teaching;~~

~~2. One-third of the loan principal and accrued interest shall be retired after the second year of teaching;~~

~~3. Fifty percent of the loan principal and accrued interest shall be retired after the third year of teaching; and~~

~~4. The remaining loan principal and accrued interest shall be retired after the fourth year of teaching.~~

However, *full* credit for ~~fifty percent of~~ the loan principal and accrued interest shall be *given* ~~retired~~ after the first year of teaching ~~and the remainder of the principal and accrued interest shall be retired after the second year of teaching~~ if the recipient teaches at a high-density, low-economic urban school or at a low-density, low-economic rural school, as identified by the state board.

(b) Any person who fails to ~~complete an appropriate program of studies or who fails to~~ teach in a public school or developmental research school in this state as specified in this subsection is responsible for repaying the loan plus interest at prevailing rates. Repayment schedules and applicable interest rates shall be determined by rules of the State Board of Education.

~~(5) For the first 2 years of a program, at least 50 percent of the scholarship loans shall be awarded in the areas of mathematics and science. The remaining funds shall be available for other critical teacher shortage areas.~~

(5)~~(6)~~ This section shall be implemented ~~in the 1983-1984 school year and thereafter only to the extent~~ as specifically funded and authorized by law.

Section 43. Subsections (4) and (5) of section 240.4064, Florida Statutes, are amended to read:

240.4064 Critical teacher shortage tuition reimbursement program.—

~~(4) For the first 2 years of the program, at least 50 percent of all tuition reimbursements shall be in the areas of mathematics and science. The remaining funds shall be allocated to persons teaching out-of-field in other critical teacher shortage areas and to persons who teach, or who are expected to teach, at least 50 percent of the day in other critical teacher shortage areas.~~

(4)~~(5)~~ This section shall be implemented ~~in the 1983-1984 school year and thereafter only to the extent~~ as specifically funded and authorized by law.

Section 44. Subsections (5) and (7) of section 240.4066, Florida Statutes, are amended, paragraph (e) is added to subsection (3), and paragraphs (b), (c), and (d) of said subsection are amended, to read:

240.4066 Masters' Fellowship Loan Program for Teachers.—

(3) To be eligible, a candidate shall:

(b) Have maintained an undergraduate grade point average of at least 3.0 on a 4.0 scale or the equivalent in his major subject area of study *or* ~~and~~ have attained a Graduate Record Examination score of 1000 or above;

(c) Have declared an intention to teach in public schools of Florida for 3 years in a critical teacher shortage *area* ~~location~~ identified by the State Board of Education; ~~and~~

(d) Be a candidate for admission to a Masters' Program for Teachers based on criteria adopted by the State Board of Education*; and*~~.~~

(e) Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

(5) After the candidate has successfully completed a master's degree, the Department of Education shall provide temporary certification to the candidate, and, after the candidate has completed a successful first year of teaching in the Beginning Teacher Program, the department *may* ~~shall~~ provide professional certification to the candidate.

(7) Fellowship recipients shall complete 3 years of public school service within 5 years after graduation from the program. Any person who fails to complete ~~the training program or~~ the required teaching service shall be responsible for repaying the fellowship loan plus interest at prevailing rates. Repayment schedules and applicable interest rates shall be fixed by rules of the State Board of Education.

Section 45. Paragraphs (a) and (c) of subsection (1) and subsections (4) and (5) of section 240.408, Florida Statutes, are amended to read:

240.408 Challenger Astronauts Memorial *Undergraduate* Scholarship Program.—

(1) There is created a Challenger Astronauts Memorial *Undergraduate* Scholarship Program to be administered by the Department of Education. Eligibility for scholarships awarded pursuant to this section shall be limited to students who:

(a) *Meet the general requirements for student eligibility as provided in s. 240.404.* ~~Have been bona fide residents of this state for the 2 years preceding receipt of the award.~~

(c) Attend on a full-time basis a state university or community college authorized by Florida law *or any independent nonprofit college or university which is located in and chartered by the state and which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.*

(4) A recipient shall maintain the equivalent of a 2.0 cumulative grade point average on a 4.0 scale, or shall maintain an approved equivalent student progress evaluation plan, on at least 12 hours per semester, in order to be eligible for continuation of the award. No student may receive a Challenger Astronauts Memorial *Undergraduate* Scholarship for more than the equivalent of 8 semesters, *except as otherwise provided in s. 240.404.* The award may be renewed annually upon documentation by the recipient that he meets the necessary qualifications. If a recipient transfers to another authorized postsecondary institution, his award shall be transferable, provided he is otherwise eligible for the award.

(5) There is created the Challenger Astronauts Memorial *Undergraduate* Scholarship Trust Fund. The Comptroller shall authorize expenditures from this fund upon receipt of vouchers approved by the Department of Education. Any balance therein at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this program.

Section 46. Section 240.409, Florida Statutes, is amended to read:

240.409 State Student Assistance Grant Fund; eligibility for grants.—

(1) There is hereby created a State Student Assistance Grant Fund to be administered by the Department of Education in accordance with rules of the state board.

(2)(a) *State* student assistance grants from the fund may be made only to full-time students who *meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.* ~~have been bona fide residents of this state for the preceding 2 years. Provided, a renewal applicant who was in the program prior to June 30, 1978, shall be eligible for a renewal grant for the amount of demonstrated unmet need for educational expenses only, which grant may not exceed a total of $1,200 per academic year.~~ Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed a total of *$1,500, or as specified in the General Appropriations Act,* ~~$1,200~~ per academic year to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a *state* student assistance grant. Recipients of such grants must have been accepted at a state university or community college authorized by Florida law~~, a nursing diploma school approved by the Florida Board of Nursing, or any Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation or any Florida institution the credits of which are acceptable for transfer to state universities~~. No student may receive an award for more than the equivalent of 8 semesters or 12 quarters in a period of not more than 6 consecutive years, except that students participating in college preparatory instruction, *students* ~~or~~ requiring additional time to complete the college-level communication and computation skills testing program*, or students enrolled in a 5-year undergraduate program may receive an award for a maximum of 10 semesters or 15 quarters* ~~shall continue to receive a state student assistance grant during enrollment in such instruction~~.

(b) A student applying for a state student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered by the department when conducting an assessment of the financial resources available to each student.

(c) The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, and such system shall include a certification of acceptability by the *state* ~~college,~~ university *or*~~,~~ community college~~, or nursing diploma school~~ of the applicant's choice and the use of a nationally recognized system of need analysis. Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs. A student who has received a grant before July 1, *1988* ~~1983~~, who applies for a renewal grant shall have his eligibility assessed on the same criteria used at the time of his original application~~; however, of the portion of the appropriated funds expended for new grant awards, no more than 50 percent of the funds may be expended for students attending public postsecondary institutions~~.

(3) Priority in the awarding of *state* student assistance grants *to first-time applicants* ~~for the first year~~ shall be given to entering first-year freshman students and then to community college transfer students. *Eligibility for grant renewal shall be limited to students who have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale and who have earned a minimum of 12 credit hours for the number of terms for which they received a grant.* ~~In any event, priority in the awarding of grants shall be given to those applicants who have demonstrated the most promise for academic success as evidenced by a standardized examination and their record of academic achievement. As a condition for renewal of a grant award, a student must earn a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.~~ Renewal grants shall take precedence over new awards in any year in which funds are not sufficient to meet the total need.

(4)(a) Each person awarded a *state* student assistance grant under the terms of this law is eligible, upon making satisfactory academic progress each year and upon compliance with eligibility requirements and rules of the state board, to have his *state* student assistance grant renewed from year to year. A grant renewal period may not exceed ~~nine quarters or the equivalent semesters or trimesters in a period not to exceed~~ 5 years or ~~until~~ graduation ~~or termination of full-time attendance~~, whichever comes earlier.

(b) In the event that a *state* student assistance grant recipient transfers from one *institution eligible under this section, s. 240.4095, s. 240.4097, or s. 240.4098* ~~accredited Florida college, university, community college, or nursing diploma school~~ to another, his *eligibility* ~~grant~~ shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.

(5) Payment of *state* student assistance grants shall be transmitted to the president of the ~~college,~~ *state* university *or*~~,~~ community college~~, or nursing diploma school~~ which the recipient is attending, or to his representative, *on a term-by-term basis in advance of the registration period. Institutions shall certify to the department, within 60 days of the end of registration, the eligibility status of each awarded student and the amount of funds disbursed to each student. Undisbursed advances and other refunds due for students who terminate enrollment shall either be returned to the department or deducted from subsequent payments in accordance with rules of the state board. Advance payment of student assistance grants to an institution shall be contingent upon compliance with state board rules.* ~~Should any recipient terminate his enrollment for any reason during the academic year, the unused portion of the grant, as determined by rules of the state board, shall be refunded within 60 days to the department for the purposes of this section by the president of the Florida accredited college, university, community college, or nursing diploma school or by his representative.~~

(6) No student shall receive simultaneously a state student assistance grant provided pursuant to this section and any other form of student assistance grant provided pursuant to this chapter.

(7) Funds appropriated by the Legislature for state student assistance grants shall be deposited in the State Student Assistance Grant Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section.

(8) The State Board of Education shall establish rules necessary to implement this section.

Section 47. Section 240.4095, Florida Statutes, is created to read:

240.4095 Florida Student Assistance Grant Fund; eligibility for grants.—

(1) There is hereby created a Florida Student Assistance Grant Fund to be administered by the Department of Education in accordance with rules of the state board.

(2)(a) Florida student assistance grants from the fund may be made only to full-time students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed a total of $1,500, or as specified in the General Appropriations Act, per academic year to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent nonprofit college or university, accredited by the Commission on Colleges of the Southern Association of Colleges and Schools, which is not a pervasively sectarian institution and which is located in and chartered as a domestic corporation by the state. No student may receive an award for more than the equivalent of 8 semesters or 12 quarters in a period of not more than 6 consecutive years. A student enrolled in a 5-year undergraduate program may receive an award for a maximum of 10 semesters or 15 quarters.

(b) A student applying for a Florida student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered by the department when conducting an assessment of the financial resources available to each student.

(c) The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, including the use of a nationally recognized system of need analysis. The system shall include a certification of acceptability by the independent nonprofit college or university of the applicant's choice. Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs.

(3) Priority in the awarding of Florida student assistance grants for the first year of this program shall be given to students who were receiving state student assistance grants pursuant to s. 240.409 prior to July 1, 1988. The next priority in awarding Florida student assistance grants shall be to entering first-year freshman students. Eligibility for grant renewal shall be limited to students who have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale and who have earned a minimum of 12 credit hours for the number of terms for which they received a grant. Renewal grants shall take precedence over new awards in any year in which funds are not sufficient to meet the total need.

(4) In the event that a Florida student assistance grant recipient transfers from one institution eligible under this section, s. 240.409, s. 240.4097, or s. 240.4098 to another, his eligibility shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.

(5)(a) Payments of Florida student assistance grants shall be transmitted to the president of the college or university which the recipient is attending, or to his representative, on a term-by-term basis in advance of the registration period. Institutions shall certify to the department, within 60 days of the end of registration, the eligibility status of each awarded student and the amount of funds disbursed to each student. Undisbursed advances and other refunds due for students who terminate enrollment for any reason during the academic year shall either be returned to the department or deducted from subsequent payments in accordance with rules of the state board. Advance payments of Florida student assistance grants to an institution shall be contingent upon compliance with state board rules.

(b) Each institution that receives moneys through the Florida Student Assistance Grant Fund shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the fund and a complete accounting of moneys in the fund. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual audit of an institution's administration of the fund. The department may suspend or revoke an institution's eligibility to receive future moneys from the fund or request a refund of any moneys overpaid to the institution through the fund if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(6) No student shall receive simultaneously a Florida student assistance grant provided pursuant to this section and any other form of student assistance grant provided pursuant to this chapter.

(7) Funds appropriated by the Legislature for Florida student assistance grants shall be deposited in the Florida Student Assistance Grant Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section.

(8) The State Board of Education shall adopt rules necessary to implement this section.

Section 48. Section 240.4097, Florida Statutes, is created to read:

240.4097 Florida Postsecondary Student Assistance Grant Fund; eligibility for grants.—

(1) There is hereby created a Florida Postsecondary Student Assistance Grant Fund to be administered by the Department of Education in accordance with rules of the state board.

(2)(a) Florida postsecondary student assistance grants from the fund may be made only to full-time students who meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed a total of $1,500, or as specified in the General Appropriations Act, per academic year to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in and chartered as a domestic corporation by the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. An institution either licensed by, or having met the requirements of s. 246.085(2)(a) of, the State Board of Independent Colleges and Universities or licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools, which board has

authorized the institution to offer baccalaureate or associate degrees, and which institution is not a pervasively sectarian institution and is accredited at the junior or senior college level by an accreditation agency which is a member of the Council on Postsecondary Accreditation.

No student shall receive simultaneously a Florida postsecondary student assistance grant and any other form of student assistance grant provided pursuant to this chapter. No student may receive an award for more than the equivalent of 8 semesters or 12 quarters in a period of not more than 6 consecutive years. A student who enrolls in a 5-year undergraduate program may receive an award for a maximum of 10 semesters or 15 quarters.

(b) A student applying for a Florida postsecondary student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered by the department when conducting an assessment of the financial resources available to each student.

(c) The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, including the use of a nationally recognized system of need analysis. The system shall include a certification of acceptability by the school of the applicant's choice. Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs.

(3) Priority in the awarding of Florida postsecondary student assistance grants for the first year of this program shall be given to students who were receiving state student assistance grants pursuant to s. 240.409 prior to July 1, 1988. The next priority in awarding Florida postsecondary student assistance grants shall be to entering first-year freshman students. Eligibility for grant renewal shall be limited to students who have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale and who have earned a minimum of 12 credit hours for the number of terms for which they received a grant. Renewal grants shall take precedence over new awards in any year in which funds are not sufficient to meet the total need.

(4) In the event that a Florida postsecondary student assistance grant recipient transfers from one institution eligible under this section, s. 240.409, s. 240.4095, or s. 240.4098 to another, his eligibility shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.

(5)(a) Payment of Florida postsecondary student assistance grants shall be transmitted to the president of the eligible institution which the recipient is attending, or to his representative, on a term-by-term basis in advance of the registration period. Institutions shall certify to the department within 60 days of the end of registration, the eligibility status of each awarded student and the amount of funds disbursed to each student. Undisbursed advances and other refunds due for students who terminate enrollment for any reason during the academic year shall either be returned to the department or deducted from subsequent payments in accordance with rules of the state board. Advance payment of Florida postsecondary student assistance grants to an institution shall be contingent upon compliance with state board rules.

(b) Each institution that receives moneys through the Florida Postsecondary Student Assistance Grant Fund shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the fund and a complete accounting of moneys in the fund. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual audit of an institution's administration of the fund. The department may suspend or revoke an institution's eligibility to receive future moneys from the fund or request a refund of any moneys overpaid to the institution through the fund if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(6) Any institution that was eligible to receive state student assistance grants on January 1, 1988, that is not eligible to receive grants pursuant to s. 240.4095, and that is not a pervasively sectarian institution shall be eligible to receive grants pursuant to this section:

(7) Funds appropriated by the Legislature for Florida postsecondary student assistance grants shall be deposited in the Florida Postsecondary Student Assistance Grant Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section.

(8) The State Board of Education shall adopt rules necessary to implement this section.

Section 49. Section 240.4098, Florida Statutes, is created to read:

240.4098 Vocational Student Assistance Grant Fund; eligibility for grants.—

(1) There is created a Vocational Student Assistance Grant Fund to be administered by the Department of Education in accordance with rules of the state board.

(2) A grant from the fund may be awarded to a full-time student who:

(a)1. Is enrolled in any nonpublic postsecondary vocational, technical, trade, or business school accredited by the National Association of Trade and Technical Schools, the Association of Independent Colleges and Schools, the Accrediting Bureau of Health Education Schools, or the Southern Association of Colleges and Schools, which accrediting association shall maintain membership in the Council on Postsecondary Accreditation, and which school has been issued a biennial license on or before July 1 of the prior fiscal year under s. 246.217, is not a pervasively sectarian institution, has not been the subject of a finding of probable cause and subsequent disciplinary action under s. 246.226 or s. 246.228, has not had its accreditation removed, and is located in and chartered as a domestic corporation by the state; or

2. Is enrolled in an institution that has been licensed continuously for the preceding 5 years by the State Board of Independent Colleges and Universities, or has met the requirements of s. 246.085(2)(a) for the preceding 5 years on or before July 1 of the prior fiscal year, and is accredited by the National Association of Trade and Technical Schools, the Association of Independent Colleges and Schools, the Accrediting Bureau of Health Education Schools, or the Southern Association of Colleges and Schools, which accrediting association shall maintain membership in the Council on Postsecondary Accreditation, and which school is not a pervasively sectarian institution, has not been the subject of a finding of probable cause and subsequent disciplinary action under s. 246.111, has not had its accreditation removed, and is located in and chartered as a domestic corporation by the state.

(b) Is enrolled in a course or program of at least 900 clock hours or the equivalent which awards diplomas, associate in applied science degrees, associate in applied technology degrees, or associate in specialized technology degrees as defined in s. 246.203.

(c) Meets the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

(3) A student applying for a vocational student assistance grant shall also apply for the Pell Grant. The Pell Grant entitlement shall be considered by the department when conducting an assessment of the financial resources available to each student. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a vocational student assistance grant. The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department shall establish a rating system upon which to base the approval of grants, including the use of a nationally recognized system of need analysis. The system shall include a certification of acceptability by the postsecondary vocational, technical, trade, or business school or other eligible institution of the applicant's choice. Priority in the distribution of grants shall be given to students with the lowest total family resources, as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs. Renewal grants shall take precedence over new awards in any year in which funds are not sufficient to meet the total need. Priority in the awarding of grants to first-time applicants shall be given to entering first-year students.

(4) No student shall receive simultaneously a vocational student assistance grant and any other form of student assistance grant provided pursuant to this chapter. In the event that a vocational student assistance grant recipient transfers from one institution eligible under

this section, s. 240.409, s. 240.4095, or s. 240.4097 to another, his eligibility shall be transferable upon approval of the department. When approved by the department, the amount of unmet need shall be recalculated for the new institution and shall be adjusted accordingly.

(5)(a) The amount of the vocational student assistance grant shall not exceed $1,500 and in no event shall ever exceed the amount of demonstrated unmet need for tuition and fees.

(b) A student may not receive a vocational student assistance grant for more than 2 years.

(c) As a condition for renewal of a vocational student assistance grant, a student shall meet the requirements specified in s. 240.404 and state board rule, except as otherwise provided in this section.

(d) Payment of vocational student assistance grants shall be transmitted to the eligible institution which the recipient is attending on a term-by-term basis in advance of the registration period. Institutions shall certify to the department, within 60 days of the end of registration, the eligibility status of each awarded student and the amount of funds disbursed to each student. Undisbursed advances and other refunds due for students who terminate enrollment for any reason during the academic year shall either be returned to the department or deducted from subsequent payments in accordance with rules of the state board. Advance payment of vocational student assistance grants to an institution shall be contingent upon compliance with state board rules.

(e) Each institution that receives moneys through the Vocational Student Assistance Grant Fund shall cause to be prepared a biennial report that includes an independent external audit of the institution's administration of the fund and a complete accounting of the moneys in the fund. Such report shall be submitted to the department on or before March 1 every other year. The department may conduct its own annual audit of an institution's administration of the fund. The department may suspend or revoke an institution's eligibility to receive future moneys from the fund or request a refund of any moneys overpaid to the institution through the fund if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(6) Funds appropriated by the Legislature for vocational student assistance grants shall be deposited in the Vocational Student Assistance Grant Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section.

(7) The State Board of Education shall adopt rules necessary to implement this section.

Section 50. Section 240.4099, Florida Statutes, is created to read:

240.4099 Appropriations and allocations.—

(1) The funds appropriated in Specific Appropriation 388 of chapter 87-98, Laws of Florida, shall be reorganized into four specific appropriations categories in accordance with ss. 240.409, 240.4095, 240.4097, and 240.4098. The initial appropriation for ss. 240.409, 240.4095, and 240.4097 shall be no less than the allocation of funds, as categorized within said sections, through Specific Appropriation 388 of chapter 87-98, Laws of Florida.

(2) If the state appropriation from the General Revenue Fund for state student assistance grants, Florida student assistance grants, or Florida postsecondary student assistance grants is decreased from one fiscal year to the next or cannot be paid during a fiscal year due to a general revenue shortfall, they shall each be diminished in proportions identical to one another.

Section 51. Paragraph (a) of subsection (5) and subsection (6) of section 240.412, Florida Statutes, are amended to read:

240.412 Jose Marti Scholarship Challenge Grant Fund.—

(5)(a) In order to be eligible to receive a scholarship pursuant to this section, an applicant shall:

1. Be a Hispanic American, or a person of Spanish culture with origins in Mexico, South America, Central America, or the Caribbean, regardless of race.

2. Be a citizen of the United States and *meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section* ~~have been a resident of the state for other than educational purposes for the preceding 2 years~~.

3. Be accepted at a state university or community college or any Florida college or university accredited by a member of the Council on Postsecondary Accreditation the credits of which are acceptable without qualification for transfer to state universities.

4. Enroll as a full-time undergraduate or graduate student.

5. Earn a 3.0 *unweighted* grade point average on a 4.0 scale, or the equivalent for high school subjects creditable toward a diploma. If an applicant applies as a graduate student, he shall have earned a 3.0 cumulative grade point average for undergraduate college-level courses.

(6) The annual scholarship to each recipient shall be $2,000. Priority in the distribution of scholarships shall be given to students with the lowest total family resources. Renewal scholarships shall take precedence over new awards in any year in which funds are not sufficient to meet the total need. No undergraduate student shall receive an award for more than the equivalent of 8 semesters or 12 quarters over a period of no more than 6 consecutive years, except that students participating in college preparatory instruction, *students* ~~or~~ requiring additional time to complete the college-level communication and computation skills testing program, *or students enrolled in a 5-year undergraduate program may receive an award for a maximum of 10 semesters or 15 quarters* ~~shall continue to receive a scholarship during enrollment in such instruction~~. No graduate student shall receive an award for more than the equivalent of 4 semesters or 6 quarters.

Section 52. Paragraphs (c) and (d) of subsection (2) of section 240.413, Florida Statutes, are amended, and paragraph (e) is added to said subsection, to read:

240.413 Seminole and Miccosukee Indian Scholarships.—

(2) Scholarships shall be awarded by the department to students who:

(c) Are enrolled as either full-time or part-time undergraduate or graduate students and make satisfactory academic progress as defined by the college or university; ~~and~~

(d) Have been recommended by the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida*; and*~~.~~

(e) Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

Section 53. Subsection (2) of section 240.414, Florida Statutes, is amended to read:

240.414 Latin American and Caribbean Basin Scholarship Program.—

(2) The institutions that are eligible to participate in the scholarship program include the state universities and community colleges authorized by Florida law and any independent institutions eligible to participate in the state tuition voucher program pursuant to s. *240.605(2)* ~~240.401~~. No college or university may receive more than 25 percent of the funds appropriated in any year. Institutions and the appropriate administrative agency shall seek matching funds from private businesses, public foundations, and other agencies.

Section 54. Paragraph (c) of subsection (3) of section 240.421, Florida Statutes, is amended to read:

240.421 Florida Council of Student Financial Aid Advisors.—

(3) The council shall:

(c) Meet at least 3 times annually with the Commissioner of Education *or his designee.*

Section 55. Paragraph (f) of subsection (2) of section 240.437, Florida Statutes, is amended to read:

240.437 Student financial aid planning and development.—

(2) The objective of a state program is the maintenance of a state student financial aid program to supplement a basic national program which will provide equal access to postsecondary education to citizens of this state who have the ability and motivation to benefit from a postsecondary education. In the development of a state program to achieve this objective, it shall be the policy that:

(f) Effective August 1, 1985, students enrolled in associate in arts degree programs and bachelor's degree programs in independent institutions in this state who receive state aid pursuant to ~~s. 240.401,~~ s. 240.402, s. *240.4095* ~~240.409~~, *s. 240.4097,* or s. 240.60 participate in the college-level communication and computation skills testing program provided in s. 229.551. The department and the eligible institutions shall negotiate an agreement that will assure that the test is available to students either directly through the independent institutions or on a contractual basis with a state community college or university. ~~Before August 1, 1985, all independent institutions subject to this provision shall have an opportunity to participate in preliminary testing activities similar to those afforded the public institutions before the initiation of formal testing; and the independent sector shall be afforded appropriate representation on all committees and commissions charged with responsibilities for developing, administering, and evaluating the tests.~~

Planning and development shall be in accordance with the foregoing objective and policies.

Section 56. Subsection (2) of section 240.539, Florida Statutes, is amended to read:

240.539 Advanced Technology Fund.—

(2) The Florida High Technology and Industry Council is hereby authorized to designate research priorities for advanced technology in ~~such areas as computer technology, lightwave technology, biomedical technology and sciences, materials sciences, microelectronics, sensors, robotics, or other~~ areas deemed by the council to be consonant with legislative intent to the Board of Regents. The Board of Regents shall allocate funds to priority research programs pursuant to the provisions of this section.

Section 57. Subsections (4) and (13), the introductory paragraph of subsection (5), and paragraph (d) of subsection (6) of section 240.551, Florida Statutes, are amended, and subsection (14) is added to said section, to read:

240.551 Florida Prepaid Postsecondary Education Expense Program.—

(4) There is created *within the State Treasury* the Prepaid Postsecondary Education Expense Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47; however, such investment shall not be mandatory. Interest, *dividends, and gains* ~~income~~ accruing to the trust fund shall increase the total funds available for the program. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that interest, *dividends, and gains exceed* ~~income exceeds~~ the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10.

(5) The Florida Prepaid Postsecondary Education Expense Program shall be administered by the Prepaid Postsecondary Education Expense Board *as an agency of the state.* The Prepaid Postsecondary Education Expense Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. *For the purposes of s. 6, Art. IV of the State Constitution,* the board shall be assigned to and administratively housed within the Division of Treasury of the Department of Insurance, but it shall independently exercise the powers and duties specified in this section. The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, Comptroller, Chancellor of the Board of Regents, Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years, except that in making the initial appointments, the Governor shall appoint one member to serve for 1 year, one member to serve for 2 years, and one member to serve for 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation, but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(6)

(d) An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this paragraph. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this paragraph shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract terminated in accordance with this paragraph. *Moneys retained by the board pursuant to this paragraph shall be exempt from the provisions of s. 717.123.*

(13) In the event that the state determines the program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within one year of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he has contracted. All other contract holders shall be refunded pursuant to subparagraph (6)(a)7.; *in addition, there is hereby allocated an additional amount in the nature of interest at a* ~~however, such refunds shall include an interest~~ rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(14) The expenditures, disbursements, and refunds which the board is authorized to make from the fund, and the payments authorized pursuant to subsection (9), shall be deemed to be appropriations of moneys approved and authorized by the Legislature, provided such expenditures, disbursements, and refunds are in compliance with law.

Section 58. Subsection (2) and paragraph (a) of subsection (4) of section 240.60, Florida Statutes, are amended to read:

240.60 College career work experience program.—

(2)*(a) No more than 25 percent of the program expenditures of a participating institution shall be disbursed for student employment within the institution.* ~~A participating institution may not expend funds provided pursuant to this section for student employment within the institution.~~

(b) No more than 10 percent of the program expenditures for a participating institution shall be expended for program administration.

(4) The Department of Education shall report to the State Board of Education and the Legislature on or before February 15, 1988, and biennially thereafter, on the effectiveness of the college career work experience program. Such report shall include, but is not limited to:

(a) An analysis of the current participation of state agencies, *state universities,* and *public* community colleges in the program.

Section 59. Subsection (1) of section 240.601, Florida Statutes, is amended to read:

240.601 Work experience program; eligibility.—

(1) A student is eligible to participate in the college career work experience program if:

(a) He is enrolled at an eligible college or university as no less than a half-time undergraduate student in good standing, as defined by the college or university; however, a student may *be* ~~remain~~ employed during the break between two consecutive terms. A student may also *be* ~~remain~~ employed, although not enrolled, during the summer term if he preregisters as no less than a half-time student for the subsequent academic term; a student who attends an institution that does not provide preregistration shall provide documentation of intent to enroll as no less than a half-time student for the subsequent academic term;

(b) He *meets the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section* ~~has been~~

~~a resident of the state continuously for the 2 years immediately preceding his application for participation in the program and is not a resident of another state~~; and

(c) He demonstrates financial need, as *determined by a nationally recognized system of need analysis* ~~defined by the college or university~~.

Section 60. Subsection (3) and paragraph (a) of subsection (4) of section 240.604, Florida Statutes, are amended to read:

240.604 Public school work experience program.—

(3) Each participating university or community college may use up to 10 percent of its expenditures of funds provided pursuant to this section to train and supervise student mentors. *Each participating university or community college may disburse an additional 10 percent of its expenditures of funds provided pursuant to this section for program administration.*

(4)(a) To be eligible to participate in the public school work experience program, a student must:

1. Be enrolled at an eligible institution as no less than a half-time undergraduate student and be in good standing as defined by the institution; however, a student may *be* ~~remain~~ employed during the break between two consecutive terms. A student may also *be* ~~remain~~ employed, although not enrolled, during the summer term if he preregisters as no less than a half-time student for the subsequent academic term; a student who attends an institution that does not provide preregistration shall provide documentation of intent to enroll as no less than a half-time student for the subsequent academic term;

2. *Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section;* ~~Have been a resident of the state continuously for the 2 years immediately preceding application and not be a resident of another state;~~

3. Have completed at least 15 semester hours of coursework for academic credit; and

4. *Attain a minimum cumulative grade point average of 2.0 on a 4.0 scale.* ~~Demonstrate financial need and academic merit as defined by the institution.~~

Section 61. Section 240.401, Florida Statutes, is renumbered as section 240.605, Florida Statutes, and amended to read:

240.605 ~~240.401~~ State tuition vouchers.—

(1) There is created the State Tuition Voucher Fund to be administered by the Department of Education. The State Board of Education shall adopt rules for the administration of such fund.

(2) The department shall issue from the fund a tuition voucher to any full-time *degree-seeking* undergraduate student registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by *the Commission on Colleges of the Southern Association of Colleges and Schools* ~~an agency holding membership in the Council on Postsecondary Accreditation~~; which grants baccalaureate~~, associate in arts, or associate in science~~ degrees ~~and whose credits are acceptable without qualification for transfer to state universities~~; and which is not a state university or state community college or a pervasively sectarian institution. *Any independent college or university that was eligible to receive tuition vouchers on January 1, 1988, and which continues to meet the criteria under which its eligibility was established, shall remain eligible to receive tuition voucher payments.*

(3) A person is eligible to receive such tuition voucher if:

(a) *He meets the general requirements, including residency, for student eligibility as provided in s. 240.404, except as otherwise provided in this section* ~~He has continuously been a resident of the state for other than educational purposes for the 2 years immediately preceding the award of the tuition voucher~~; *and*

(b)1. He *enrolls* ~~is enrolled~~ as a full-time undergraduate student at an eligible college or university; *and*

2. He *has* ~~is~~ not enrolled in a program of study leading to a degree in theology or divinity.~~; and~~

~~3. He is making satisfactory academic progress as defined by the college or university in which he is enrolled; and~~

Eligibility for voucher renewal shall be limited to students who have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale and who have earned a minimum of 12 credit hours for the number of terms for which they received a voucher.

~~(c) As a condition for renewal of a tuition voucher, he has earned a grade point average of at least 2.0 on a 4.0 scale for the previous term, has earned at least an overall 2.0 average for college work, or has an average below 2.0 for only the previous term and is eligible for continued enrollment in the institution.~~

(4)(a) The amount of the tuition voucher issued to a full-time student shall be *no less than $1,100 and* no more than *$2,000* ~~$1,000~~ per academic year or as specified in the General Appropriations Act. ~~If the ratio between student tuition and general revenue appropriations at Florida's community colleges and state universities declines for 3 consecutive years, consideration shall be given to increasing the voucher amount.~~ The tuition voucher shall be paid on a prorated basis at the beginning of each quarter, semester, or term. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Students shall not be eligible to receive the award for more than ~~4 years,~~ 8 semesters~~,~~ or 12 quarters.

(b) If the combined amount of the tuition voucher issued pursuant to this act and all other scholarships and grants for tuition or fees exceeds the amount charged to the student for tuition and fees, the department shall reduce the tuition voucher issued pursuant to this act by an amount equal to such excess.

Section 62. Section 240.609, Florida Statutes, is created to read:

240.609 Postsecondary endowment grants.—

(1) There is established the Florida Postsecondary Endowment Grants Trust Fund to be administered by the Department of Education. The trust fund shall be utilized to provide matching endowment grants to independent nonprofit colleges and universities in Florida that meet the requirements of this section. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. All funds transferred to the trust fund, or retained in the trust fund, shall be invested in accordance with the provisions of chapter 215. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and income from investments and interest shall remain in the trust fund and shall increase the total funds available for such matching endowment grants.

(2) The matching endowment grants made available under this section shall be made available to any independent nonprofit college or university which:

(a) Is located in and chartered by the state.

(b) Is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(c) Grants baccalaureate degrees.

(d) Is not a state university or community college.

(e) Is not a pervasively sectarian institution.

(3)(a) The amounts appropriated to the trust fund shall be allocated by the Department of Education to each independent nonprofit college or university that meets the criteria of subsection (2) in the following manner:

1. Each such college or university that raises an endowment contribution of at least $50,000, but no more than $75,000, from private sources shall receive a matching endowment grant equal to 70 percent of the private contribution.

2. Each such college or university that raises an endowment contribution in excess of $75,000, but no more than $100,000, from private sources shall receive a matching endowment grant equal to 75 percent of the private contribution.

3. Each such college or university that raises an endowment contribution in excess of $100,000, but no more than $125,000, from private sources shall receive a matching endowment grant equal to 80 percent of the private contribution.

4. Each such college or university that raises an endowment contribution in excess of $125,000 from private sources shall receive a matching endowment grant of $125,000.

(b) The private sources may include combined contributions for a common purpose, but shall not include separate unrelated contributions. The state endowment matching grant shall be disbursed to the independent nonprofit college or university upon certification by the college or university that it has received and deposited the proportionate amount specified in this subsection.

(c) Contributions may also be eligible for matching if there is a commitment to make a donation of $125,000, and an initial payment of $25,000 is accompanied by a written pledge to provide the balance within 4 years after the date of such initial payment. Payments on the balance must be at least $25,000 per year and shall be made on or before the anniversary date of the initial payment. No matching endowment grant shall be disbursed prior to collection of the total pledged contribution from the private source, but a pledged contribution shall encumber the matching endowment grant for that independent nonprofit college or university.

(4)(a) By July 1 of each year, each independent nonprofit college or university that desires to participate in the program shall certify to the department its eligibility. The department, upon receipt and acceptance of such certifications, shall reserve an equal amount of the additional general revenue funds transferred to the trust fund for that fiscal year for each independent nonprofit college or university that is eligible to participate. An eligible independent nonprofit college or university shall have 3 fiscal years within which to encumber its share of trust funds reserved during the first 3 fiscal years. After the third fiscal year, if any independent nonprofit college or university does not fully utilize or encumber its share of reserved trust funds for any single fiscal year, such reserved funds shall be available in subsequent fiscal years for the purposes of this program.

(b) Each eligible institution shall certify to the department its contributions for the year ending June 30, 1988. Only the qualified new contributions above the certified base shall be calculated for the purpose of allocating grants during the first 3 years of the program. In subsequent years, only the qualified new contributions above the certified prior year base shall be calculated for the purpose of allocating such grants.

(5) Matching endowment grants made pursuant to this section to a qualified independent nonprofit college or university shall be placed in a separate restricted endowment by such institution. The interest or other income accruing from the endowment shall be expended exclusively for professorships, library resources, scientific and technical equipment, and nonathletic scholarships. Moreover, the funds in the endowment shall not be used for pervasively sectarian instruction, religious worship, or theology or divinity programs or resources. The records of the endowment shall be subject to review by the department and audit by the Auditor General. If any institution receiving a matching endowment grant pursuant to this section ceases operations and undergoes dissolution proceedings, than all funds received pursuant to this section from the state shall be returned.

(6) The State Board of Education shall adopt rules necessary to implement this section.

Section 63. Section 246.013, Florida Statutes, 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. *Effective October 1, 1991, any nonpublic postsecondary institution that is licensed pursuant to s. 246.215 and that is accredited by a member of the Council on Postsecondary Accreditation may also participate in such system.* Participating colleges *and postsecondary institutions* shall bear the costs associated with inclusion in the system *and shall meet the terms and conditions for institutional participation 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 *or postsecondary institution* shall record student transcripts or document courses offered by the college *or postsecondary institution* in accordance with this section unless the college *or postsecondary institution* is actually participating in the system pursuant to rules of the State Board of Education. Any college *or postsecondary institution* deemed to be in violation of this section shall be subject to the provisions of s. 246.111 *or s. 246.228, respectively.*

(3) The State Board of Education may adopt rules to implement the provisions of this section.

Section 64. Section 246.220, Florida Statutes, is amended to read:

246.220 Surety bonds, ~~or~~ insurance, *or escrow accounts.—Effective January 1, 1989,* surety bonds, ~~or~~ insurance, *or escrow accounts* shall ~~not~~ be required of any school licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~, except as may be required by the board~~ to insure the train-out of projected or currently enrolled students or issuance of refunds to projected or currently enrolled students *and the conveyance of all student records to such board or another location designated by the board pursuant to s. 246.217.*

Section 65. Subsection (2) of section 295.01, Florida Statutes, is amended to read:

295.01 Children of deceased or disabled veterans; education.—

(2) The provisions of ss. 295.03, 295.04, ~~and~~ 295.05, *and 240.404* shall apply.

Section 66. Subsection (2) of section 295.015, Florida Statutes, is amended to read:

295.015 Children of prisoners of war and persons missing in action; education.—

(2) The provisions of ss. 295.03, 295.04, ~~and~~ 295.05, *and 240.404* shall apply.

Section 67. Subsection (2) of section 295.016, Florida Statutes, is amended to read:

295.016 Children of servicemen who died or became disabled in Operation Eagle Claw.—

(2) The provisions of ss. 295.03, 295.04, ~~and~~ 295.05, *and 240.404* shall apply.

Section 68. Subsection (2) of section 295.017, Florida Statutes, is amended to read:

295.017 Children of servicemen who died or became disabled in the Lebanon and Grenada military arenas; educational opportunity.—

(2) The provisions of ss. 295.03, 295.04, ~~and~~ 295.05, *and 204.404* shall apply.

Section 69. Subsection (2) of section 295.018, Florida Statutes, is amended to read:

295.018 Children of servicemen who died in Newfoundland air tragedy; educational opportunity.—

(2) The provisions of ss. 295.03, 295.04, ~~and~~ 295.05, *and 240.404* shall apply.

Section 70. Section 817.566, Florida Statutes, is created to read:

817.566 Misrepresentation of association with, or academic standing at, an institution of higher education or community college.—Any person who misrepresents his association with, or academic standing or other progress at, an institution of higher education or community college by falsely making, altering, simulating, or forging a document, degree, award, letter, transcript, form, or other paper, or any person who causes or procures such a misrepresentation, or any person who utters and publishes or otherwise represents such a document, degree, award, record, letter, transcript, form, or other paper as true, knowing it to be false, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 71. Subsection (8) of section 1 of chapter 86-216, Laws of Florida, as amended by chapter 87-251, Laws of Florida, is amended to read:

Section 1.

(8) The provisions of this section shall expire on June 30, *1989* ~~1988~~.

Section 72. *County constitutional officers are authorized to reimburse employees for educational expenses, subject to the following conditions:*

(1) The coursework must be designed to develop skills, knowledge, and abilities which would improve the performance of official duties and improve the quality of public services.

(2) An employee shall not be permitted to attend reimbursed courses in the State of Florida, including travel to and from the location where the course is taught, during the employee's assigned work hours, unless such time is covered by approved annual or compensatory leave or leave without pay.

(3) The reimbursement of educational expenses in no way obligates the officer to grant time off or leave for the taking or completion of such course or program of instruction.

(4) An employee shall not be permitted to utilize any space, personnel, equipment, or supplies of the office by which he is employed in the process of fulfilling any of the requirements imposed by the coursework for which he is being reimbursed.

(5) No employee shall be permitted to enroll for more than eight credits per term or semester.

(6) The limitations contained in subsections (1)-(5) shall not be construed to apply to any courses offered by or as a part of an educational program sponsored by any state agency for which the constitutional officer is obligated to perform duties prescribed by law, or any educational program conducted in furtherance of s. 195.002, Florida Statutes, if such limitation did not exist prior to the effective date of this act.

Section 73. *The Postsecondary Education Planning Commission shall conduct a study of proprietary education in Florida. Such study shall be conveyed to the Speaker of the House of Representatives and the President of the Senate on or before March 1, 1989. The study shall include, but not be limited to, the following:*

(1) An identification of the appropriate state role in licensing proprietary educational institutions, including a national comparison of state licensing or accrediting requirements.

(2) An identification of appropriate means for establishing program standards for proprietary educational institutions, including a comparison of the program standards required by such accrediting agencies as the Occupational Commission of the Southern Association of Colleges and Schools, the National Association of Trade and Technical Schools, the Association of Independent Colleges and Schools, and the Accrediting Bureau of Health Education Schools to current state-level program standards for vocational programs conducted within community colleges and public vocational-technical centers.

(3) A delineation of the degrees, diplomas, and certificates conferred by proprietary educational institutions and a proposed definition for each such document.

(4) An identification of the data currently collected regarding proprietary educational institutions, as well as a delineation of additional data, if any, that might be collected and the additional resources required to collect such data.

(5) A delineation of the human and nonhuman resources required to implement the commission's findings regarding proprietary education.

Section 74. *The State Board of Education shall adopt rules to improve reports to the Department of Education regarding the completion and placement of students in vocational programs. Such rules shall address uniform methods of identifying and reporting vocational student completion, and may identify conditions under which a student may be a completer for purposes of follow-up even though he has omitted certain courses in a vocational program. For vocational programs which few students complete, the state board shall determine the minimum number of completers required for calculation of the placement status required in s. 229.551(3), designate procedures for delaying the application of the placement standard until the program has completers, and identify methods of reviewing and improving programs which few students complete. Such methods may include penalties for failure to identify and report vocational program completers for follow-up. The state board may recommend common methods of defining placement in employment related to the field of vocational training, and other rules that the state board deems necessary.*

Section 75. *The State Board of Education shall review the current statewide student assessment programs, including, but not limited to, the statewide student assessment tests and achievement tests conducted in the public schools, college entry-level tests, and the college-level communication and computation skills examination. The department shall submit a report to the President of the Senate and the Speaker of the House of Representatives on or before March 1, 1989. The report shall incorporate, at a minimum, the following elements:*

(1) A determination of the congruence between the level of skills tested through each examination and the level of skills expected of the student population being examined.

(2) A determination of whether the respective examinations are supportive or duplicative of one another.

(3) A determination of the degree to which the respective examinations form an integrated assessment system.

(4) An identification of alternatives to the current testing program that might more accurately reflect student educational achievement.

(5) An identification of recommendations for improving the statewide student assessment program.

Section 76. *Each state university that receives a loan for dormitory renovations and repairs pursuant to section 7(1)(c) of chapter 80-414, Laws of Florida, may elect, as an alternative repayment plan, to repay the loan from capital improvement fees. Pursuant to such a repayment plan, the loan amount may be considered as the first lien on the university's share of capital improvement fees from the date of loan approval. Interest, at the rate provided in chapter 80-414, Laws of Florida, shall apply to the loan amount outstanding upon project completion. Any entitlement balance previously withheld in connection with loans authorized by law may be applied to the satisfaction of the loan obligation.*

Section 77. *Section 240.1163, Florida Statutes, as created by chapter 87-212, Laws of Florida, and subsection (2) of section 240.321, Florida Statutes, are hereby repealed.*

Section 78. Paragraph (a) of subsection (1) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(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; ~~and~~ adult, part-time, vocational, and evening schools, courses, or classes authorized by law to be operated under the control of school boards; *and developmental research schools.*

Section 79. Section 228.053, Florida Statutes, is created to read:

228.053 Developmental research schools.—

(1) ESTABLISHMENT.—There is established a category of public schools to be known as developmental research schools. Each developmental research school shall provide sequential instruction and shall be affiliated with the college of education within the state university of closest geographic proximity. For the purpose of state funding, Florida Agricultural and Mechanical University, Florida Atlantic University, Florida State University, the University of Florida, and other universities approved by the Board of Regents, the State Board of Education, and the Legislature are authorized to sponsor developmental research schools.

(2) MISSION.—The mission of a developmental research school shall be the provision of a vehicle for the conduct of research, demon-

stration, and evaluation regarding management, teaching, and learning. Programs to achieve the mission of a developmental research school shall ensure an appropriate education for its students.

(a) Each developmental research school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a developmental research school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. Each developmental research school shall provide sequential elementary and secondary instruction where appropriate. A developmental research school may not provide instruction at grade levels higher than grade 12 without authorization from the State Board of Education.

(b) Research, demonstration, and evaluation conducted at a developmental research school may be generated by the college of education with which the school is affiliated.

(c) Research, demonstration, and evaluation conducted at a developmental research school may be generated by the Education Standards Commission. Such research shall respond to the needs of the education community at large, rather than the specific needs of the affiliated college.

(d) Research, demonstration, and evaluation conducted at a developmental research school may consist of pilot projects to be generated by the affiliated college, the Education Standards Commission, or the Legislature.

(e) The exceptional education programs offered at a developmental research school shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs. The fact that a developmental research school offers an exceptional education program in no way lessens the general responsibility of the local school district to provide exceptional education programs.

(3) STUDENT ADMISSIONS.—Each developmental research school may establish a primary research objective related to fundamental issues and problems which occur in the public elementary and secondary schools of the state. A student population reflective of the student population of the public school environment in which the issues and problems are most prevalent shall be promoted and encouraged through the establishment and implementation of an admission process which is designed to result in a representative sample of public school enrollment based on sex, race, socioeconomic status, and academic ability.

(4) STUDENT FEES.—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 moneys provided by such fee were expended. The annual report prescribed in this subsection shall be distributed to the parents or guardians of each student. No additional fees shall be charged.

(5) SUPPLEMENTAL SUPPORT ORGANIZATIONS.—Each developmental research school may accrue supplemental revenue from voluntary support organizations, which include, but are not limited to, alumni associations, foundations, parent-teacher associations, and booster associations. The governing body of each supplemental support organization shall recommend the expenditure of moneys collected by the organization for the benefit of the school. Such expenditures shall be contingent upon the review of the director. The director may override any proposed expenditure of the organization that would violate Florida Statutes or breach sound educational management.

(6) PERSONNEL.—

(a) Each developmental research school shall employ at the minimum a director and a principal. The duties of such personnel shall be as follows:

1. Each director shall be the chief executive officer and shall oversee the education, research, and evaluation goals of the school. The director shall be responsible for recommending policy to the advisory board. The director shall be accountable for the financial resources of the school.

2. Each principal shall be the chief educational officer and shall oversee the educational program of the school. The principal shall be accountable for the daily operation and administration of the school.

(b) Faculty may serve simultaneously as instructional personnel for the developmental research school and the university with which the school is affiliated. Salaries for full-time faculty of developmental research schools shall be at least commensurate, based on years of service and educational attainment, with the salaries of the full-time faculty employed by the school board of the district in which the school is located. Faculty may participate in processes that result in promotion in rank or receipt of discretionary salary increases which are available to university instructional personnel.

(7) ADVISORY BOARDS.—

(a) Each developmental research school shall have an advisory board to provide general oversight and guidance. The dean of the affiliated college of education shall be a standing member of the board, and the president of the university shall appoint three faculty members from the college of education, one lay person who resides in the county in which the school is located, and two parents or legal guardians of students who attend the developmental research school to serve on the advisory board. The term of each member shall be for 2 years, and any vacancy shall be filled with a person of the same classification as his predecessor for the balance of the unexpired term. The president shall stagger the terms of the initial appointees in a manner that results in the expiration of terms of no more than two members in any year. The president shall call the organizational meeting of the board. The board shall annually elect a chairman and a vice chairman. There shall be no limitation on successive appointments to the board or successive terms that may be served by a chairman or vice chairman. The board shall adopt internal organizational procedures or bylaws necessary for efficient operation as provided in chapter 120. Board members shall not receive per diem or travel expenses for the performance of their duties.

(b) The board shall:

1. Meet on at least a quarterly basis.

2. Monitor the operations of the school and the distribution of moneys allocated for such operations.

3. Establish necessary policy, program, and administration modifications.

4. Evaluate biennially the performance of the director and principal and recommend corresponding action to the dean of the college of education.

5. Annually review evaluations of the school's operation and research findings.

(8) FUNDING.—

(a) Each developmental research school shall be allocated its proportional share of funds from the Florida Education Finance Program as provided in s. 236.081 and the General Appropriations Act. The computation of each district's required local effort pursuant to s. 236.081(4) shall include amounts for the developmental research school located in its district. Each developmental research school shall also receive its proportional share of the Florida Education Finance Program's discretionary millage revenues as annually authorized by the school board in the county in which it is located. Each developmental research school shall also be eligible to receive a sparsity supplement as calculated pursuant to s. 236.081(1)(f). The nonvoted ad valorem millage that would otherwise be required for developmental research schools shall be allocated from general revenue. In addition, 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, 236.083, 236.0835, 236.088, 236.089, 236.091, 236.092, 236.1223, 236.1225, 230.2319, 231.532, 233.057, 228.195, and 236.24, and new categorical funds enacted after July 1, 1985, for the purpose of elementary or secondary academic program enhancement. Funds appropriated to the laboratory school program component of the education and general budget entity for the operation and maintenance of the developmental research schools effective in 1988-1989 shall be transferred from the appropriate budget categories in the State University System to the Florida Education Finance Program. The sum of funds available as provided in this paragraph shall be included annually in the Florida Education Finance Program and appropriate categorical programs funded in the General Appropriations Act.

(b) There is created a Developmental Research School Educational Facility Trust Fund to be administered by the Commissioner of Education. Allocations from such fund shall be expended solely for the purpose of facility construction, repair, renovation, remodeling, site improvement, or maintenance. The commissioner shall administer the fund in accordance with ss. 235.41-235.435.

(c) 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, and all rules of the university governing the budgeting and expenditure of state funds shall apply to these funds unless otherwise provided by law or rule of the State Board of Education. The Board of Regents shall be the public employer of developmental research school personnel for collective bargaining purposes.

(d) Each developmental research school shall receive funds for capital outlay and operating purposes in an amount determined by multiplying the average amount of the statewide millage per pupil of the total discretionary millage of the school districts times the full-time equivalent student membership of that developmental research school. The funds shall be appropriated in the General Appropriations Act to the Developmental Research School Trust Fund.

(e) In addition to the funds appropriated to meet the capital outlay budget request, developmental research schools may receive, beginning with the 1988-1989 fiscal year, specific funding as specified in the General Appropriations Act for upgrading, renovating, and remodeling science laboratories.

(f) Each developmental research school is designated a teacher education center and may provide inservice training to school district personnel. The Department of Education shall provide funds to the Developmental Research School Trust Fund for this purpose from appropriations for inservice teacher education.

(9) IMPLEMENTATION.—This section shall be implemented during the 1988-1989 school year to the extent funded and authorized by law. The State Board of Education shall adopt any rules necessary to facilitate the implementation of this section.

(10) AUDIT.—

(a) The Auditor General shall conduct an annual financial audit of each developmental research school subject to this section. The Auditor General shall further conduct compliance and program audits of such schools no less than once every 3 years.

(b) A report of the audit findings shall be provided to the school audited, the State Board of Education, the President of the Senate, and the Speaker of the House of Representatives.

Section 80. Section 230.015, Florida Statutes, is created to read:

230.015 Special district units.—For the purposes of funding through chapters 235 and 236, developmental research schools shall be designated as special school districts. Such districts shall be accountable to the Department of Education for budget requests and reports on expenditures.

Section 81. Section 236.0817, Florida Statutes, is amended to read:

236.0817 Developmental research schools; eligibility for categorical funding.—*Categorical funds for developmental research schools shall be allocated pursuant to s. 228.053(8)(a).* ~~For the purposes of allocating categorical funds for ss. 230.2312, 236.088, 236.089, and 236.1223, the Department of Education shall include developmental research schools in the allocation of funds. This section shall be implemented in the 1984-1985 school year and thereafter only to the extent specifically funded and authorized by law.~~

Section 82. *Assent to Morrill Land-Grant Act.—The assent of the Legislature is given to the provisions and requirements of the Act of Congress commonly known as the "Hatch Amendment" and the Act of Congress known as the "Morrill Act," and all acts supplemental thereto, and the Board of Regents may receive grants of money appropriated under said acts, insofar as the same, or so much thereof, can be used and appropriated for the benefit of the State University System. The provisions of chapter 1776, Acts of 1870, are made applicable to the State University System insofar as the same are or can be made effective; and all claims and demands arising or that may or can arise thereunder, or any Act of Congress in that regard, are hereby preserved, maintained, and transferred to the Board of Regents for the use and benefit of the State University System.*

Section 83. *Joint Developmental Research School Planning, Articulation, and Evaluation Committee.—*

(1) The Commissioner of Education and the Chancellor of the State University System shall each appoint three persons to serve on a Joint Developmental Research School Planning, Articulation, and Evaluation Committee. For administrative purposes, the committee shall be under the Department of Education. The commissioner shall also appoint a seventh member to serve as chairman.

(2) The committee shall have the duty and responsibility to:

(a) Provide the Commissioner of Education with recommendations for necessary rules and guidelines to implement provisions relating to developmental research schools.

(b) Conduct a feasibility study and cost analysis and provide guidelines for planning and establishing new developmental research schools. These studies and guidelines shall be provided to the Commissioner of Education and the Legislature on or before March 1, 1989.

(c) Review annual evaluation studies of developmental research schools.

(d) Periodically provide statutory, regulatory, funding, and other recommendations to the Commissioner of Education to improve the implementation of provisions relating to developmental research schools.

Section 84. *Section 88 of this act is repealed on October 1, 1998, and the Joint Developmental Research School Planning, Articulation, and Evaluation Committee shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 85. *The Florida Sunrise Forum Council.—*

(1) The Legislature finds that the public interest of Florida will be served by the creation of a Sunrise Forum Council which will provide statewide, regional, and local forums to generate a common vision for Florida and a sense of community, help build a civic infrastructure, and:

(a) Provide for the study and deliberation of trends and conditions relating to the future of Florida and its place in the world.

(b) Provide different forums and educational activities for citizens, students, business leaders, and policymakers to discuss and array creative solutions to emerging problems in Florida.

(c) Involve citizens and inform them, through a series of educational functions, of the changing conditions and issues that are far reaching and have long-term impacts on their quality of life and the business climate of Florida.

(d) Advise, monitor, and utilize foresight efforts being conducted within state government and the private sector, and assist in the communication of the products of such efforts.

(e) Promote the institutionalization of a strategic research capacity in Florida, to attract the finest minds available, and to conduct or cause to be conducted such studies which may be deemed necessary for the health, safety, and welfare of the citizens and future generations of this state.

(f) Pursue efforts to generate donations and grants to assist with the goals of the organization.

(2) For the purpose of this act, "Council" means the Sunrise Forum Council.

(3) The Sunrise Forum Council, which may organize as a not-for-profit corporation, subject to approval by the Commissioner of Education, is created for the purpose of planning, coordinating, assisting in, and performing educational functions and directing activities for carrying out the intent of this act. The Council shall be assigned to the Department of Education for administrative purposes only.

(4) The Council shall be composed of 32 members consisting of:

(a) Eight members appointed by the Governor.

(b) Eight members appointed by the Commissioner of Education.

(c) Eight members appointed by the President of the Senate.

(d) Eight members appointed by the Speaker of the House of Representatives.

(5) The Governor, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives shall solicit nominations from leading business and industry organizations and public and private interest organizations which are involved in issues of growth, cultural development, and the economic future of the state.

(6)(a) The term of each appointed Council member shall be 3 years, with initial terms to be staggered, and any vacancy shall be filled by appointment by the person who had appointment jurisdiction of the vacated member. Members shall be limited to two terms. The Council membership shall annually elect a chairman and vice chairman, who shall be limited to two successive terms.

(b) The first meeting of the Council shall be held September 15, 1988, or within 5 days thereafter. The Council shall adopt internal organizational procedures or bylaws necessary for the efficient operation of the Council. The members and staff shall be entitled to reimbursement for per diem and traveling expenses pursuant to s. 112.061, Florida Statutes, unless otherwise provided for by approved grants or awards.

(c) Any member of the Council absent from all meetings of the Council for 6 consecutive months shall be deemed to automatically resign from the Council and shall be replaced as provided in paragraph (a). Nothing shall preclude the reappointment of a member who has automatically resigned.

(7) The director of the Council shall be appointed by the Council upon recommendation by the Commissioner of Education. The director shall be the chief administrative and operational officer of the Council and shall direct and supervise administrative affairs and the general management of the Council.

(a) The director of the Council may contract with or employ legal and technical experts and such other permanent and temporary employees as shall be authorized by the Council and approved by the Commissioner of Education.

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

(8) The Council officers shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including, but not limited to, the power to:

(a) Adopt bylaws for the regulation of its affairs and the conduct of its business and rules.

(b) Select the director and staff, upon recommendation of the Commissioner of Education.

(c) Accept grants, donations, federal grants, and state and local funding.

(d) Copyright selected products of the Council.

(e) Upon approval by the Commissioner of Education, enter into agreements or other transactions with any federal, state, or local agency.

(f) Provide for an independent annual audit.

(9) The Council shall have the power and duty to:

(a) Meet at least four times a year.

(b) Carry out educational and research functions through grants and purchase of services, which include, but are not limited to, conferences, seminars, workshops, two-way interactive electronic forums, media productions, satellite conferencing, teleconferencing, and the distribution of approved information and reports about selected issues and trends that are important to the future of Florida.

(c) Design and undertake grant solicitation and approval and distribution of grant awards which would provide forums for public school students to discuss trends and issues for the future and provide for local, regional, or state forums to be undertaken by a variety of public and private organizations involved in joint or independently approved projects.

(d) Provide matching grants to counties and municipalities to establish Visions 2000 Committees, as authorized by chapter 86-221, Laws of Florida.

(e) Structure and provide for business and industry and academic fellowships which would involve mid-level management personnel in business and industry, instructional personnel, or graduate students in postsecondary education institutions, to provide support for the work of the Council.

(f) Prepare and distribute an annual report to the Executive Office of the Governor, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives, with limited distribution to interested parties.

(10) There is hereby created the Florida Educational Forum Trust Fund in which donations and grant funds may be deposited, and from which moneys may be drawn for carrying out the provisions of this act. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, interest accrued shall remain in the trust fund. The Council shall comply with all applicable laws relating to the investment of moneys contained within the trust fund.

(11) The Florida Sunrise Forum Council is repealed effective July 1, 1993, and shall be reviewed by the Legislature prior to such date.

Section 86. *There is hereby appropriated from the General Revenue Fund to the Department of Education the sum of $300,000 for the purpose of implementing the Florida Sunrise Forum Council.*

Section 87. *The Florida Sunrise Forum Council may organize and establish a direct-support organization in order to carry out the duties of the Council.*

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "Sunrise Forum Council direct-support organization" means an organization:

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State;

2. Which is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public education efforts relating to long-term issues and trends in this state; and

3. Which the Commissioner of Education, after review, has certified to be operating in a manner consistent with the best interest of the Department of Education.

(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.

(2) USE OF PROPERTY.—The Sunrise Forum Council:

(a) Is authorized to permit the use of property, facilities, and personal services of the Council by the direct-support organization, subject to the provisions of this section.

(b) Is authorized to prescribe by rule any condition with which the direct-support organization must comply in order to use property, facilities, or personal services of the Sunrise Forum Council.

(c) Shall not permit the use of property, facilities, or personal services of the direct-support organization if such organization does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(3) BOARD OF DIRECTORS.—The board of directors of the Sunrise Forum Council direct-support organization shall be appointed by the Council and shall include representation from business, industry, and other components of Florida's economy.

(4) ANNUAL AUDIT.—The direct-support organization shall make provision for an annual postaudit of its financial accounts to be conducted by an independent, certified public accountant in accordance with rules to be promulgated by the State Board of Education. The annual audit report shall be submitted to the Auditor General and the State Board of Education for review. The State Board of Education and the Auditor General have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors is exempt from the provisions of chapter 119, and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119.

Section 88. Section 240.2601, Florida Statutes, is created to read:

240.2601 State University System Facility Enhancement Challenge Grant Program.—

(1) The Legislature recognizes that the State University System does not have sufficient physical facilities to meet the current demands of its instructional and research programs. It further recognizes that, to strengthen and enhance the State University System, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support, can assist in constructing much needed facilities and strengthen the commitment of citizens and organizations in promoting excellence throughout the state universities. Therefore, it is the intent of the Legislature to establish a trust fund to provide the opportunity for each state university to receive and match challenge grants for instructional and research-related capital facilities within the university.

(2) There is hereby established the State University System Facility Enhancement Challenge Grant Program and the Capital Facilities Matching Trust Fund which shall be allocated into challenge grants for the purpose of matching public and private funds to augment the development of high priority instructional and research-related capital facilities within the State University System. The associated foundations that serve the universities shall solicit gifts from private sources to provide matching funds for capital facilities. The Board of Regents shall administer the trust fund and all related construction activities. The Legislature shall appropriate funds to be transferred to the trust fund. The Public Education Capital Outlay and Debt Service Trust Fund, Capital Improvement Trust Fund, Division of Sponsored Research Trust Fund, and Contracts and Grants Trust Fund shall not be used as the source of the state match for private contributions. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to that portion of the trust fund shall increase the total funds available for the challenge grant program. In the event that funds in the trust fund are insufficient to match private contributions for an eligible, approved project, a university may supplement the state's matching portion from funds available under s. 240.272.

(3) No project shall be initiated unless the educational specifications have been approved by the Chancellor and all funds for planning, construction, and equipping the facility have been secured and the state's share for the minimum amount of funds needed to begin the project has been appropriated by the Legislature. The Legislature may appropriate the state's matching funds in 1 or more fiscal years for the planning, construction, and equipping of an eligible facility.

(4) To be eligible to participate in the Capital Facilities Matching Trust Fund, a state university shall raise a minimum contribution of $2,000,000 from private sources to receive a matching grant equal to 100 percent of the private contribution. A state matching grant shall not exceed $10,000,000.

(5) If the state's share of the required match is insufficient to meet the provisions of subsection (4), the university may renegotiate the terms of the contribution with the donors to proceed with a project at a reduced matching ratio provided all other eligibility requirements are met.

(6) By November 1 of each year, the Board of Regents shall transmit to the Governor and the Legislature a list of projects which meet all eligibility requirements to participate in the Capital Facilities Matching Trust Fund and a budget request that includes the recommended schedule necessary to complete each project.

(7) In order for a project to be eligible under this program, it must be included in the State University System 5-Year Capital Improvement Plan.

(8) No university shall have a project removed from the approved 3-year PECO priority list because of its successful participation in this program until approved by the Legislature and provided for in the General Appropriations Act. When such a project is completed and removed from the list, all other projects shall move up on the 3-year PECO list. A university shall not use PECO funds, including the Capital Improvement Trust Fund fee and the building fee, to complete a project under this section.

(9) Any funds that are unexpended after a project is completed shall revert to the Capital Facilities Matching Trust Fund. Fifty percent of such unexpended funds shall be reserved for the university which originally received the private contribution for the purpose of providing private matching funds for future facility construction projects as provided in this section. The balance of such unexpended funds shall be available to any state university for future facility construction projects conducted pursuant to this section.

(10) The surveys, facility, and equipment shall be the property of the State of Florida. A facility constructed pursuant to this section may be named in honor of a donor at the option of the university and the Board of Regents. No facility shall be named after a living person without prior approval by the Legislature.

Section 89. Subsections (2) and (3) of section 216.0158, Florida Statutes, are amended to read:

216.0158 Assessment of facility needs.—

(2) On or before November 1 of each year, each state agency, as defined in s. 216.011, *and including the Division of Community Colleges, the Division of Universities, the Division of Blind Services, the Florida School for the Deaf and the Blind, and Public Broadcasting of the Department of Education,* shall submit to the Executive Office of the Governor, in a manner prescribed by the legislative budget instructions, a short-term plan for facility needs covering the next 5-year period. The short-term plan shall include preventive maintenance strategies, expected replacement of existing facilities, expected improvements or additions to facilities on a specific project-by-project basis, estimated cost, and other information as prescribed by the legislative budget instructions. At the same time, when directed in the legislative budget instructions as provided in s. 216.023(3), each agency, *and including the Division of Community Colleges, the Division of Universities, the Division of Blind Services, the Florida School for the Deaf and the Blind, and Public Broadcasting of the Department of Education,* shall submit to the legislative appropriations committees and to the Executive Office of the Governor, in a format prescribed by the instructions, a long-term plan for the 5 years following the period of the short-term plan. The long-term plan shall outline forecasted agency facility needs.

(3) Based on the plans submitted by each agency, *and including the Division of Community Colleges, the Division of Universities, the Division of Blind Services, the Florida School for the Deaf and the Blind, and Public Broadcasting of the Department of Education,* the Executive Office of the Governor shall prepare a state comprehensive plan for facility needs and related expenditures. *Such plan shall include a recommendation on the revenue sources needed to fully finance each year of the 5-year plan.* The plan shall provide a 5-year schedule for preventive maintenance, replacement, improvement, or construction of facilities on a specific project-by-project basis.

Section 90. Subsection (3) is added to section 240.345, Florida Statutes, to read:

240.345 Financial support of community colleges.—

(3) LEVY OF AD VALOREM TAX.—Each community college board of trustees may levy, as an independent special district, a maximum of .5 mill against the nonexempt assessed valuation of the community college district, subject to referendum and all other requirements of the State Constitution or general law. The outcome of such referen-

dum shall be determined by the majority vote of the electors within the community college district, as defined by s. 240.3031, voting in the referendum. Millage assessed pursuant to this subsection shall be levied and expended for capital outlay projects within the community college district. For the purposes of this subsection, capital outlay projects shall consist of the construction of new educational facilities or the remodeling, renovation, maintenance, repair or site improvement of existing educational facilities and the acquisition of equipment associated with such projects. Tax moneys expended pursuant to this subsection shall be exempt from the provisions of s. 240.327. District needs for new facility construction shall be determined pursuant to chapter 235. No millage assessed pursuant to this subsection shall supplant state funds appropriated for a community college operating budget approved by the State Board of Community Colleges. The purpose for which the millage will be assessed shall be advertised on the referendum ballot. No more than one referendum conducted for the purposes of this subsection shall be conducted during any 24-month period. Millage levied pursuant to this subsection shall be assessed for a period not to exceed 5 years; however, a board of trustees may conduct subsequent referendums as provided herein. A board of trustees shall not conduct multiple concurrent referendums for the purposes of this subsection.

Section 91. Section 240.3031, Florida Statutes, is amended to read:

240.3031 State Community College System defined.—The State Community College System shall consist of the following:

(1) The State Board of Community Colleges of the Division of Community Colleges of the Department of Education.

(2) Brevard Community College *which shall serve Brevard County.*

(3) Broward Community College *which shall serve Broward County.*

(4) Central Florida Community College *which shall serve Marion, Citrus, and Levy Counties.*

(5) Chipola Junior College *which shall serve Jackson, Calhoun, Holmes, Liberty, and Washington Counties.*

(6) Daytona Beach Community College *which shall serve Volusia and Flagler Counties.*

(7) Edison Community College *which shall serve Lee, Charlotte, Collier, Glades, and Hendry Counties.*

(8) Florida Community College at Jacksonville *which shall serve Duval and Nassau Counties.*

(9) Florida Keys Community College *which shall serve Monroe County.*

(10) Gulf Coast Community College *which shall serve Bay, Franklin, and Gulf Counties.*

(11) Hillsborough Community College *which shall serve Hillsborough County.*

(12) Indian River Community College *which shall serve St. Lucie, Indian River, Martin, and Okeechobee Counties.*

(13) Lake City Community College *which shall serve Columbia, Baker, Dixie, Gilchrist, and Union Counties.*

(14) Lake-Sumter Community College *which shall serve Lake and Sumter Counties.*

(15) Manatee Community College *which shall serve Manatee and Sarasota Counties.*

(16) Miami-Dade Community College *which shall serve Dade County.*

(17) North Florida Junior College *which shall serve Madison, Hamilton, Jefferson, Lafayette, Suwannee, and Taylor Counties.*

(18) Okaloosa-Walton *Community* ~~Junior~~ College *which shall serve Okaloosa and Walton Counties.*

(19) Palm Beach Junior College *which shall serve Palm Beach County.*

(20) Pasco-Hernando Community College *which shall serve Hernando and Pasco Counties.*

(21) Pensacola Junior College *which shall serve Escambia and Santa Rosa Counties.*

(22) Polk Community College *which shall serve Polk County.*

(23) St. Johns River Community College *which shall serve Putnam, Clay, and St. Johns Counties.*

(24) St. Petersburg Junior College *which shall serve Pinellas County.*

(25) Santa Fe Community College *which shall serve Alachua and Bradford Counties.*

(26) Seminole Community College *which shall serve Seminole County.*

(27) South Florida Community College *which shall serve Highlands, Desoto, and Hardee Counties.*

(28) Tallahassee Community College *which shall serve Leon, Gadsden, and Wakulla Counties.*

(29) Valencia Community College *which shall serve Orange and Osceola Counties.*

Section 92. Subsection (2) of section 236.25, Florida Statutes, is amended to read:

236.25 District school tax.—

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 2 ~~1.5~~ mills against the nonexempt assessed valuation for school purposes to fund:

(a) New construction and remodeling projects, as set forth in s. 235.435(3)(b), without regard to the prioritization in that section, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing school plants. However, these funds shall not supplant current expenditures from operating revenues for maintenance, renovation, and repair, based on the average of the prior 3 fiscal years; and such funds shall be subject to the provisions of s. 4 of chapter 79-583, Laws of Florida.

(c) School bus purchases.

(d) The purchase of new and replacement equipment. However, these funds shall not supplant current expenditures from operating revenues for the purchase of new and replacement equipment, based on the average of the prior 3 fiscal years.

(e) Payments for educational facilities and sites due under a lease-purchase agreement entered into by a school board pursuant to s. 230.23(9)(b)5. or s. 235.056(3), not exceeding, in the aggregate, an amount equal to one-half of the proceeds from the millage levied by a school board pursuant to this subsection.

(f) Payment of loans approved pursuant to s. 237.161.

Violations of these expenditure provisions shall result in an equal dollar reduction in the Florida Education Finance Program (FEFP) funds for the violating district in the fiscal year following the audit citation.

Section 93. Subsection (4) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(4)(a) Public educational programs and purposes funded by the Educational Enhancement Trust Fund may include, but are not limited to, endowment, scholarship, matching funds, direct grants, research and economic development related to education, salary enhancement, contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education, *educational fixed capital outlay projects,* or any other educational program or purpose deemed desirable by the Legislature.

(b) Except as provided in *paragraphs* ~~paragraph~~ (c) *and (d),* the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(c) A portion of such net revenues, if determined annually by the Legislature, shall be distributed to each school district based upon weighted

full-time equivalent student membership data, and shall be made available to each public school in the district for expenditure by a committee composed of instructional staff and parents of students at the school.

(d) Moneys in the Educational Enhancement Trust Fund may be used to pay debt service on bonds issued for the purpose of financing or refinancing educational fixed capital outlay projects authorized by s. 215.615. The amount of moneys in the Educational Enhancement Trust Fund available for debt service shall not exceed 10 percent of the allocation as established in subsection (2) unless an additional amount is required to pay the debt service on bonds issued in a prior year. The expenditure of the proceeds may or may not be equitably apportioned as provided in paragraph (b).

Section 94. Section 215.615, Florida Statutes, is created to read:

215.615 State revenue bonds for education.—

(1) The issuance of revenue bonds to finance or refinance state fixed capital outlay projects authorized by the Legislature for the system of public education is hereby authorized pursuant to the provisions of s. 11(d), Art. VII of the State Constitution and the provisions of ss. 215.57-215.83, the State Bond Act.

(2) Bonds issued pursuant to this section shall be payable from the first revenues available in the Educational Enhancement Trust Fund created by s. 24.121. The bonds shall not be a general obligation of the state and in no event shall the full faith and credit of the state be pledged to secure such revenue bonds.

(3) The State Board of Education is authorized to request the issuance of the revenue bonds authorized by this section to finance or refinance state fixed capital outlay projects for public schools, community colleges, universities, and the Florida School for the Deaf and the Blind, which projects shall be subject to the requirements for educational facilities provided by s. 235.435(2), (3), and (4). The state board shall certify that the projects to be financed will comply with the requirements of s. 235.435(2), (3), and (4).

Section 95. Subsection (2) of section 215.82, Florida Statutes, is amended to read:

215.82 Validation; when required.—

(2) Any bonds issued pursuant to this act which are validated shall be validated in the manner provided by chapter 75. In actions to validate bonds to be issued in the name of the State Board of Education under s. 9(a) and (d), Art. XII of the State Constitution and bonds to be issued pursuant to chapter 259, the Land Conservation Act of 1972, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. *In actions to validate bonds issued pursuant to chapter 243 or s. 215.615, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published in a newspaper of general circulation in the county where the complaint is filed and in two other newspapers of general circulation in the state, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending; however, if publication of notice pursuant to this section would require publication in more newspapers than would publication pursuant to s. 75.06, such publication shall be made pursuant to s. 75.06.*

Section 96. *There shall be created a State of Florida Public Education Capital Outlay Study Commission for the purpose of recommending financial strategies for addressing the education fixed capital outlay needs at all levels. The study commission shall be composed of the following members:*

(1) The Governor or, as his designee, the Lieutenant Governor;

(2) A member of the Board of Regents selected by the board;

(3) A member of the State Board of Community Colleges selected by the board;

(4) The Speaker of the House of Representatives or his designee;

(5) The President of the Senate or his designee;

(6) The Commissioner of Education;

(7) Two persons representing an urban and a rural school district, respectively, to be appointed by the Commissioner of Education; and

(8) Four members from the private sector with representation from the communications and utilities industries, two of whom shall be appointed by the Governor, one by the President of the Senate, and one by the Speaker of the House of Representatives.

The Department of Education shall be responsible for providing staff for the study commission. The members shall be appointed by September 1, 1988, and the final recommendations shall be made to the Governor and the Legislature by January 1, 1989.

Section 97. *College reach-out program.—*

(1) There is established a college reach-out program, to be administered by the Department of Education. The purpose of the program is to increase the number of qualified and successful low-income or educationally disadvantaged students in postsecondary education.

(2) The primary objective of the program is to strengthen the educational motivation and preparation of low-income or educationally disadvantaged students in grades 8 through 12 who desire, and who may benefit from, a postsecondary education. An institution that participates in the program must provide on-campus and off-campus academic and advisory activities to prepare middle school students and high school students for a postsecondary education. These activities must be offered during summer vacation or during the academic year and, if possible, must include an opportunity for students to live on campus.

(3) In order to participate in the college reach-out program, a community college, a university, or an independent postsecondary institution that is participating in a special program for students from disadvantaged backgrounds pursuant to 20 U.S.C., sections 1070d et seq must submit a proposal to the Department of Education. The department shall establish program guidelines, administer program funds, and approve program proposals. In selecting proposals for approval, the department shall give preference to:

(a) Programs that will expand linkages between the grant recipient and federally funded programs or state agencies that are undertaking similar activities, but that will not duplicate the efforts of other agencies in a particular service area;

(b) Applicants that are able to demonstrate success in conducting similar programs previously funded under this section;

(c) Programs that include innovative approaches, provide a great variety of activities, and include a large number of disadvantaged and minority students in the college reach-out program; and

(d) Applicants that demonstrate commitment to the program by proposing to match the grant funds at least one-for-one in services or cash, or both.

(4) A participating college or university is encouraged to use its resources to meet program objectives. A participating college, university, or institution shall establish an advisory committee composed of high school and junior high school personnel to provide advice and assistance in implementing its program.

(5) A proposal must contain the following information:

(a) A statement of purpose which includes a description of the need for, and the results expected from, the proposed program;

(b) An identification of the service area which names the schools to be served, provides community and school demographics, and sets forth the postsecondary enrollment rates of high school graduates within the area;

(c) An identification and description of existing programs for improving the preparation of minority and disadvantaged students for postsecondary education;

(d) A description of the proposed program which describes:

1. Student and school eligibility;

2. Program activities and the setting for each activity;

3. Activity administration and service providers;

4. Available resources and projected expenses; and

5. Cooperative plans with schools and supporting organizations.

(e) A description of the program activities which must encompass at least three of the following goals:

1. Identifying students who are not motivated to pursue a postsecondary education;

2. Identifying students who are not developing basic learning skills;

3. Counseling students and parents on the benefits of postsecondary education;

4. Providing supplemental instruction; and

5. Counseling students on the relationship between learning skills and economic and social mobility.

(f) A budget that includes an identification of resources and a delineation of costs by category of expenditure and type of activity; and

(g) A design for program evaluation which incorporates results, procedures, and the accomplishment of objectives.

(6) The department shall approve proposals based on competition and, in the approval process, shall consider the needs of an institution based on its size. Each grant must be in an amount at least equal to 1 percent of the funds appropriated for the program, but a grant may not be funded in excess of the 1-percent level until all proposals that are to receive grants have been selected. Any grant that exceeds 1 percent of the total appropriated funds must be awarded based on need.

(7) On or before October 15 of each year, each postsecondary educational institution that is participating in the program shall submit to the Department of Education a report with respect to the effectiveness of its program. The report must include, without limitation:

(a) A certificate-of-expenditures form showing expenditures by category; encumbered expenses; state grant funds; and institutional matching, in cash or in services, or both;

(b) The number of students participating in the program by grade, age, sex, and race;

(c) A description of the needs for the program;

(d) A statement of how the program addresses:

1. Identification of students who do not realize the value of postsecondary education;

2. Identification of students who are not developing basic learning skills;

3. Counseling and advising of students and parents;

4. Supplemental instruction; and

5. Instruction on the relationship between good learning skills and economic and social mobility.

(e) A statement of how well the program succeeded;

(f) A recommendation as to how the results of the program could be achieved by other institutions or agencies;

(g) A description of the cooperation received from other units or organizations; and

(h) An explanation of how the program accomplished its objectives.

(8) Funding for the college reach-out program shall be provided in the General Appropriations Act.

(9) This section expires October 1, 1993, and shall be reviewed by the Legislature prior to that date.

(10) The department may adopt any rules necessary to implement this section.

Section 98. *The tennis courts and varsity tennis facilities at the University of Florida are hereby named the "Scott Linder Tennis Stadium."*

Section 99. *The University of Florida is authorized to expend funds to erect the appropriate identification markers for such courts and facilities.*

Section 100. *The Central Science Library Building at the University of Florida is hereby named "Robert Q. Marston Hall."*

Section 101. *The University of Florida is authorized to expend funds to erect the appropriate identification markers for such building.*

Section 102. *The baseball stadium on the University of Florida campus is hereby named "Alfred A. McKethan Baseball Stadium."*

Section 103. *The University of Florida is authorized to expend funds to erect the appropriate identification markers for such stadium.*

Section 104. Section 240.515, Florida Statutes, is amended to read:

240.515 Florida ~~State~~ Museum *of Natural History*; functions.—

(1) The functions of the Florida ~~State~~ Museum *of Natural History*, located at the University of Florida, are to make scientific investigations toward the sustained development of natural resources and a greater appreciation of human cultural heritage, including, but not limited to, biological surveys, ecological studies, environmental impact assessments, in-depth archaeological research, and ethnological analyses, and to collect and maintain a depository of biological, archaeological, and ethnographic specimens and materials in sufficient numbers and quantities to provide within the state and region a base for research on the variety, evolution, and conservation of wild species; the composition, distribution, importance, and functioning of natural ecosystems; and the distribution of prehistoric and historic archaeological sites and an understanding of the aboriginal and early European cultures that occupied them. State institutions, departments, and agencies may deposit type collections from archaeological sites in the museum, and it shall be the duty of each state institution, department, and agency to cooperate by depositing in the museum voucher and type biological specimens collected as part of the normal research and monitoring duties of its staff and to transfer to the museum those biological specimens and collections in its possession but not actively being curated or used in the research or teaching of that institution, department, or agency. The Florida ~~State~~ Museum *of Natural History* is empowered to accept, preserve, maintain, or dispose of these specimens and materials in a manner which makes each collection and its accompanying data available for research and use by the staff of the museum and by cooperating institutions, departments, agencies, and qualified independent researchers. The biological, archaeological, and ethnographic collections shall belong to the state with the title vested in the Florida ~~State~~ Museum *of Natural History*, except as provided in s. 267.12(3). In collecting or otherwise acquiring these collections, the museum shall comply with pertinent state wildlife, archaeological, and agricultural laws and rules. However, all collecting, quarantine, and accreditation permits issued by other institutions, departments, and agencies shall be granted routinely for said museum research study or collecting effort on state lands or within state jurisdiction which does not pose a significant threat to the survival of endangered wild species, habitats, or ecosystems. In addition, the museum shall develop exhibitions and conduct programs which illustrate, interpret, and explain the natural history of the state and region and shall maintain a library of publications pertaining to the work as herein provided. The exhibitions, collections, and library of the museum shall be open, free to the public, under suitable rules to be promulgated by the director of the museum and approved by the University of Florida.

(2)(a) There is established within the Florida ~~State~~ Museum *of Natural History* a *Museum of Medical History* ~~State Medical Museum~~. The ~~medical~~ museum *of medical history* is empowered to act as a depository for materials which enhance the mission of the College of Medicine of the University of Florida in teaching, research, and public service on behalf of the citizens of the state. The Florida ~~State~~ Museum *of Natural History* shall provide space to the ~~medical~~ museum *of medical history* and shall provide necessary staff to assist in the founding and inaugurating of the museum services.

(b) The ~~medical~~ museum *of medical history* shall be directed by the Florida ~~State~~ Medical Museum Council, which shall be appointed by the President of the University of Florida upon recommendation of the Dean of the College of Medicine. The council shall consist of 10 members who shall have a demonstrated interest in and knowledge of medicine. Members shall serve without remuneration and shall serve for a term of 5 years. The membership shall organize and elect a chairman from its membership. The council shall meet upon the call of the chair, but in no case shall it meet less often than once in each calendar year.

Section 105. Subsections (1) and (3) of section 240.516, Florida Statutes, are amended to read:

240.516 Vertebrate paleontological sites and remains; legislative intent and state policy.—

(1) It is the declared intention of the Legislature that vertebrate paleontological sites be protected and preserved and that, pursuant thereto, vertebrate paleontological field investigation activities, including, but not limited to, collection, excavation, salvage, restoration, and cataloging of fossils, be discouraged except when such activities are carried on in accordance with both the provisions and the spirit of this act. However, it is not the intention of the Legislature that the provisions of this act impede mining or quarrying for rock, gravel, fill, phosphate, and other minerals, or the construction of canals or similar excavations, when such activities are permitted by law. Rather, it is the intent of the Legislature that mine and heavy equipment operators be encouraged to cooperate with the state in preserving its vertebrate paleontological heritage and vertebrate fossils by notifying the Florida ~~State~~ Museum *of Natural History* whenever vertebrate fossils are discovered during mining or digging operations and by allowing such fossils to be properly salvaged and that persons having knowledge of vertebrate paleontological sites be encouraged to communicate such information to the museum.

(3) It is further declared to be the public policy of the state that all vertebrate fossils found on state-owned lands, including submerged lands and uplands, belong to the state with title to the fossils vested in the Florida ~~State~~ Museum *of Natural History* for the purpose of administration of ss. 240.516-240.5163.

Section 106. Section 240.5161, Florida Statutes, is amended to read:

240.5161 Program of vertebrate paleontology within Florida ~~State~~ Museum *of Natural History*.—There is established within the Florida ~~State~~ Museum *of Natural History* a program of vertebrate paleontology, which program has the following responsibilities:

(1) Encouraging the study of the vertebrate fossils and vertebrate paleontological heritage of the state, and providing exhibits and other educational materials on the vertebrate fauna to the universities and schools of the state.

(2) Developing a statewide plan, to be submitted to the director of the Florida ~~State~~ Museum *of Natural History*, for preserving the vertebrate paleontological resources of the state in a manner which is consistent with the state policies in s. 240.516 and which will not unduly hamper development in this state, including mining and excavating operations.

(3) Locating, surveying, acquiring, collecting, salvaging, conserving, and restoring vertebrate fossils; conducting research on the history and systematics of the fossil fauna of the state; and maintaining the official state depository of vertebrate fossils.

(4) Locating, surveying, acquiring, excavating, and operating vertebrate paleontological sites and properties containing vertebrate fossils, which sites and properties have great significance to the scientific study of such vertebrate fossils or to public representation of the faunal heritage of the state.

(5) Enlisting the aid of professional vertebrate paleontologists, mine and quarry operators, heavy digging equipment operators, and qualified amateurs in carrying out the provisions of subsections (1) through (4); and authorizing their active support and cooperation by issuing permits to them as provided in s. 240.5162.

(6) Cooperating and coordinating activities with the Department of Natural Resources under the provisions of ss. 375.021 and 375.031, and the Department of State under this chapter, in the acquisition, preservation, and operation of significant vertebrate paleontological sites and properties of great and continuing scientific value, so that such sites and properties may be utilized to conserve the faunal heritage of this state and to promote an appreciation of that heritage.

(7) Designating areas as "state vertebrate paleontological sites" pursuant to the provisions of this section, which areas are of great and continuing significance to the scientific study and public understanding of the faunal history of the state. However, no privately owned site or grouping of sites shall be so designated without the express written consent of the private owner of the site or group of sites. Upon designation of a state vertebrate paleontological site, the owners and occupants of such site shall be given written notification of such designation by the program. Once such site has been so designated, no person may conduct paleontological field investigation activities on the site without first securing a permit for such activities as provided in s. 240.5162.

(8) Arranging for the disposition of the vertebrate fossils by accredited institutions and for the temporary or permanent loan of such fossils for the purpose of further scientific study, interpretative display, and curatorial responsibilities by such institutions.

Section 107. Subsections (1) and (3) of section 240.5162, Florida Statutes, are amended to read:

240.5162 Destruction, purchase, and sale of vertebrate fossils prohibited, exceptions; field investigation permits required; penalty for violation.—

(1) The destruction, defacement, purchase, and sale of vertebrate fossils found on or under land owned or leased by the state and on land in state-designated vertebrate paleontological sites are prohibited, except that the Florida ~~State~~ Museum *of Natural History* may sell vertebrate fossils and may adopt rules defining "nonessential vertebrate fossils" and prescribing the conditions under which such fossils may be sold or otherwise disposed of by a person holding a permit issued by the Florida ~~State~~ Museum *of Natural History*. Field investigations of vertebrate fossils, including, but not limited to, the systematic collection, acquisition, excavation, salvage, exhumation, or restoration of such fossils, are prohibited on all lands owned or leased by the state and on lands in state-designated vertebrate paleontological sites, unless such activities are conducted under the authority of permits issued by the Florida ~~State~~ Museum *of Natural History*. A permit may be granted by the Florida ~~State~~ Museum *of Natural History*, upon application for the permit accompanied by an application fee not to exceed $5, as provided in rules adopted pursuant to s. 240.227(1), which rules are in furtherance of the preservation of the vertebrate paleontological resources of this state. The privileges authorized pursuant to the grant of a permit as provided in this subsection may not be assigned or sublet to any other party.

(3) The Florida ~~State~~ Museum *of Natural History* may institute a civil action in the appropriate circuit court for recovery of any unlawfully taken vertebrate fossil. The fossil shall be forfeited to the state if the Florida ~~State~~ Museum *of Natural History* shows, by the greater weight of the evidence, that the fossil has been taken from a particular site within this state and that the person found in possession of the fossil is not authorized by law to possess such fossil.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 2, in the title, strike "information management;" and insert: education; creating s. 110.141, F.S.; providing for state agency solicitation of personnel educational services; amending s. 112.24, F.S.; providing for biennial extensions of interchange agreements relating to faculty members of the State University System; amending s. 159.445, F.S.; providing an exemption from public records requirements for certain materials that relate to activities connected with the Florida High Technology Innovation Research and Development Fund and providing for review and repeal of such exemption; amending s. 222.21, F.S.; exempting prepaid postsecondary education expense plans from claims of creditors; amending s. 228.074, F.S.; providing technical revisions; revising provisions relating to the composition of regional coordinating councils; providing priority consideration for certain nominees to such councils; providing for notification to the Commissioner of Education for certain absences from council meetings; amending s. 228.075, F.S.; providing technical revisions; requiring the identification of available funding sources to meet critical opportunities and problems; requiring the inclusion of equal access and equal opportunity provisions in program and course evaluations; revising a reporting requirement; requiring the Department of Education to develop a state plan using regional plans coordinated by the councils; amending s. 228.076, F.S.; deleting certain requirements for school districts and community colleges to submit annual budgets to the appropriate council for review; amending s. 229.551, F.S.; deleting the maintenance and approval of certain skills associated with student performance from the educational accountability system; amending s. 229.814, F.S.; providing for certain rules for the Secondary Level Examination Program; amending s. 231.621, F.S.; renaming the Student Loan Forgiveness Program; expanding recipient eligibility; deleting certain funding requirements; providing technical revisions; amending s. 232.2463, F.S.; providing for a uniform weighted value for certain high school courses; amending s. 233.015, F.S.; revising provisions relating to purge of certain courses; amending s. 233.051, F.S.; excluding

certain forms of instruction from primary school board responsibility; amending s. 235.014, F.S.; requiring the Office of Educational Facilities of the Department of Education to provide technical assistance to boards, including the Board of Regents, relating to commodities and products; amending s. 235.31, F.S.; providing for negotiation or modification of construction contracts with the lowest bidder under certain conditions; amending s. 235.34, F.S.; providing that permits and development orders for educational plants and facilities shall not be made conditional upon the provision of certain improvements; amending s. 236.081, F.S.; revising funding formulas for certain secondary programs; amending s. 240.107, F.S.; providing for subsequent administrations of the college-level communication and computation skills examination; amending s. 240.116, F.S.; providing for the transfer of dual enrollment instruction; amending s. 240.125, F.S.; expanding institutional inclusion in cooperative efforts; requiring matching support for certain projects; amending s. 240.147, F.S.; requiring commission review of certain new programs, grants, and contracts; providing for review completion; amending s. 240.209, F.S.; providing for conditions of employment and compensation relating to the Board of Regents; revising provisions relating to the appointment of university presidents; providing technical revisions; revising provisions relating to certain student fees; providing for the rent or lease of parking facilities; authorizing fees; amending s. 240.2111, F.S.; revising provisions relating to meritorious service awards; revising reporting requirements; amending s. 240.227, F.S.; providing technical revisions relating to university presidents' duties; amending s. 240.233, F.S.; revising certain university admission requirements; amending s. 240.257, F.S.; providing for moneys to remain in the Florida Endowment Trust Fund for Eminent Scholars; providing a limitation on matching funds; amending s. 240.259, F.S.; providing for moneys to remain in the Trust Fund for New Donors; amending s. 240.2605, F.S.; providing for moneys to remain in the Trust Fund for Major Gifts; revising the allocation formula of the trust fund for matching private contributions; providing a limitation on matching funds; providing technical revisions; providing for prior contributions; authorizing combined contributions under certain conditions; amending s. 240.311, F.S.; deleting specific community college reporting requirements; revising report format requirements; amending s. 240.331, F.S., to conform; amending s. 240.334, F.S.; expanding responsibilities of technology transfer centers; deleting primary contact linkages; amending s. 240.35, F.S.; including certain programs within community college noncredit instruction for which fees are established; revising the allocation of financial aid fees; authorizing community college district boards of trustees to establish a capital improvements fee; providing for rules for student advance fee payment; amending s. 240.355, F.S.; requiring certain reporting of postsecondary vocational education programs; amending s. 240.359, F.S.; providing funding for students enrolled in dual enrollment instruction; revising qualifications for lifelong learning; amending s. 240.36, F.S.; providing for moneys to remain in the Florida Academic Improvement Trust Fund for Community Colleges; amending s. 240.363, F.S.; providing for rules of the State Board of Community Colleges relating to expenditures; authorizing the transfer of contributions to direct-support organizations; amending s. 240.402, F.S.; revising student eligibility for scholarships from the Florida Undergraduate Scholars' Fund; revising departmental administration and institutional responsibility; increasing the annual award; creating a trust fund and providing for moneys to remain therein; amending s. 240.4025, F.S.; revising student eligibility for scholarships from the Florida Graduate Scholars' Fund; revising departmental administration; amending s. 240.403, F.S.; revising student eligibility for scholarships from the Ex-Confederate Soldiers' and Sailors' Home Endowment Trust Fund; deleting provisions relating to certain use of trust fund moneys; creating s. 240.4035, F.S., the Florida Regents Scholarship Program; providing criteria for student eligibility; providing the amount of each scholarship and procedures for the award thereof; creating the Florida Regents Scholarship Trust Fund and providing for moneys to remain therein; providing for rules; amending s. 240.404, F.S.; revising student eligibility for state financial aid; providing a penalty; amending s. 240.4062, F.S.; revising student eligibility for loans from the Critical Teacher Shortage Scholarship Loan Program; revising repayment provisions; deleting certain funding requirements; providing technical revisions; amending s. 240.4064, F.S.; deleting certain funding requirements relating to critical teacher shortage tuition reimbursements; providing technical revisions; amending s. 240.4066, F.S.; revising student eligibility for loans from the Masters' Fellowship Loan Program for Teachers; deleting the mandatory provision of certification; amending s. 240.408, F.S.; renaming the Challenger Astronauts Memorial Scholarship Program; revising student eligibility for scholarships; amending s. 240.409, F.S.; revising student eligibility for grants from the State Student Assistance Grant Fund; increasing the maximum grant award; deleting certain funding requirements; revising departmental administration and institutional responsibility; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4095, F.S.; establishing the Florida Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; requiring an audit and report; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4097, F.S.; establishing the Florida Postsecondary Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; requiring an audit and report; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4098, F.S.; establishing the Vocational Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; requiring an audit and report; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4099, F.S.; providing for specific appropriations categories in accordance with ss. 240.409, 240.4095, 240.4097, and 240.4098, F.S.; amending s. 240.412, F.S.; revising student eligibility for scholarships from the Jose Marti Scholarship Challenge Grant Fund; amending s. 240.413, F.S.; revising student eligibility for Seminole and Miccosukee Indian Scholarships; amending ss. 240.414 and 240.437, F.S.; correcting cross-references; amending s. 240.421, F.S.; authorizing a designee of the commissioner to meet with the Florida Council of Student Financial Aid Advisors; amending s. 240.539, F.S.; deleting the designation of specific research priorities by the Florida High Technology and Industry Council; amending s. 240.551, F.S.; revising provisions relating to the Florida Prepaid Postsecondary Education Expense Program; exempting prepaid postsecondary education expense plans from certain provisions related to unclaimed property; providing that expenditures shall be deemed to be appropriations; creating s. 240.555, F.S.; establishing the Center for Library Automation for the University System; amending s. 240.60, F.S.; revising institutional expenditure authority relating to the college career work experience program; expanding required program analysis; amending s. 240.601, F.S.; revising student eligibility for certain work study funding; amending s. 240.604, F.S.; revising institutional expenditure authority relating to the public school work experience program; revising student eligibility for certain work study funding; amending and renumbering s. 240.401, F.S., relating to state tuition vouchers; revising conditions for eligibility; revising the amount of vouchers; creating s. 240.609, F.S.; establishing the Florida Postsecondary Endowment Grants Trust Fund; providing for moneys to remain in the trust fund; providing eligibility for matching endowment grants; specifying matching provisions and providing restrictions; providing for certification of contributions; providing for use of funds; providing for rules; amending s. 246.013, F.S.; providing for participation in the common course designation and numbering system by certain postsecondary institutions; providing penalties for violations; providing for rules; amending s. 246.220, F.S.; requiring surety bonds, insurance, or escrow accounts of certain nonpublic postsecondary institutions to ensure certain train-out or refund; amending ss. 295.01, 295.015, 295.016, 295.017, and 295.018, F.S.; revising student eligibility for benefits relating to children of certain deceased or disabled veterans, prisoners of war, or servicemen who died or became disabled; creating s. 817.566, F.S.; providing penalties for certain forms of academic misrepresentation; amending section 1 of chapter 86-216, Laws of Florida, as amended; delaying the expiration of provisions relating to the Florida Council on Asian Affairs; authorizing county constitutional officers to reimburse employees for educational expenses under specified conditions; requiring the Postsecondary Education Planning Commission to study proprietary education; authorizing the State Board of Education to adopt rules related to vocational student placement and follow-up; requiring the State Board of Education to study and report on statewide student assessment; authorizing the repayment of certain university loans from capital improvement fees; repealing s. 240.1163, F.S., relating to joint dual enrollment and advanced placement instruction; repealing s. 240.321(2), F.S., relating to certain admission requirements for high school graduates and nonresident applicants; 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 pro-

viding purposes thereof; providing a formula for capital outlay and operating funding; authorizing additional funds for upgrading, renovating, and remodeling science laboratories; 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; creating the Florida Sunrise Forum Council; providing legislative findings and definitions; creating the forum; providing for membership and terms; providing for a director and specifying duties; providing powers and duties of the officers of the forum; creating a trust fund; providing for review and repeal; providing an appropriation; creating the Florida Sunrise Forum direct-support organization; providing a definition; providing for use of property; providing for a board of directors; providing for an annual audit; creating s. 240.2601, F.S.; providing for the establishment of the State University System Facility Enhancement Challenge Grant Program; providing legislative intent; providing for the establishment of a trust fund; providing for allocation and administration of the trust fund and appropriation of funds thereto; providing for eligibility to participate and matching of funds; providing for naming of a facility; amending s. 216.0158, F.S.; requiring certain additional entities to submit plans for facility needs; requiring the state comprehensive plan for facility needs to include certain revenue information; amending s. 240.345, F.S.; authorizing community college boards of trustees to levy an ad valorem tax for capital outlay purposes; requiring referendum approval; providing limitations; amending s. 240.3031, F.S.; specifying the counties served by state community colleges; amending s. 236.25, F.S.; increasing the maximum millage for capital outlay purposes that a district school board may levy; amending s. 24.121, F.S.; providing that lottery revenues deposited in the Educational Enhancement Trust Fund may be used to pay debt service on revenue bonds issued for educational fixed capital outlay projects for the system of public education; creating s. 215.615, F.S.; authorizing issuance of such bonds; specifying requirements applicable to projects financed by such bonds; amending s. 215.82, F.S.; providing additional procedures for actions to validate certain state bonds; providing for creation of a Public Education Capital Outlay Study Commission; providing for membership; establishing the college reach-out program; providing grants to strengthen the educational motivation of low-income or educationally disadvantaged students; prescribing program requirements and procedures for obtaining grants under the program; requiring a report on program effectiveness; providing for termination of the program and for legislative review; authorizing and directing the university to name a designated sports facility the "Scott Linder Tennis Stadium"; providing funds; authorizing and directing the university to name a designated building at the University of Florida the "Robert Q. Marston Hall"; providing funds; authorizing and directing the university to name a designated sports facility the "Alfred A. McKethan Baseball Stadium"; providing funds; amending ss. 240.515, 240.516, 240.5161 and 240.5162, F.S.; changing the name of the Florida State Museum to the Florida Museum of Natural History; changing the name of the State Medical Museum to the Museum of Medical History; changing the name of the Florida State Medical Museum Council to the Florida Medical Museum Council;

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

Amendment 1—On page 1, line 13, through page 136, line 26, strike all of said lines and insert:

Section 1. Section 110.141, Florida Statutes, is created to read:

110.141 Agency solicitation of personnel educational services.—Unless otherwise authorized by law, each state agency shall first solicit state postsecondary educational institutions for the procurement of contractual services to meet the personnel training needs of such agency. Interested institutions shall provide a written response to the agency within 21 days of notification by the agency. The agency may solicit other providers if no state postsecondary educational institutions respond or if the responses are not cost effective.

Section 2. Subsection (7) is added to section 159.445, Florida Statutes, to read:

159.445 Florida High Technology Innovation Research and Development Fund.—

(7) Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of activities conducted pursuant to this section shall be exempt from the provisions of chapter 119, except that the board shall make available, upon request, the title and description of a funded activity, the name of the funded applicant and business concern, and the amount of funding provided to the applicant. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 3. Paragraph (a) of subsection (2) of section 222.21, Florida Statutes, is amended to read:

222.21 Exemption of pension money, ~~and~~ retirement or profit-sharing benefits, *and prepaid postsecondary education expense plan* from legal processes.—

(2)(a) Except as provided in paragraph (b), any money or other assets payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement or profit-sharing plan that is qualified under s. 401(a), s. 403(a), s. 403(b), s. 408, or s. 409 of the Internal Revenue Code of 1986, as amended, *or any prepaid postsecondary education expense plan that is purchased pursuant to s. 240.551* is exempt from all claims of creditors of the beneficiary or participant.

Section 4. Subsections (1), (2), (3), (5), (7), and (8) of section 228.074, Florida Statutes, are amended to read:

228.074 Regional coordinating councils; establishment.—

(1) There shall be established in each vocational education planning region a regional coordinating council for vocational education, adult general education, and community *instructional* ~~institutional~~ services.

(2) Each regional council shall consist of the superintendent of schools; the directors of vocational education and adult education of each school district within the planning region; the president of the community college; the deans or directors of vocational education and community instructional services of the community college; the vice president for academic programs, or his designee, of each state university servicing the region; a representative of an independent vocational, technical, trade, or business school located within the region, to be appointed by the Commissioner of Education; a representative of a branch of *Job Services of Florida of the Department of Labor and Employment Security* ~~the Florida State Employment Service~~ located within the region; a local district administrator of the Department of Health and Rehabilitative Services or his designee; and lay citizens of the planning region.

(3) No less than 51 percent of the voting membership of each council shall be comprised of lay members. The lay members shall be appointed by the Governor and confirmed by the State Board of Education for 4-year terms. ~~Effective February 1987, one-third of the lay members shall be appointed for 4-year terms, one-third of the lay members shall be appointed for 3-year terms, and one-third of the lay members shall be appointed for 2-year terms.~~ The Governor shall select lay members for appointment from among nominees submitted by economic development councils, chambers of commerce, community development corporations, and other bona fide trade and business organizations within the vocational planning region. *Organizations that nominate candidates for appointment shall give priority to representatives from business and industry.* At least one lay member of each council shall be a member of a business and industry advisory council or craft committee within the planning region. At least one of the total membership of each council shall be a member of a private industry council as provided for by the Job Training Partnership Act (Pub. L. No. 97-300).

(5) ~~The Governor shall be responsible for calling the first meeting of the council.~~ The council shall elect a chairman ~~at its first meeting and~~ annually ~~thereafter~~. The chairman shall preside at all meetings of the council, call special meetings thereof, and attest to actions of the council. The council shall elect a vice chairman who shall act as chairman during the absence or disability of the chairman. The chairman shall notify the Governor whenever a lay member ~~or the independent postsecondary vocational technical school representative~~ of the council *fails* ~~has failed~~ to attend three consecutive meetings *and notify the Commissioner of Education whenever the independent postsecondary vocational techni-*

cal school representative of the council fails to attend three consecutive meetings ~~in 1 year~~. Such absences shall be considered a resignation. The council shall provide for maintaining minutes of its meetings.

(7) The Department of Education, the Department of Commerce, the Department of Labor and Employment Security, and the Florida *Labor Market Information* ~~Occupational Information Coordinating~~ Committee shall provide such technical assistance as the boards may request to carry out their assigned responsibilities.

(8) ~~Beginning July 1, 1985,~~ The Postsecondary Education Planning Commission shall evaluate the councils with respect to their administrative effectiveness and the extent to which regional needs are being met and unnecessary duplication is being controlled. No fewer than seven regional coordinating councils shall be evaluated each year.

Section 5. Section 228.075, Florida Statutes, is amended to read:

228.075 Regional coordinating councils; responsibilities.—

(1) The primary goals of each regional coordinating council shall be to:

(a) Maximize effective student articulation in programs of vocational education, adult general education, and community instructional services.

(b) Establish and maintain effective and cooperative linkages with business and industry so that vocational training programs are responsive to the needs of the labor market.

(c) Lead regional efforts in cooperation among school districts, community colleges, and state universities.

(d)~~(2) Each regional coordinating council shall~~ Assure that the vocational education, adult education, and community instructional services needs of the community are provided for with maximum efficiency, cost-effectiveness, and minimum unwarranted duplication.

(2) To *accomplish these goals* ~~do so~~, each council shall have the following powers, duties, and responsibilities:

(a) Review the vocational education, adult *general* education, and community instructional services programs available in the planning region. ~~As its initial activity,~~ Each council shall conduct an analysis of current vocational training, counseling, and placement programs available in the planning region. The council shall identify and list in order of priority the critical opportunities and problems of the planning region which can be addressed and improved through these programs and shall identify state, federal, and other funding sources to be used to address these priorities. Data used to conduct this analysis shall include labor supply and demand information from the Florida Occupational Information System. This list shall be reviewed at least every 2 years and may be revised at any time. A current list shall be filed with the Commissioner of Education, the secretaries of the Department of Commerce and the Department of Labor and Employment Security, the Florida Occupational Information Coordinating Committee, and the community college boards of trustees and school boards within the planning region.

(b) As a result of this review, develop agreements which provide for the assignment of fiscal and programmatic responsibility to either the local community college board of trustees, one or more of the school boards in the planning region, or a shared arrangement between the local community college and a school board or boards specifically agreed to by the council for the delivery of programs in the following areas: vocational education at the secondary level and below that level; vocational education at the postsecondary *and postsecondary adult levels* ~~level~~; community instructional services; and adult *general* ~~basic and high school~~ education. This provision shall not prevent a board-assigned responsibility for one or more of these programs from developing joint programs or contracting for specific instructional services with another board or agency, subject to review by the regional coordinating council. However, in order to maintain accountability in each of these programs, all related enrollment projections, FTE reports, cost analyses, and other elements required for the allocation of funds shall be the sole responsibility of the assigned board or boards.

(c) Notwithstanding the provisions of ss. 230.03, 230.64, 233.068, *240.311* ~~243.11~~, and *240.319* ~~243.19~~, review and evaluate all proposals of the community college boards of trustees and the school boards of the planning region to address identified needs, including all proposals to create new programs, terminate existing programs, or significantly modify existing programs. The council shall review and evaluate program and course proposals on the basis of the need for the programs and courses, the populations to be served, existing or potential duplication, labor market supply and demand data, costs of programs and courses, recommendations and information provided by local and regional advisory councils and craft committees, student fees, *equal access and equal opportunity provisions,* and other criteria deemed appropriate by the council. Each council shall give priority to proposals which provide cooperative arrangements with public or independent institutions, agencies, or organizations for use of facilities or resources.

(d) Based upon the evaluation provided for in paragraph (c), make recommendations relating to the creation, modification, or termination of vocational programs, adult general education programs, or community instructional service programs and submit the recommendations in writing to the affected community college board of trustees and the school boards of the planning region. The boards shall accept, reject, or modify such recommendations and submit their responses to the recommendations to the regional coordinating council in writing. Any recommendation not formally acted upon by a board within 60 days shall be deemed rejected. Should the regional coordinating council and the affected school board or boards or community college board of trustees fail to reach agreement on any proposal, the council or the affected board or boards may appeal to the State Board of Education, sitting as the State Board for Vocational Education, the decision of which shall constitute final agency action.

(3) Each regional coordinating council shall prepare an annual report to be submitted to the Commissioner of Education for inclusion in the annual state accountability report *and for distribution to*~~,~~ the secretaries of the Department of Commerce and the Department of Labor and Employment Security, and the Legislature by *November* ~~February~~ 1 of each year. This report shall describe all actions taken by the council to address identified *critical opportunities and problems* ~~needs, priorities, and deficiencies~~, including the final disposition of all recommendations made by the council.

(4) Each regional coordinating council shall coordinate the development of a vocational education plan for the region. The plan shall be developed to address assessments of the state's needs for vocational education developed by the Department of Education. By April 1, 1989, the department shall disseminate to the councils the assessment of statewide needs and the policies, goals, objectives, and quantifiable performance measures of success that may be used to meet the needs. By August 1, 1989, each council shall identify the resources its region will contribute to the goals and objectives and project its region's achievement of the measures of success for the following 2 years. Using the 28 regional plans, the department shall summarize the combined resources and measures projected by the regional coordinating councils, add any state resources that will complement the regional resources, and identify the federal contributions that will be integrated to implement the state policies and accomplish the state goals and objectives for vocational education. The resulting plan may be used to apply for federal funds as required by the Carl D. Perkins Act of 1984 (Pub. L. No. 98-539), and may be modified, revised, and reviewed as necessary.

Section 6. Subsection (1) of section 228.076, Florida Statutes, is amended to read:

228.076 Vocational education, adult general education, and community instructional services programs; eligibility for funding.—

(1) In order to receive state funding for programs or activities in vocational education, adult general education, or community instructional services, each community college board of trustees and each school board shall submit its course offerings in these programs ~~and its annual budget for these programs~~ to the appropriate regional coordinating council for review.

Section 7. Paragraphs (h) through (l) of subsection (3) of section 229.551, Florida Statutes, are amended to read:

229.551 Educational management.—

(3) As a part of the system of educational accountability, the department shall:

~~(h) Maintain a listing of college-level communication and computation skills defined by the Articulation Coordinating Committee as being~~

~~associated with successful student performance through the baccalaureate level and submit the same to the State Board of Education for~~ approval.

(h)~~(i)~~ Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit the same to the State Board of Education for approval.

(i)~~(j)~~ Maintain for the information of the State Board of Education and the Legislature a file of data compiled by the Articulation Coordinating Committee to reflect achievement of college-level communication and computation competencies by students in state universities and community colleges.

(j)~~(k)~~ Develop or contract for, and submit to the State Board of Education for approval, tests which measure and diagnose student achievement of college-level communication and computation skills. Any tests and related documents developed shall be exempt from the provisions of s. 119.07. The commissioner shall maintain statewide responsibility for the administration of such tests and may assign administrative responsibilities for the tests to any public university or community college. The state board, upon recommendation of the commissioner, is authorized to enter into contracts for such services beginning in one fiscal year and continuing into the next year which are paid from the appropriation for either or both fiscal years.

(k)~~(l)~~ Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, or law.

Section 8. 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. *These rules may include, but not be limited to, provisions for fees, frequency of examinations, and procedures for retaking an examination upon unsatisfactory performance.*

Section 9. Section 231.621, Florida Statutes, is amended to read:

231.621 *Critical Teacher Shortage* Student Loan Forgiveness Program.—

(1) In order to encourage qualified personnel to seek employment in areas of this state in which critical teacher shortages exist, *as identified annually by the State Board of Education,* there is established the *Critical Teacher Shortage* Student Loan Forgiveness Program. The primary function of the program is to make repayments towards loans received by students from federal programs or commercial lending institutions for the support of postsecondary education study ~~in areas identified annually by the State Board of Education~~.

(2) From the funds available, the Department of Education is authorized to make loan principal repayments as follows:

(a) Up to $2,500 a year for up to 4 years on behalf of selected graduates of state-approved undergraduate postsecondary teacher preparation programs, persons certified to teach pursuant to any applicable teacher certification requirements, or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.

(b) Up to $5,000 a year for up to 2 years on behalf of selected graduates of state-approved graduate postsecondary teacher preparation programs, *persons certified to teach pursuant to any applicable teacher certification requirements,* or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.

(c) All repayments shall be contingent on continued proof of employment in the designated fields in this state and shall be made directly to the holder of the loan. The state shall not bear responsibility for the collection of any interest charges or other remaining balance.

~~(3) For the first 2 years of this program, at least 50 percent of the loan principal repayments or reserves shall be for teachers in the areas of science and mathematics.~~

(3)~~(4)~~ Students receiving a scholarship loan are not eligible to participate in the *Critical Teacher Shortage* Student Loan Forgiveness Program.

(4)~~(5)~~ The State Board of Education is authorized to adopt rules necessary for the administration of this program.

(5)~~(6)~~ This section shall be implemented ~~in the 1983-1984 school year and thereafter only to the extent~~ as specifically funded and authorized by law.

Section 10. Subsection (7) is added to section 232.2463, Florida Statutes, 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:

(7) Any district school board that assigns a weighted value to courses shall assign a uniform weighted value to all dual enrollment, advanced placement, international baccalaureate, and other courses pursuant to the Course Code Directory and designated by a district school board as honors courses that are conducted within the school district.

This section shall first apply to students entering the ninth grade in the 1987-1988 school year.

Section 11. Section 233.015, Florida Statutes, is amended to read:

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

Section 12. Subsection (1) of section 233.051, Florida Statutes, is amended to read:

233.051 Programs of remediation.—

(1) By August 1, 1990, programs of remediation, *excluding college preparatory instruction and vocational preparatory instruction conducted pursuant to s. 228.072,* 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 and assist residents of the district who request remedial assistance, including those residents with high school diplomas.

Section 13. Subsection (14) of section 235.014, Florida Statutes, is amended, subsections (15) and (16) are renumbered as subsections (16) and (17), respectively, and a new subsection (15) is added to said section, to read:

235.014 Functions of the office.—The functions of the office shall include, but not be limited to, the following; it shall:

(14) Make available to boards, including the Board of Regents, technical assistance relating to maintenance and operation of educational plants; custodial and maintenance training; educational facilities specifications; ~~product specifications and evaluations;~~ safety; security and risk management; and plant services.

(15) Provide technical assistance to boards, including the Board of Regents, by developing standards and specifications for commodities and products needed in the construction and management of educational plants, and by providing a list of vendor or manufacturer commodities and products which conform to the specifications. Testing for conformity shall be conducted by the Department of Agriculture and Consumer Services Commodity Testing Laboratory, pursuant to s. 570.50(3). Vendors or manufacturers desiring to be included on the list shall pay the actual costs of testing, as determined by the laboratory, for the initial testing of each commodity or product and for any subsequent testing in which the product fails to conform to specifications. Testing fees collected shall be deposited in the Facility Construction Adminis-

trative Trust Fund. Use of the standards, specifications, and vendor or manufacturer commodities or products listed shall be discretionary by individual boards.

Section 14. Paragraph (a) of subsection (1) of section 235.31, Florida Statutes, is amended to read:

235.31 Advertising and awarding contracts; day-labor projects; prequalification of contractor.—

(1)(a) As soon as practicable after any bond issue has been voted upon and authorized or funds have been made available for the construction, remodeling, renovation, demolition, or otherwise for the improvement, of any educational or ancillary plant, and after plans for the work have been approved by the office, the board, after advertising the same in the manner prescribed by law or rule, shall award the contract for such building or improvements to the lowest responsible bidder. However, *if the bid of the lowest responsible bidder exceeds the construction budget and no additional funds are available, the board may declare an emergency and, after setting forth the reasons why an emergency exists, may negotiate the construction contract or modify the contract, including the specifications, with the lowest responsible bidder. The Department of Education shall develop rules which define the criteria for declaring such emergencies.* The board may, within its discretion, reject all bids received, if it deems the same expedient, and may readvertise, calling for new bids. For constructing, renovating, or remodeling, or otherwise improving, educational facilities at a cost not exceeding $100,000, the board may arrange for the work to be done on a day-labor basis. For renovating or remodeling only, at a cost of over $100,000 but not exceeding $200,000, if no bids are received after advertising the same in the manner prescribed by law, the work may be done on a day-labor basis.

Section 15. Section 235.34, Florida Statutes, is amended to read:

235.34 Expenditures authorized.—

(1) School boards, boards of trustees *of community colleges*, the Board of Regents, boards of county commissioners, municipal boards, and other agencies and boards of the state may expend funds, separately or collectively, *only* by contract or agreement, for:

(a) The placement, paving, or maintaining of any road, byway, or sidewalk contiguous to or running through the property of any educational plant; ~~or for~~

(b) The maintenance or improvement of the property of any educational plant or of any facility on such property;~~. Expenditures may also be made for~~

(c) The construction of sanitary and utility improvements; and

(d) ~~for~~ The installation, operation, and maintenance of traffic control and safety devices upon, or contiguous to, any existing or proposed educational plant.

(2) The boards of county commissioners, municipal boards, and other agencies and boards of the state may plant or maintain trees, flowers, shrubbery, and beautifying plants upon the grounds of any educational plant, upon approval of the superintendent or president or the designee of either of them.

(3) Payment by a board for any improvement set forth in this section shall be authorized in any amounts agreed to by the board. Any payments so authorized to be made *by a board or the Board of Regents* shall not be mandatory unless the specific improvement and costs have been agreed to *by the board* prior to the improvement's being made.

(4)~~(2)~~ The provisions of any law, municipal ordinance, or county ordinance to the contrary notwithstanding, the provisions of this section shall regulate the levying of assessments for special benefits on school or community college districts and the directing of the payment thereof. Any municipal ordinance or county ordinance *adopted pursuant to chapter 163 or chapter 380 or any other law or as a matter of local policy and* making provision to the contrary *of this section* is void and shall be of no effect.

(5) No governmental body which regulates the use of land shall make its permit or order authorizing the development of land for a school plant or for the construction of educational facilities conditional upon the provision of any off-site improvements by a board, except as provided in this section.

Section 16. Paragraphs (h) and (i) of subsection (1) of section 236.081, Florida Statutes, are amended, and paragraph (j) is added to said subsection, 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, exploratory vocational education, vocational supplemental courses, and adult basic and secondary education courses.—

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. *Notwithstanding the provisions of s. 236.013, when a dual enrollment course that will earn at least 0.5 high school credit is provided off the high school site, the net instructional time that shall be used to calculate the full-time equivalent student membership reported by a school district for that course shall be the same net instructional time used to calculate the full-time equivalent student membership for a period of instruction at the home high school of the student for the same survey period.* 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.

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.

6. Vocational supplemental courses and adult basic and secondary education courses may be made available to any person who wishes to improve his competencies, provided that the priorities established in s. 228.072(5) are maintained.

a. A student in an adult basic and secondary education course shall be reported as an adult basic and secondary education full-time equivalent student if he is pursuing a program of studies to achieve literacy, prepare for the Test of General Educational Development (GED), or earn a high school diploma. A student in such a course who has received a high school diploma and who does not demonstrate skills at or below the eighth-grade level, as measured by tests approved for this purpose by the State Board of Education, shall be reported for funding as a full-time equivalent student in the lifelong learning category.

b. A student in a vocational supplemental course shall be reported as a vocational supplemental full-time equivalent student if he:

(I) Currently holds wage-earning employment and is taking a course to enhance or upgrade skills related to that employment; or

(II) Has a wage-earning employment history and enrolls in a course related to that employment history with the intent to seek employment in an occupation directly related to that course and that employment history; *or*

(III) Has a wage-earning employment history and desires to convert to the English language existing knowledge, training, or skills to qualify for employment; provided, however, that such a student shall be reported for funding purposes in the Adult Basic and High School Program as an adult basic vocational student for the length of time the student spends in a language class.

Any student enrolled in a vocational supplemental course who does not meet one of the criteria of this sub-subparagraph shall be reported for funding as a full-time equivalent student in the lifelong learning category.

c. A student shall be reported for funding as a full-time equivalent student in the lifelong learning category for enrollment in a consumer home economics course unless that course comprehensively addresses competencies identified in the program courses standards as home and family management competencies. Students in courses that comprehensively address such competencies may be reported as full-time equivalent students in the vocational supplemental category.

d. A student shall be reported as a lifelong learning student for his enrollment in any course that he has previously taken, unless it is a credit course in which he earned a grade of D or F.

(i) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of *0.24* ~~0.3~~ full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

(j) Calculation of additional full-time equivalent membership based on international baccalaureate examination scores of students.—A value of 0.48 full-time equivalent student membership shall be calculated for each student who receives a score of 4 or higher on a higher level subject examination. A value of 0.24 full-time equivalent student membership shall be calculated for each student who receives a score of 4 or higher on a subsidiary level examination. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

Section 17. Paragraph (a) of subsection (2) of section 240.116, Florida Statutes, is amended to read:

240.116 Articulated acceleration.—

(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. *Dual enrollment instruction in which a student earns a grade of "C" or better shall be transferable to any state university or public community college to fulfill the academic or elective curricular requirements for student acquisition of a 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.

Section 18. Subsections (1) through (4) of section 240.125, Florida Statutes, are amended to read:

240.125 Postsecondary consortia; cooperation.—

(1) *Postsecondary education institutions* ~~Community colleges and universities~~ serving the same students in a geographic and service area are encouraged to establish appropriate interinstitutional mechanisms to achieve cooperative planning and delivery of academic programs and related services, share a high-cost instructional facility and equipment, coordinate credit and noncredit outreach activities, have access to each other's library and media holdings and services, and provide cooperative campus activities and consultative relationships for the discussion and resolution of interinstitutional issues and problems which discourage student access or transfer.

(2) Public *postsecondary education institutions* ~~community colleges and universities~~ are encouraged to include independent colleges and universities and industries within their service areas in mutual planning of a comprehensive, complementary, cost-effective array of undergraduate and beginning graduate programs of study to serve that geographic area.

(3) The Commissioner of Education is authorized to establish a Trust Fund for Postsecondary Cooperation. The trust fund shall be used to reward institutional creativity and initiative in assisting student articulation and in cooperating with local business and industry. *Trust fund proposals shall include a provision for matching financial support from participating business and industry or local education agencies, or both, for projects that anticipate funding for more than 1 year.* These initiatives may include:

(a) Local consortia or institutional arrangements.

(b) Organized faculty and professional staff networks.

(c) The use of adjunct faculty from industry.

(d) Apprenticeship or cooperative training of students.

(4) The Postsecondary Education Planning Commission shall review, set priorities for, and recommend to the commissioner proposals for use of the fund *based on moneys specifically appropriated for the purposes of this section.* The commissioner has authority to make grants from the trust fund.

Section 19. Subsection (4) of section 240.147, Florida Statutes, is amended to read:

240.147 Powers and duties of the commission.—The commission shall:

(4) Recommend to the State Board of Education contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education. Each program shall be reviewed, with the cooperation of the institution, every 5 years. *Except as provided in s. 240.609, before new programs, special grants, or contracts, any of which involve academic offerings or services to students, with independent institutions which call for the expenditure of state funds are submitted to the Legislature for approval, such programs, grants, or contracts shall first be reviewed by the commission. The review shall be completed in the most expeditious manner possible. The commission shall convey the results of the review and its corresponding recommendations to the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate upon completion of the review.*

Section 20. Subsection (2) and paragraphs (f) through (o) of subsection (3) of section 240.209, Florida Statutes, are amended, and subsection (6) is added to said section, to read:

240.209 Board of Regents; powers and duties.—

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

(3) The board shall:

~~(f) Develop a plan, to be mutually agreed upon by applicable bargaining units, for the transfer of employees from career service status provisions of chapter 110. Such plan shall be submitted to the Legislature by March 1, 1986. Subject to the approval of the President of the Senate and Speaker of the House of Representatives, the plan shall become effective July 1, 1986.~~

(f)~~(g)~~ Recommend to the Legislature any proposed changes in the Capital Improvement Trust Fund and building fees. The Capital Improvement Trust Fund fee is established as *$2.44* ~~$1.94~~ per credit hour per semester. The building fee is established as *$2.32* ~~$1.82~~ per credit hour per semester.

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

(h)~~(i)~~ After consultation with the university presidents, adopt a systemwide master plan which specifies goals and objectives for the State University System and a master plan for each of the universities defining the particular contributions each university will make toward the achievement of these goals and objectives. In developing these plans, the board shall consider the role of individual public and independent institutions within the state. The plans shall also provide for the roles of the universities to be coordinated to best meet state needs and reflect cost-effective use of state resources. The systemwide master plan shall identify service areas for purposes of continuing education and extension programs, except that the service area of the comprehensive graduate research and service universities shall be statewide in scope. The university master plan shall identify degree programs to be offered at each university in accordance with the objectives provided herein and translate general systemwide guidelines into specific goals, objectives, priorities, and strengths for the universities. Plans shall also include recommendations regarding the upper division concept. The systemwide master plan and university master plans shall provide projections for the State University System for a period of 5 years with modification biennially. The systemwide master plan and the university master plans shall be consistent with the defined mission of each university. The Board of Regents shall submit a report to the Speaker of the House of Representatives and the President of the Senate upon modification of the system plan or any university plan.

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

(j)~~(k)~~ Coordinate and provide for educational television in the State University System.

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

(l)~~(m)~~ Seek the cooperation and advice of superintendents and board members of local school districts in the state in performing its duties and making its plans, studies, and recommendations. The systemwide and university master plans shall specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state.

(m)~~(n)~~ Notwithstanding the provisions of ss. 216.044, 255.248, 255.249, 255.25, 255.28, 255.29, and 287.055, adopt rules to administer a program for the maintenance and construction of facilities in the State University System.

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

(6) Notwithstanding the provisions of s. 216.262(1), the Board of Regents may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. The board may authorize a university to charge fees for parking at such rented or leased parking facilities.

Section 21. Subsection (1) of section 240.2111, Florida Statutes, is amended to read:

240.2111 Meritorious service awards program.—

(1)(a) Notwithstanding the provisions of s. 110.1245(1), the Board of Regents and each university shall promulgate rules for a meritorious service awards program which provides for the following components:

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

2. A superior accomplishment component to recognize employees who have contributed outstanding and meritorious service in their fields, including those who have made exceptional contributions to efficiency, economy, or other improvement in State University System operations.

3. A continuous satisfactory service component to recognize employees who are retiring or who have achieved increments of 5 continuous years of satisfactory service.

The Board of Regents and each university are authorized to expend funds for such recognition and awards. No award granted under the suggestion component of the program shall exceed $2,000 or 10 percent of the first year's actual savings, whichever is greater, unless a larger award is made by the Legislature. No award under the superior accomplishments component of the program shall exceed $1,000. The Board of Regents and each university may award savings bonds or other items in lieu of cash awards, provided that the cost of such item does not exceed

the limits specified in this subsection. In addition, the Board of Regents and each university may award certificates, pins, plaques, letters of commendation, and other tokens of recognition of meritorious service to an employee eligible for recognition under either component of the program, provided that the award does not exceed $50.

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

1. Suggestion component.—

a.~~1.~~ The number of proposals made.

b.~~2.~~ The number of awards made to employees for adopted proposals.

c.~~3.~~ The actual cost savings realized as a result of implementing employee proposals.

d.~~4.~~ Total expenditures incurred by the university or board for providing awards to employees for adopted proposals.

2.~~5.~~ *Superior accomplishment.*—The number of employees recognized for superior accomplishments.

3.~~6.~~ *Continuous satisfactory service.*—The number of employees recognized for continuous satisfactory service to the Board of Regents or universities.

Section 22. Subsection (5) of section 240.227, Florida Statutes, is amended to read:

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

(5) Appoint university personnel and provide for the compensation and other conditions of employment consistent with applicable collective bargaining agreements and the Board of Regents *rules* ~~rule for university personnel who are exempt from chapter 110~~.

Section 23. Subsection (3) of section 240.233, Florida Statutes, is amended to read:

240.233 Universities; admissions of students.—Each university shall govern admissions of students, subject to this section and rules of the Board of Regents.

(3)(a) Nonresident students may be admitted to the university upon such terms as the university may establish. ~~However, effective August 1, 1987, such terms shall include, but shall not be limited to: completion of a secondary school curriculum which includes 4 years of English; 3 years each of mathematics, science, and social sciences; and 2 years of a foreign language.~~

(b) *The Board of Regents may assign a uniform weighted value to dual enrollment, advanced placement, international baccalaureate, and other courses designated by a district school board as honors courses for student admission purposes.* ~~Within the admission standards provided for in subsection (1), the Board of Regents shall develop procedures for weighting courses which are necessary to meet the requirements of s. 232.2465 at a higher value than less rigorous courses. Credits received in such courses shall be given greater value in determining admission by universities than cumulative grade point averages in high school.~~

Section 24. Subsection (3) and paragraph (a) of subsection (4) of section 240.257, Florida Statutes, are amended to read:

240.257 Florida Endowment Trust Fund for Eminent Scholars Act.—

(3) ESTABLISHMENT OF THE TRUST FUND.—There is established a Trust Fund for Eminent Scholars to be divided into challenge grants to be administered by the Board of Regents. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 18.125. *Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and* interest income accruing to that portion of the trust fund not matched *shall remain in the trust fund and* shall increase the total funds available for challenge grants. In the event funds in the trust fund are insufficient to match private contributions, the Board of Regents may authorize any university to encumber the state matching portion from funds available under s. 240.272, up to a total of $5 million for the system. Such authorization shall not entitle a university to a subsequent general revenue appropriation.

(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:

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 *of $2,000,000* ~~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. 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. 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 shall be transferred to a university foundation upon notification that the university has received and deposited the *total* ~~proportionate~~ amount specified in this section in its own Eminent Scholars Trust Fund. Contributions *made prior to July 1, 1988,* 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 *or encumbrance,* 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.

Section 25. Subsection (1) of section 240.259, Florida Statutes, is amended to read:

240.259 Trust Fund for New Donors.—

(1) There is established a Trust Fund for New Donors to be divided into challenge grants to be administered by the Board of Regents. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. All appropriated funds deposited into the trust fund shall be invested pursuant to rules of the Board of Regents. *Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and* interest income accruing to that portion of the trust fund not allocated *shall remain in the trust fund and* shall increase the total funds available for such challenge grants. As used in this section, "qualified new donor" means any person who contributes a minimum of $20 to a university and who has not previously donated money to that university.

Section 26. Subsections (1) and (2) of section 240.2605, Florida Statutes, are amended to read:

240.2605 Trust Fund for Major Gifts.—

(1) There is established a Trust Fund for Major Gifts to be divided into challenge grants to be administered by the Board of Regents. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. All appropriated funds deposited into the trust fund shall be invested pursuant to rules of the Board of Regents. *Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and* interest income accruing to that portion of the trust fund not allocated *shall remain in the trust fund and* shall increase the total funds available for such challenge grants.

(2)*(a)* The amount appropriated to the trust fund shall be allocated by the Board of Regents to each university on the *following basis:*

1. Each university that raises a contribution of at least $50,000, but no more than $125,000, from private sources shall receive a matching grant equal to 50 percent of the private contribution.

2. Each university that raises a contribution in excess of $125,000 from private sources shall receive a matching grant of $125,000.

3. State funds shall not be encumbered until such time that the total private contribution has been received, deposited in the appropriate account, and certified to the Board of Regents. ~~basis of one $50,000 grant for each $100,000 contributed by private sources. Prior to July 1, 1988, one-ninth of the moneys appropriated to the trust fund shall be set aside for each university. Any university that has matched one-ninth of the funds shall be eligible to match any funds remaining in the fund after July 1, 1988. If the moneys remaining in the fund after July 1, 1988, are insufficient to provide matching grants, each university shall be eligible to receive its proportionate share of the moneys on the basis of its total unmatched contributions. Grants from the fund shall be allocated for contributions made after July 1, 1985.~~

(b) A contribution *made prior to July 1, 1988, shall be matched for each $100,000 in private contributions.* ~~may also qualify for a matching grant if the donor makes an initial payment of $20,000 and provides a written pledge to pay at least $20,000 per year for the subsequent 4 years.~~ Payments on the balance shall be made on or before the anniversary date of the initial payment *but not to exceed 4 years.* No grant shall be allocated prior to collection of the total $100,000 contribution, *and certification by the university to the Board of Regents that the contribution has been deposited in the appropriate account.*

Section 27. Paragraph (h) of subsection (3) of section 240.311, Florida Statutes, is amended to read:

240.311 State Board of Community Colleges; powers and duties.—

(3) The State Board of Community Colleges shall:

(h) Establish an effective information system which will provide composite data about the community colleges and assure that special analyses and studies about the colleges are conducted, as necessary, for provision of accurate and cost-effective information about the colleges and about the community college system as a whole. A component of this information system shall be an annual report from each community college to the State Board of Community Colleges on its progress towards meeting state and institutional quality goals. *The annual report shall be written in a format prescribed by the State Board of Community Colleges.* ~~Such reports shall be based upon information from the prior academic year and shall contain:~~

~~1. An interpretation and analysis of student progress, including grade-point average data and college-level academic skills test information.~~

~~2. Follow-up information, including the success of graduates in upper-division university programs or placement rates of graduates in related employment fields.~~

~~3. Information on the needs of the community college and its students.~~

~~4. Information on college salaries and fringe benefits.~~

~~5. A report on college travel expenditures.~~

~~6. A report on the expenditure of funds raised by community college direct-support organizations.~~

The annual report shall be submitted to the State Board of Community Colleges by November 1 each academic year, and it shall clearly show the progress in each area from one year to the next year. The report shall be reproduced and made available at the least possible cost and may be issued in a series or as part of existing college publications.

Section 28. Subsection (3) of section 240.331, Florida Statutes, is amended to read:

240.331 Direct-support organizations; use of property; audit; status.—

(3) ANNUAL AUDIT.—Each direct-support organization shall make provisions for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant in accordance with rules to be promulgated by the district board of trustees. The annual audit report shall be submitted to the Auditor General and the board of trustees for review. The board of trustees and the Auditor General shall have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization, other than the information necessary for the annual report required by s. 240.311~~(3)(h)6.~~ and the auditor's report and supplemental data requested by the board of trustees and the Auditor General, shall not be considered public records for the purposes of chapter 119.

Section 29. Subsection (1) of section 240.334, Florida Statutes, is amended to read:

240.334 Technology transfer centers at community colleges.—

(1) Each public community college may establish a technology transfer center for the purpose of providing institutional support to local business and industry in the application of new research in technology. The primary responsibility of each center shall be the conduct of technical support for universities, *state or federal governmental agencies, the United States Armed Forces, business and industry,* and product development activities. *Each center may also conduct industrial or technological training to support the application of research.* ~~In order to establish an initial network of university and community college linkages, the following community colleges shall serve as primary contacts for the purposes of providing technical support to state universities: Pensacola Junior College - University of West Florida; Gulf Coast Community College - Florida State University; North Florida Junior College - Florida Agricultural and Mechanical University; Florida Junior College - University of North Florida; Daytona Beach Community College - University of Florida; Brevard Community College - University of Central Florida; Hillsborough Community College - University of South Florida; Palm Beach Junior College - Florida Atlantic University; Miami-Dade Community College - Florida International University.~~

Section 30. Paragraph (b) of subsection (1), subsection (2), and paragraph (c) of subsection (6) of section 240.35, Florida Statutes, are amended, and subsections (10) and (11) are added to said section, to read:

240.35 Student fees.—

(1) The State Board of Community Colleges shall establish the matriculation and tuition fees for each of the following program categories:

(b) Noncredit instruction that may not be counted toward an associate or higher degree. This category includes, but is not limited to, postsecondary adult programs, supplemental vocational programs, ~~and~~ developmental programs, *lifelong learning programs, and community education programs.* Developmental programs shall include adult basic and high school instruction, college preparatory instruction, and vocational preparatory instruction.

(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, *or employment and training programs pursuant to s. 409.029,* 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.

(6)

(c) Up to 25 percent or $125,000, whichever is greater, of the fees collected may be used to assist students who demonstrate academic merit or who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution. *A minimum of 50 percent of* the balance of these funds shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his eligibility assessed on the same criteria used at the time of his original award. The State Board of Community Colleges shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Community Colleges. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(10) Each community college district board of trustees may establish a separate fee for capital improvements not to exceed an amount specified in the General Appropriations Act. The fee for capital improvements shall be collected as a component part of the registration and tuition fees. The capital improvements fee shall be paid into a separate account and shall be expended only to maintain, improve, or enhance the community college's educational facilities. Projects funded through the use of the capital improvements fee shall meet the survey and construction requirements of chapter 235. As part of the plan required by s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by the fee authorized by this subsection. Projects wholly financed pursuant to this subsection shall be exempt from the provisions of s. 240.327(2).

(11) Each community college district board of trustees may adopt rules which provide for student advance fee payment. Such rules shall be limited to those which allow students to pay matriculation and tuition fees for instruction for which the students enroll during a preregistration period and the fee for capital improvement.

Section 31. Subsection (2) of section 240.355, Florida Statutes, is amended to read:

240.355 State Board of Education rules with respect to vocational education programs; minimum requirements; criteria for determining level of degree or certificate; common definitions; basic skills standards.—

(2) The State Board of Education shall develop guidelines to determine the criteria by which the level of degree or certificate shall be assigned to a program. The guidelines shall ensure that such assignments are made at the lowest level possible commensurate with sound professional practice; however, the guidelines shall also ensure that assignments are upgraded for programs that increase in technical complexity or general education requirements beyond the parameters of a certificate program. *Effective July 1, 1989, each school district and community college that conducts postsecondary vocational education programs shall report each such program according to the program title, number, and level specified in the Vocational Education Program Course Standards. Institutions may continue to offer existing programs which are assigned to a lower level; however, such programs shall be reported and funded at the assigned level.*

Section 32. Paragraphs (b) and (c) of subsection (1) of section 240.359, Florida Statutes, are 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:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(b) The allocation of funds for community colleges shall be based on advanced and professional disciplines, vocational program areas, compensatory programs, and adult *basic* ~~elementary~~ and secondary programs. The vocational program areas shall be further subdivided into postsecondary, postsecondary adult, and supplemental vocational program areas. *Students who are enrolled in dual enrollment instruction pursuant to s. 240.116 shall be funded at an additional .25 full-time equivalent enrollment for their proportional share of such enrollments.*

(c) The funding category of lifelong learning is for certain students in adult basic and secondary education programs or in supplemental vocational program areas.

1. A student in an adult basic and secondary education course is a lifelong learning student if he has received a high school diploma and does not demonstrate skills at or below the eighth-grade level.

2. A student in a supplemental vocational course is a lifelong learning student unless he fulfills one of the following criteria:

a. He currently holds wage-earning employment and is taking a course to enhance or upgrade skills related to that employment; or

b. He has a wage-earning employment history with intent to seek employment in an occupation directly related to that course and to that employment history.

3. A student shall be reported for funding as a lifelong learning student for enrollment in a consumer home economics course unless that course comprehensively addresses competencies identified in the program courses standards as home and family management competencies. Students in courses that comprehensively address such competencies may be reported as full-time equivalent students in the vocational supplemental category.

4. A student shall be reported as a lifelong learning student for his enrollment in any course that he has previously taken, *unless the course was taken more than 3 years prior to his subsequent enrollment or* unless it is a credit course in which he earned a grade of D or F. *A student shall not be reported as a lifelong learning student if he enrolls in a credit course in which he previously received a grade of C if he is required to earn a grade of B in that course for admission to a state university or to a particular department within a specific state university.*

Section 33. Subsection (2) of section 240.36, Florida Statutes, is amended to read:

240.36 Florida Academic Improvement Trust Fund for Community Colleges.—

(2) Funds appropriated shall be deposited in the trust fund and shall be invested pursuant to s. 18.125. *Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and* interest income accruing to that portion of the trust fund not matched *shall remain in the trust fund and* shall increase the total funds available for challenge grants. At the end of a fiscal year, any unexpended balance of an appropriation in the trust fund will not revert to the fund from which appropriated, but will remain in the trust fund until used for the purposes specified in this section.

Section 34. Section 240.363, Florida Statutes, is amended to read:

240.363 Financial accounting and expenditures.—All funds accruing to the benefit of a community college shall be received, accounted for, and expended in accordance with rules ~~and regulations~~ of the State Board of *Community Colleges* ~~Education~~, *except that each community college board of trustees may adopt policies that provide procedures for transferring private contributions to the community college to the direct-support organization of the community college for administration by such organization.*

Section 35. Paragraphs (a), (b), (d), and (e) of subsection (1), paragraphs (a), (b), and (d) of subsection (2), and subsections (3), (4), and (8) of section 240.402, Florida Statutes, are amended to read:

240.402 Florida Undergraduate Scholars' Fund.—

(1) There is created a Florida Undergraduate Scholars' Fund, to be administered by the Department of Education. The department shall award scholarships to each Florida student who:

(a)1. Is recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist;

2. Has obtained a 3.5 unweighted grade point average on a 4.0 scale, or the equivalent, in high school subjects acceptable for credit toward a diploma and has scored 1,200 or above 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~~;~~. *However, students who enroll as first-term high school students after June 30, 1988, shall obtain a 3.5 unweighted grade point*

average on a 4.0 scale, or the equivalent, in Florida Academic Scholar curriculum pursuant to s. 232.2465 in order to be eligible to receive a scholarship award as provided in this section;

3. Has been designated by the State Board of Education as a Florida Academic Scholar, pursuant to the provisions of s. 232.2465~~, and, if a first term high school student after June 30, 1987, has maintained a 3.5 unweighted grade point average on a 4.0 scale, or the equivalent, in high school subjects acceptable for credit toward a diploma~~; or

4. Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office.

(b) *Meets the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.* ~~Has been a bona fide resident of this state for the 2 years preceding receipt of the award.~~

(d) Files an application *during the final year of high school* for and, if offered, accepts the award within established time limits.

(e) Attends, on a full-time basis, a state university or community college authorized by Florida law; a nursing diploma school approved by the Board of Nursing; any Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation *and*~~; or any Florida institution~~ the credits of which are acceptable for transfer to state universities.

(2)*(a) The department shall accept applications for initial and renewal awards between February 15 and April 1 of each year. All applications postmarked within the application period shall be acknowledged and the department shall notify each applicant that a scholarship will be awarded, pending his compliance with applicable eligibility criteria. Each applicant must respond to this acknowledgment and notify the department by May 1 of his intent to accept the award. After May 1, the department may cancel any offers of awards to initial and renewal applicants who have not notified the department of their acceptance, and may offer awards instead to otherwise eligible applicants who filed late applications. The department shall establish a deadline by which these students must respond to the offer.*

(b) When available funds are insufficient to provide full awards to all eligible applicants who file timely applications, the department shall distribute awards on a pro rata basis. ~~New awards shall be distributed, first come, first served, based on the postmark of the application, in the following manner:~~

~~(a) After reserving sufficient funds to assure a commitment to provide the full amount of an award, the department shall determine the number of initial and renewal awards to be made within the funds available.~~

~~(b) The department shall begin accepting applications for new awards on February 15 of each year. If necessary, applications received with the same postmark may be ranked by the department according to grade point average. The department shall determine the student's eligibility and notify the student as to status as eligible to receive an award, eligible to receive an award but on the waiting list, or ineligible to receive an award. Each student notified as to his eligibility to receive an award shall notify the department of his intention to accept the award by May 1. After May 1, the department may use the uncommitted and reserve funds to offer awards to eligible students on the waiting list. The department shall establish a deadline by which these students must respond to the offer.~~

(d) Any student failing to accept an award may reapply for the scholarship *during a subsequent application period* ~~at a subsequent date~~. The department shall determine the eligibility of such students in the same manner as first-time applicants, except that students who apply pursuant to this paragraph shall be exempt from the provisions of paragraph (1)(f). Students determined to be eligible may be awarded scholarships from any funds that remain after new and renewal awards have been allocated.

(3) The annual award to a student shall be *$4,500 or an amount as specified in the General Appropriations Act* ~~$2,500~~; however, students designated as Florida Academic Scholars who ~~were first term high school students prior to July 1, 1987, and who~~ obtain less than a 3.5 unweighted grade point average on a 4.0 scale, or the equivalent, shall receive initial awards of $1,000 if attending an institution with annual tuition and registration fees of $2,000 or less. Such students shall receive initial awards of $1,500 if attending an institution with annual tuition and registration fees of more than $2,000. Payment of an award shall be transmitted, on behalf of the student, to the president of the college, university, community college, or nursing diploma school which the recipient is attending or to his representative in advance of the registration period. *Institutions shall certify to the department, within 60 days of the end of registration, the eligibility status of each awarded student and the amount of funds disbursed to each student. Undisbursed advances and other refunds due for students who terminate enrollment for any reason during the academic year shall either be returned to the department or deducted from subsequent payments in accordance with rules of the state board.* ~~If a recipient does not enroll or terminates his enrollment for any reason during the academic year, the unused portion of the award, as determined by policies and rules, shall be refunded within 60 days to the department, for the purposes of this section, by the president of the college, university, community college, or nursing diploma school or by his representative.~~

(4) A recipient shall maintain the equivalent of a 3.2 cumulative grade average on a 4.0 scale, or shall maintain an approved equivalent student progress evaluation plan, on at least 12 hours per quarter, trimester, or semester in order to be eligible for a continuation of the award. No student may receive a Florida Undergraduate Scholars' Fund award for more than the equivalent of 8 semesters or 12 quarters*; however, a student enrolled in a 5-year undergraduate degree program may receive an award for the equivalent of 10 semesters or 15 quarters.* The award may be renewed annually upon documentation by the recipient that he meets the necessary qualifications. If any recipient transfers from one accredited Florida college, university, community college, or nursing diploma school to another eligible institution, his award will be transferable, provided he is otherwise eligible for the award.

(8) The Legislature shall appropriate, from general revenue, funds to be deposited into the Florida Undergraduate Scholars' *Trust* Fund, as created herein, for the purpose of funding this act. *Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section.*

Section 36. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 240.4025, Florida Statutes, are amended to read:

240.4025 Florida Graduate Scholars' Fund.—

(1) There is created a Florida Graduate Scholars' Fund to be administered by the Department of Education. The department shall award fellowships to each Florida graduate student who:

(a)1. Has received a scholarship pursuant to s. 240.402 for the duration of his undergraduate enrollment; or

2. Has obtained a 3.5 grade point average on a 4.0 scale, or the equivalent, in college-level academic subjects taken during his last 2 academic years and has scored 1,200 or above on the combined verbal and quantitative parts of the Graduate Record Examination ~~or an equivalent score on any other graduate examination that is specific to a discipline and recognized nationally~~.

(b) Files an application for and, if offered, accepts the award within established time limits.

(c) Attends, on a full-time basis, a state university authorized by Florida law; any Florida university which is accredited by a regional association of the Council on Postsecondary Accreditation; or any Florida institution the credits of which are acceptable for transfer to state universities.

(d) Enrolls as a first-time graduate student ~~after July 31, 1986,~~ in the areas of engineering, information technology, biomedical technology or sciences, materials sciences, or other such areas identified by the Florida High Technology and Industry Council.

(e) Is a legal resident of the United States.

(f) Meets the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

(2) Florida residents shall have the highest priority in the distribution of new awards. New awards shall be distributed~~, first come, first served, based on the postmark of the application,~~ in the following manner:

(a) After reserving sufficient funds to assure a commitment to provide the full amount of an award *to each renewal applicant*, the department shall determine the number of initial ~~and renewal~~ awards to be made within the funds available.

(b) *The department shall accept applications for initial and renewal awards between February 15 and April 1 of each year. The department shall rank initial applications received within the application period by applicant combined verbal and quantitative scores on the Graduate Record Examination. If necessary, applications may be further ranked by grade point average and then postmark. Subject to the availability of funds, the department shall determine the student's eligibility and notify the student of his eligibility status. Each student notified of his tentative eligibility to receive an award shall communicate to the department, in writing, his intention to accept the award by May 1. The department may cancel the awards of students who have not responded by the May 1 deadline, and may offer awards instead to other eligible students, including those who filed late applications. The department shall establish a deadline by which students offered an award after May 1 must respond to the offer.* ~~The department shall begin accepting applications for new awards on February 15 of each year. If necessary, applications received with the same postmark may be ranked by the department according to grade point average. The department shall determine the student's eligibility and notify the student as to his status as eligible to receive an award, eligible to receive an award but on the waiting list, or ineligible to receive an award. Each student notified as to his eligibility to receive an award shall notify the department of his intention to accept the award by May 1. After May 1, the department may use the uncommitted and reserve funds to offer awards to eligible students on the waiting list. The department shall establish a deadline by which these students must respond to the offer.~~

Section 37. Section 240.403, Florida Statutes, is amended to read:

240.403 Ex-Confederate Soldiers' and Sailors' Home Endowment Trust Fund.—Any funds which have been or may hereafter be deposited into the State Treasury under chapter 8505, Laws of Florida, 1921, shall be known as the "Ex-Confederate Soldiers' and Sailors' Home Endowment Trust Fund," and they shall be invested as provided by law. The proceeds thereof shall be used for the endowment of a scholarship or scholarships in the State University System or in a state community college. Each such scholarship shall be awarded to a lineal descendant of a Confederate soldier or sailor, subject to State Board of Education rule, *who meets the general requirements for student eligibility as provided in s. 240.404*~~; further, whenever it appears that no one can qualify for such award as a lineal descendant of a Confederate soldier or sailor, the Department of Education shall use the endowment trust fund to erect a permanent memorial to the Confederate soldiers and sailors in the form of a building upon the campus of the University of Florida or Florida State University, in the discretion of the Department of Education, and suitably mark such building as a memorial to the Confederate soldiers and sailors~~. The Department of Education shall administer this scholarship program subject to rules of the state board.

Section 38. Section 240.4035, Florida Statutes, is created to read:

240.4035 Florida Regents Scholarship Program.—

(1) There is created the Florida Regents Scholarship Program for the purpose of providing financial incentives to encourage meritorious Florida secondary school students to attend state universities. The program shall be administered by the Department of Education.

(2) To be eligible to receive a Florida Regents Scholarship, a student shall:

(a) Be a graduate of a Florida public or nonpublic secondary school during or after the 1988-1989 school year and have been designated the valedictorian of his or her graduating class.

(b) Meet the general requirements for student eligibility for state financial aid as defined in ss. 240.404 and 240.4045.

(c) Have obtained a 3.8 unweighted grade point average on a 4.0 scale, or the equivalent, in high school subjects acceptable for credit toward a diploma.

(d) Attend, on a full-time basis, a state university authorized by Florida law.

(e) File an application and accept the award within established time limits.

(3) Each scholarship shall be in the amount of $500 per year, or as specified in the General Appropriations Act, for a maximum of 8 semesters or 12 quarters. Scholarships shall be subject to annual renewal contingent upon the recipient maintaining full-time enrollment status at a state university and a grade point average of 3.2 on a 4.0 scale, or the equivalent. Notwithstanding any other provision of law to the contrary, scholarships awarded pursuant to this section shall be in addition to any other state scholarship aid for which the recipient qualifies.

(4) Scholarships shall be awarded as follows:

(a) One scholarship shall be reserved annually for each public secondary school in the state. A Florida Regents Scholarship shall be offered to the student at each public high school designated as the valedictorian of his or her graduating class.

(b) In the event more than one student is designated as the valedictorian of a given graduating class of a public secondary school, the valedictorians shall be ranked by the high school using additional criteria including, but not limited to, rank in class, standardized test scores, cumulative grade point average, extracurricular activities, letters of recommendation, and an essay. The scholarship shall be offered to the valedictorian with the highest rank.

(c) A number of scholarships, in addition to those provided for public schools, shall be reserved annually for valedictorians of nonpublic schools. Eligible nonpublic schools shall be listed with the department and accredited by the Southern Association of Colleges and Schools or some other private statewide accrediting agency which makes public the standards and procedures under which it accredits schools. Eligible schools shall demonstrate compliance with regulations of the Office of Civil Rights. The number of nonpublic school scholarships shall be equal to the product of the ratio of nonpublic to public high school seniors in the state multiplied by the number of public high schools in the state. Priority for the receipt of scholarships reserved for nonpublic schools shall be given to those nonpublic school valedictorians with the highest scores on the Scholastic Aptitude Test of the College Entrance Examination or the American College Testing Program. Final selection of scholarship recipients from nonpublic schools shall be made by a committee appointed by the Commissioner of Education and composed of representatives from nonpublic secondary education and the department. In the event that two nonpublic school valedictorians have the same test scores, the committee shall use additional criteria including, but not limited to, cumulative grade point average, extracurricular activities, letters of recommendation, and an essay to rank nonpublic school applicants. If a nonpublic school valedictorian is offered, but declines to accept, a scholarship, the committee shall offer the scholarship to the nonpublic school valedictorian with next highest rank.

(5) Funds appropriated by the Legislature for this program shall be deposited in the Florida Regents Scholarship Trust Fund which is hereby created. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any unexpended funds remaining in the trust fund at the end of any fiscal year shall remain in the fund and be available for Florida Regents Scholarships in future years.

(6) The State Board of Education shall establish rules necessary to implement this section.

Section 39. Subsections (1) and (3) of section 240.404, Florida Statutes, are amended to read:

240.404 General requirements for student eligibility for state financial aid.—

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation; any Florida institution the credits of which are acceptable for transfer to state universities; any area vocational-technical center; or any private vocational-technical institution accredited by a member of the Council on Postsecondary Accreditation.

2. Participation in the college-level communication and computation skills testing program. This requirement is limited to students seeking associate's or bachelor's degrees.

3. Residency in this state for no less than *1 year* ~~2 years~~ preceding the award of aid for a program established pursuant to ~~s. 240.401,~~ s. 240.402, *s. 240.4035, s. 240.408,* s. 240.409, *s. 240.4095, s. 240.4097, s. 240.4098,* s. 240.412, s. 240.60, or s. 240.604. *Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 240.1201.*

4. Compliance with Selective Service System registration requirements pursuant to s. 240.4045.

5. Submission of certification attesting to the accuracy, completeness, and correctness of information provided within the financial aid application or verification process. Falsification of such information shall result in the denial of any pending application and revocation of eligibility for future payments for any award currently held by the student. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

(b)1. Student eligibility for the renewal of state financial aid awards shall be evaluated at the end of the second semester or third quarter of each academic year. In order to be eligible for such renewal, a student shall:

a. Demonstrate a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

b. Demonstrate, for full-time study, the completion of 12 credit hours per term or the equivalent of 12 credits per term, for the number of terms for which the student received financial aid.

2. A student who earns the minimum number of credit hours required for renewal pursuant to this paragraph, but who fails to earn a 2.0 cumulative grade point average, may be granted a probationary award for a maximum of 1 academic year. Any such student who earns a minimum cumulative grade point average of 2.0 at the end of the probationary period shall be removed from probationary status and shall be eligible for subsequent renewal. A student who receives a probationary award and fails to earn a minimum cumulative grade point average of 2.0 at the end of the probationary period shall be suspended from renewing his award for a period of 1 academic year following his probationary period. Any student who loses eligibility based on his failure to maintain a minimum of a 2.0 cumulative grade point average may reapply for financial aid during an application period subsequent to the suspension period, provided that he has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

3. A student who fails to earn the minimum number of credit hours required for renewal pursuant to this paragraph shall not be eligible to renew his financial aid award for a period equal to 1 academic year; however, he may reapply for financial aid during a subsequent application period, provided that he has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

~~(b) As a condition for renewal of a financial aid award, a student must have earned a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.~~

(3) *Undergraduate students shall be eligible to receive financial aid for a maximum of 8 semesters or 12 quarters; however, students participating in college preparatory instruction, students requiring additional time to complete the college-level communication and computation skills testing programs, or students enrolled in a 5-year undergraduate degree program shall be eligible to receive financial aid for a maximum of 10 semesters or 15 quarters.* ~~Institutional policies shall allow students participating in college preparatory instruction or requiring additional time to complete the college-level communication and computation skills testing programs to continue to receive financial aid during enrollment in such instruction. Such students shall be eligible to receive financial aid for a maximum of 10 semesters or 15 quarters.~~

Section 40. Paragraphs (a) and (c) of subsection (2) and subsections (1), (4), (5), and (6) of section 240.4062, Florida Statutes, are amended to read:

240.4062 *Critical Teacher Shortage Scholarship Loan Program* ~~Teacher scholarship loan programs.—~~

(1) *A* scholarship loan *program* ~~programs~~ shall be established and implemented for the purpose of attracting capable and promising students to the teaching profession in areas of projected or critical teacher shortage. The State Board of Education shall adopt rules necessary to implement the programs and shall annually identify critical teacher shortage areas, if any.

(2) To be eligible, a candidate shall:

(a) Be a full-time student at the upper division or higher level in a teacher training program approved by the department pursuant to s. 240.529 leading to certification in a critical teacher shortage area. *In the event that areas of critical teacher shortage are changed by the State Board of Education, a student shall be eligible for an award as long as he continues in the teacher education program for which the initial award was made and he meets all other conditions of eligibility.*

(c) *Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.* ~~Have a record of high performance in the area of certification being sought.~~

(4) A scholarship loan must be paid back within 10 years of completion of a program of studies.

(a) Credit for repayment of a scholarship loan shall be *for a maximum of $4,000 plus applicable accrued interest for each full year of eligible teaching service.* ~~as follows:~~

~~1. Twenty-five percent of the loan principal and accrued interest shall be retired after the first year of teaching;~~

~~2. One-third of the loan principal and accrued interest shall be retired after the second year of teaching;~~

~~3. Fifty percent of the loan principal and accrued interest shall be retired after the third year of teaching; and~~

~~4. The remaining loan principal and accrued interest shall be retired after the fourth year of teaching.~~

However, *full* credit for ~~fifty percent of~~ the loan principal and accrued interest shall be *given* ~~retired~~ after the first year of teaching ~~and the remainder of the principal and accrued interest shall be retired after the second year of teaching~~ if the recipient teaches at a high-density, low-economic urban school or at a low-density, low-economic rural school, as identified by the state board.

(b) Any person who fails to ~~complete an appropriate program of studies or who fails to~~ teach in a public school or developmental research school in this state as specified in this subsection is responsible for repaying the loan plus interest at prevailing rates. Repayment schedules and applicable interest rates shall be determined by rules of the State Board of Education.

~~(5) For the first 2 years of a program, at least 50 percent of the scholarship loans shall be awarded in the areas of mathematics and science. The remaining funds shall be available for other critical teacher shortage areas.~~

(5)~~(6)~~ This section shall be implemented ~~in the 1983-1984 school year and thereafter only to the extent~~ as specifically funded and authorized by law.

Section 41. Subsections (4) and (5) of section 240.4064, Florida Statutes, are amended to read:

240.4064 Critical teacher shortage tuition reimbursement program.—

~~(4) For the first 2 years of the program, at least 50 percent of all tuition reimbursements shall be in the areas of mathematics and science. The remaining funds shall be allocated to persons teaching out-of-field in other critical teacher shortage areas and to persons who teach, or who are expected to teach, at least 50 percent of the day in other critical teacher shortage areas.~~

(4)~~(5)~~ This section shall be implemented ~~in the 1983-1984 school year and thereafter only to the extent~~ as specifically funded and authorized by law.

Section 42. Subsections (5) and (7) of section 240.4066, Florida Statutes, are amended, paragraph (e) is added to subsection (3), and paragraphs (b), (c), and (d) of said subsection are amended, to read:

240.4066 Masters' Fellowship Loan Program for Teachers.—

(3) To be eligible, a candidate shall:

(b) Have maintained an undergraduate grade point average of at least 3.0 on a 4.0 scale or the equivalent in his major subject area of study *or* ~~and~~ have attained a Graduate Record Examination score of 1000 or above;

(c) Have declared an intention to teach in public schools of Florida for 3 years in a critical teacher shortage *area* ~~location~~ identified by the State Board of Education; ~~and~~

(d) Be a candidate for admission to a Masters' Program for Teachers based on criteria adopted by the State Board of Education*; and*~~.~~

(e) Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

(5) After the candidate has successfully completed a master's degree, the Department of Education shall provide temporary certification to the candidate, and, after the candidate has completed a successful first year of teaching in the Beginning Teacher Program, the department *may* ~~shall~~ provide professional certification to the candidate.

(7) Fellowship recipients shall complete 3 years of public school service within 5 years after graduation from the program. Any person who fails to complete ~~the training program or~~ the required teaching service shall be responsible for repaying the fellowship loan plus interest at prevailing rates. Repayment schedules and applicable interest rates shall be fixed by rules of the State Board of Education.

Section 43. Paragraphs (a) and (c) of subsection (1) and subsections (4) and (5) of section 240.408, Florida Statutes, are amended to read:

240.408 Challenger Astronauts Memorial *Undergraduate* Scholarship Program.—

(1) There is created a Challenger Astronauts Memorial *Undergraduate* Scholarship Program to be administered by the Department of Education. Eligibility for scholarships awarded pursuant to this section shall be limited to students who:

(a) *Meet the general requirements for student eligibility as provided in s. 240.404.* ~~Have been bona fide residents of this state for the 2 years preceding receipt of the award.~~

(c) Attend on a full-time basis a state university or community college authorized by Florida law *or any independent nonprofit college or university which is located in and chartered by the state and which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.*

(4) A recipient shall maintain the equivalent of a 2.0 cumulative grade point average on a 4.0 scale, or shall maintain an approved equivalent student progress evaluation plan, on at least 12 hours per semester, in order to be eligible for continuation of the award. No student may receive a Challenger Astronauts Memorial *Undergraduate* Scholarship for more than the equivalent of 8 semesters, *except as otherwise provided in s. 240.404.* The award may be renewed annually upon documentation by the recipient that he meets the necessary qualifications. If a recipient transfers to another authorized postsecondary institution, his award shall be transferable, provided he is otherwise eligible for the award.

(5) There is created the Challenger Astronauts Memorial *Undergraduate* Scholarship Trust Fund. The Comptroller shall authorize expenditures from this fund upon receipt of vouchers approved by the Department of Education. Any balance therein at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this program.

Section 44. Section 240.409, Florida Statutes, is amended to read:

240.409 State Student Assistance Grant Fund; eligibility for grants.—

(1) There is hereby created a State Student Assistance Grant Fund to be administered by the Department of Education in accordance with rules of the state board.

(2)(a) *State* student assistance grants from the fund may be made only to full-time students who *meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.* ~~have been bona fide residents of this state for the preceding 2 years. Provided, a renewal applicant who was in the program prior to June 30, 1978, shall be eligible for a renewal grant for the amount of demonstrated unmet need for educational expenses only, which grant may not exceed a total of $1,200 per academic year.~~ Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed a total of *$1,500* ~~$1,200~~ per academic year, *or an amount as specified in the General Appropriations Act,* to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a *state* student assistance grant. Recipients of such grants must have been accepted at a state university or community college authorized by Florida law~~, a nursing diploma school approved by the Florida Board of Nursing, or any Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation or any Florida institution the credits of which are acceptable for transfer to state universities~~. No student may receive an award for more than the equivalent of 8 semesters or 12 quarters in a period of not more than 6 consecutive years, except that students participating in college preparatory instruction, *students* ~~or~~ requiring additional time to complete the college-level communication and computation skills testing program, *or students enrolled in a 5-year undergraduate program may receive an award for a maximum of 10 semesters or 15 quarters* ~~shall continue to receive a state student assistance grant during enrollment in such instruction~~.

(b) A student applying for a state student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered by the department when conducting an assessment of the financial resources available to each student.

(c) The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, and such system shall include a certification of acceptability by the *state* ~~college,~~ university *or*~~,~~ community college~~, or nursing diploma school~~ of the applicant's choice and the use of a nationally recognized system of need analysis. Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs. A student who has received a grant before July 1, *1988* ~~1983~~, who applies for a renewal grant shall have his eligibility assessed on the same criteria used at the time of his original application~~; however, of the portion of the appropriated funds expended for new grant awards, no more than 50 percent of the funds may be expended for students attending public postsecondary institutions~~.

(3) Priority in the awarding of *state* student assistance grants *to first-time applicants* ~~for the first year~~ shall be given to entering first-year freshman students and then to community college transfer students. *Eligibility for grant renewal shall be limited to students who have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale and who have earned a minimum of 12 credit hours for the number of terms for which they received a grant.* ~~In any event, priority in the awarding of grants shall be given to those applicants who have demonstrated the most promise for academic success as evidenced by a standardized examination and their record of academic achievement. As a condition for renewal of a grant award, a student must earn a grade point average of at least 2.0 on a 4.0 scale for the previous term, maintain at least an overall 2.0 average for college work, or have an average below 2.0 for only the previous term and be eligible for continued enrollment in the institution.~~ Renewal grants shall take precedence over new awards in any year in which funds are not sufficient to meet the total need.

(4)(a) Each person awarded a *state* student assistance grant under the terms of this law is eligible, upon making satisfactory academic progress each year and upon compliance with eligibility requirements and rules of the state board, to have his *state* student assistance grant renewed from year to year. A grant renewal period may not exceed ~~nine quarters or the equivalent semesters or trimesters in a period not to exceed~~ 5 years or ~~until~~ graduation ~~or termination of full-time attendance~~, whichever comes earlier.

(b) In the event that a *state* student assistance grant recipient transfers from one *institution eligible under this section or s. 240.4095* ~~accredited Florida college, university, community college, or nursing diploma~~

~~school~~ to another, his *eligibility* ~~grant~~ shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly.

(5) Payment of *state* student assistance grants shall be transmitted to the president of the ~~college,~~ *state* university *or*~~,~~ community college~~, or nursing diploma school~~ which the recipient is attending, or to his representative, *on a term-by-term basis in advance of the registration period. Institutions shall certify to the department, within 60 days of the end of registration, the eligibility status of each awarded student and the amount of funds disbursed to each student. Undisbursed advances and other refunds due for students who terminate enrollment shall either be returned to the department or deducted from subsequent payments in accordance with rules of the state board. Advance payment of student assistance grants to an institution shall be contingent upon compliance with state board rules.* ~~Should any recipient terminate his enrollment for any reason during the academic year, the unused portion of the grant, as determined by rules of the state board, shall be refunded within 60 days to the department for the purposes of this section by the president of the Florida accredited college, university, community college, or nursing diploma school or by his representative.~~

(6) No student shall receive simultaneously a state student assistance grant provided pursuant to this section and any other form of student assistance grant provided pursuant to this chapter.

(7) Funds appropriated by the Legislature for state student assistance grants shall be deposited in the State Student Assistance Grant Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section.

(8) The State Board of Education shall adopt rules necessary to implement this section.

Section 45. Section 240.4095, Florida Statutes, is created to read:

240.4095 Florida Student Assistance Grant Fund; eligibility for grants.—

(1) There is hereby created a Florida Student Assistance Grant Fund to be administered by the Department of Education in accordance with rules of the state board.

(2)(a) Florida student assistance grants from the fund may be made only to full-time students who meet the general requirements for student eligibility as provided for in s. 240.404. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed a total of $1,500 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a student assistance grant. Recipients of such grants must have been accepted at a nursing diploma school approved by the Florida Board of Nursing, or any private Florida college, university, or community college which is accredited by a member of the Council on Postsecondary Accreditation and the credits of which are acceptable for transfer to state universities. No student may receive an award for more than the equivalent of 8 semesters or 12 quarters in a period of not more than 6 consecutive years. A student may be eligible to receive a Florida Student Assistance Grant for an additional semester or the equivalent for extenuating circumstances, with the approval of the Commissioner of Education. Students participating in college preparatory instruction, students requiring additional time to complete the college-level communication and computation skills testing program, or students enrolled in a 5-year undergraduate program, may receive the award for a maximum of 10 semesters or 15 quarters.

(b) A student applying for a Florida student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered by the department when conducting an assessment of the financial resources available to each student.

(c) The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants, and such system shall include a certification of acceptability by the college, university, community college, or nursing diploma school of the applicant's choice and the use of a nationally recognized system of need analysis. Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, as determined pursuant to this subsection, taking into consideration the receipt of Pell Grants and student contributions to educational costs.

(3) Priority in the awarding of Florida student assistance grants to first-time applicants shall be given to entering first-year freshman students and then to community college transfer students. As a condition for renewal of a grant award, a student must meet the provisions of s. 240.404(1)(b). Renewal grants shall take precedence over new awards in any year in which funds are not sufficient to meet the total need.

(4)(a) Each person awarded a Florida student assistance grant under the terms of this law is eligible, upon making satisfactory academic progress each year and upon compliance with eligibility requirements and rules of the state board, to have his Florida student assistance grant renewed from year to year. A grant renewal period may not exceed 5 years or graduation, whichever comes earlier.

(b) In the event that a Florida student assistance grant recipient transfers from one accredited private Florida college, university, community college, or nursing diploma school to another, his grant shall be transferable upon approval of the department. When approved by the department, the amount of the unmet need shall be recalculated for the new institution and shall be adjusted accordingly. Students who receive funds under this section and who transfer to a state university or community college authorized by state law shall have their eligibility to receive an award pursuant to s. 240.409.

(5) Payment of Florida student assistance grants shall be transmitted to the president of the college, university, community college, or nursing diploma school which the recipient is attending or to his representative on a term-by-term basis in advance of the registration period. Institutions must certify to the department within 60 days after the end of the registration period, the eligibility status of each awarded student and the amount of funds disbursed to each student. Undisbursed advances and other refunds due for students who terminate enrollment for any reason during the academic year must either be returned to the department or offset against subsequent payments in accordance with rules of the State Board of Education. Advance payments of student assistance grants to an institution shall be contingent upon compliance with State Board of Education Rules.

(6) Funds appropriated by the Legislature for the program shall be deposited in the Florida Student Assistance Grant Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust at the end of any fiscal year shall remain therein and shall be available for carrying out the purposes of the fund and as otherwise provided by law.

(7) The State Board of Education shall establish rules necessary to administer this program.

Section 46. Paragraph (a) of subsection (5) and subsection (6) of section 240.412, Florida Statutes, are amended to read:

240.412 Jose Marti Scholarship Challenge Grant Fund.—

(5)(a) In order to be eligible to receive a scholarship pursuant to this section, an applicant shall:

1. Be a Hispanic American, or a person of Spanish culture with origins in Mexico, South America, Central America, or the Caribbean, regardless of race.

2. Be a citizen of the United States and *meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section* ~~have been a resident of the state for other than educational purposes for the preceding 2 years~~.

3. Be accepted at a state university or community college or any Florida college or university accredited by a member of the Council on Postsecondary Accreditation the credits of which are acceptable without qualification for transfer to state universities.

4. Enroll as a full-time undergraduate or graduate student.

5. Earn a 3.0 *unweighted* grade point average on a 4.0 scale, or the equivalent for high school subjects creditable toward a diploma. If an applicant applies as a graduate student, he shall have earned a 3.0 cumulative grade point average for undergraduate college-level courses.

(6) The annual scholarship to each recipient shall be $2,000. Priority in the distribution of scholarships shall be given to students with the lowest total family resources. Renewal scholarships shall take precedence over new awards in any year in which funds are not sufficient to meet the total need. No undergraduate student shall receive an award for more than the equivalent of 8 semesters or 12 quarters over a period of no more than 6 consecutive years, except that students participating in college preparatory instruction, *students* ~~or~~ requiring additional time to complete the college-level communication and computation skills testing program, *or students enrolled in a 5-year undergraduate program may receive an award for a maximum of 10 semesters or 15 quarters* ~~shall continue to receive a scholarship during enrollment in such instruction.~~ No graduate student shall receive an award for more than the equivalent of 4 semesters or 6 quarters.

Section 47. Paragraphs (c) and (d) of subsection (2) of section 240.413, Florida Statutes, are amended, and paragraph (e) is added to said subsection, to read:

240.413 Seminole and Miccosukee Indian Scholarships.—

(2) Scholarships shall be awarded by the department to students who:

(c) Are enrolled as either full-time or part-time undergraduate or graduate students and make satisfactory academic progress as defined by the college or university; ~~and~~

(d) Have been recommended by the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida*; and*~~.~~

(e) Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section.

Section 48. Subsection (2) of section 240.414, Florida Statutes, is amended to read:

240.414 Latin American and Caribbean Basin Scholarship Program.—

(2) The institutions that are eligible to participate in the scholarship program include the state universities and community colleges authorized by Florida law and any independent institutions eligible to participate in the state tuition voucher program pursuant to s. *240.605(2)* ~~240.401~~. No college or university may receive more than 25 percent of the funds appropriated in any year. Institutions and the appropriate administrative agency shall seek matching funds from private businesses, public foundations, and other agencies.

Section 49. Paragraph (c) of subsection (3) of section 240.421, Florida Statutes, is amended to read:

240.421 Florida Council of Student Financial Aid Advisors.—

(3) The council shall:

(c) Meet at least 3 times annually with the Commissioner of Education *or his designee.*

Section 50. Subsections (4) and (13), the introductory paragraph of subsection (5), and paragraph (d) of subsection (6) of section 240.551, Florida Statutes, are amended, and subsection (14) is added to said section, to read:

240.551 Florida Prepaid Postsecondary Education Expense Program.—

(4) There is created *within the State Treasury* the Prepaid Postsecondary Education Expense Trust Fund. The fund shall consist of state appropriations, moneys acquired from other governmental or private sources, and moneys remitted in accordance with advance payment contracts. All funds deposited into the trust fund may be invested pursuant to s. 215.47; however, such investment shall not be mandatory. Interest, *dividends, and gains* ~~income~~ accruing to the trust fund shall increase the total funds available for the program. Any balance contained within the fund at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of the program. In the event that interest, *dividends, and gains exceed* ~~income exceeds~~ the amount necessary for program administration and disbursements, the board may designate an additional percentage of the fund to serve as a contingency fund. Moneys contained within the fund shall be exempt from the investment requirements of s. 18.10.

(5) The Florida Prepaid Postsecondary Education Expense Program shall be administered by the Prepaid Postsecondary Education Expense Board *as an agency of the state.* The Prepaid Postsecondary Education Expense Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. *For the purposes of s. 6, Art. IV of the State Constitution,* the board shall be assigned to and administratively housed within the Division of Treasury of the Department of Insurance, but it shall independently exercise the powers and duties specified in this section. The board shall consist of seven members to be composed of the Insurance Commissioner and Treasurer, Comptroller, Chancellor of the Board of Regents, Executive Director of the State Board of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve the board on behalf of the member; however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years, except that in making the initial appointments, the Governor shall appoint one member to serve for 1 year, one member to serve for 2 years, and one member to serve for 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation, but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(6)

(d) An advance payment contract may provide that contracts which have not been terminated or the benefits exercised within a specified period of time shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified pursuant to this paragraph. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this paragraph shall be entitled to a refund. The board shall retain any moneys paid by the purchaser for an advance payment contract terminated in accordance with this paragraph. *Moneys retained by the board pursuant to this paragraph shall be exempt from the provisions of s. 717.123.*

(13) In the event that the state determines the program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled or is within one year of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he has contracted. All other contract holders shall be refunded pursuant to subparagraph (6)(a)7.; *in addition, there is hereby allocated an additional amount in the nature of interest at a* ~~however, such refunds shall include an interest~~ rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(14) The expenditures, disbursements, and refunds which the board is authorized to make from the fund, and the payments authorized pursuant to subsection (9), shall be deemed to be appropriations of moneys approved and authorized by the Legislature, provided such expenditures, disbursements, and refunds are in compliance with law.

Section 51. Subsection (2) and paragraph (a) of subsection (4) of section 240.60, Florida Statutes, are amended to read:

240.60 College career work experience program.—

(2)*(a) No more than 25 percent of the program expenditures of a participating institution shall be disbursed for student employment within the institution.* ~~A participating institution may not expend funds provided pursuant to this section for student employment within the institution.~~

(b) No more than 10 percent of the program expenditures for a participating institution shall be expended for program administration.

(4) The Department of Education shall report to the State Board of Education and the Legislature on or before February 15, 1988, and biennially thereafter, on the effectiveness of the college career work experience program. Such report shall include, but is not limited to:

(a) An analysis of the current participation of state agencies, *state universities,* and *public* community colleges in the program.

Section 52. Subsection (1) of section 240.601, Florida Statutes, is amended to read:

240.601 Work experience program; eligibility.—

(1) A student is eligible to participate in the college career work experience program if:

(a) He is enrolled at an eligible college or university as no less than a half-time undergraduate student in good standing, as defined by the college or university; however, a student may *be* ~~remain~~ employed during the break between two consecutive terms. A student may also *be* ~~remain~~ employed, although not enrolled, during the summer term if he preregisters as no less than a half-time student for the subsequent academic term; a student who attends an institution that does not provide preregistration shall provide documentation of intent to enroll as no less than a half-time student for the subsequent academic term;

(b) He *meets the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section* ~~has been a resident of the state continuously for the 2 years immediately preceding his application for participation in the program and is not a resident of another state~~; and

(c) He demonstrates financial need, as *determined by a nationally recognized system of need analysis* ~~defined by the college or university~~.

Section 53. Subsection (3) and paragraph (a) of subsection (4) of section 240.604, Florida Statutes, are amended to read:

240.604 Public school work experience program.—

(3) Each participating university or community college may use up to 10 percent of its expenditures of funds provided pursuant to this section to train and supervise student mentors. *Each participating university or community college may disburse an additional 10 percent of its expenditures of funds provided pursuant to this section for program administration.*

(4)(a) To be eligible to participate in the public school work experience program, a student must:

1. Be enrolled at an eligible institution as no less than a half-time undergraduate student and be in good standing as defined by the institution; however, a student may *be* ~~remain~~ employed during the break between two consecutive terms. A student may also *be* ~~remain~~ employed, although not enrolled, during the summer term if he preregisters as no less than a half-time student for the subsequent academic term; a student who attends an institution that does not provide preregistration shall provide documentation of intent to enroll as no less than a half-time student for the subsequent academic term;

2. *Meet the general requirements for student eligibility as provided in s. 240.404, except as otherwise provided in this section;* ~~Have been a resident of the state continuously for the 2 years immediately preceding application and not be a resident of another state;~~

3. Have completed at least 15 semester hours of coursework for academic credit; and

4. *Attain a minimum cumulative grade point average of 2.0 on a 4.0 scale.* ~~Demonstrate financial need and academic merit as defined by the institution.~~

Section 54. Section 240.401, Florida Statutes, is renumbered as section 240.605, Florida Statutes, and amended to read:

240.605 ~~240.401~~ State tuition vouchers.—

(1) There is created the State Tuition Voucher Fund to be administered by the Department of Education. The State Board of Education shall adopt rules for the administration of such fund.

(2) The department shall issue from the fund a tuition voucher to any full-time *degree-seeking* undergraduate student registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by *the Commission on Colleges of the Southern Association of Colleges and Schools* ~~an agency holding membership in the Council on Postsecondary Accreditation~~; which grants baccalaureate~~, associate in arts, or associate in science~~ degrees ~~and whose credits are acceptable without qualification for transfer to state universities~~; and which is not a state university or state community college or a pervasively sectarian institution. *Any independent college or university that was eligible to receive tuition vouchers on January 1, 1988, and which continues to meet the criteria under which its eligibility was established, shall remain eligible to receive tuition voucher payments.*

(3) A person is eligible to receive such tuition voucher if:

(a) *He meets the general requirements, including residency, for student eligibility as provided in s. 240.404, except as otherwise provided in this section* ~~He has continuously been a resident of the state for other than educational purposes for the 2 years immediately preceding the award of the tuition voucher~~; *and*

(b)1. He *enrolls* ~~is enrolled~~ as a full-time undergraduate student at an eligible college or university; *and*

2. He *has* ~~is~~ not enrolled in a program of study leading to a degree in theology or divinity.~~; and~~

~~3. He is making satisfactory academic progress as defined by the college or university in which he is enrolled; and~~

Eligibility for voucher renewal shall be limited to students who have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale and who have earned a minimum of 12 credit hours for the number of terms for which they received a voucher.

~~(c) As a condition for renewal of a tuition voucher, he has earned a grade point average of at least 2.0 on a 4.0 scale for the previous term, has earned at least an overall 2.0 average for college work, or has an average below 2.0 for only the previous term and is eligible for continued enrollment in the institution.~~

(4)(a) The amount of the tuition voucher issued to a full-time student shall be *no less than $1,100 and* no more than *$2,000* ~~$1,000~~ per academic year or as specified in the General Appropriations Act. ~~If the ratio between student tuition and general revenue appropriations at Florida's community colleges and state universities declines for 3 consecutive years, consideration shall be given to increasing the voucher amount.~~ The tuition voucher shall be paid on a prorated basis at the beginning of each quarter, semester, or term. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Students shall not be eligible to receive the award for more than ~~4 years,~~ 8 semesters~~,~~ or 12 quarters.

(b) If the combined amount of the tuition voucher issued pursuant to this act and all other scholarships and grants for tuition or fees exceeds the amount charged to the student for tuition and fees, the department shall reduce the tuition voucher issued pursuant to this act by an amount equal to such excess.

Section 55. Section 240.609, Florida Statutes, is created to read:

240.609 Postsecondary endowment grants.—

(1) The Legislature finds and declares that accredited, baccalaureate-degree-granting independent nonprofit colleges and universities are an integral part of the higher education system in this state; that significant numbers of persons choose to utilize these institutions for obtaining higher education; that the burdens on public colleges and universities are lessened because of the students that choose to utilize these institutions for their higher education; that having a strong system of baccalaureate-degree-granting independent nonprofit colleges and universities will improve the educational, economic, and social well-being of the state; and that creation of a state program to provide matching endowment grants will improve the academic excellence of these institutions and enhance educational opportunities for Florida citizens, furthering the improvement of the overall educational system in the state.

(2) There is established the Florida Postsecondary Endowment Grants Trust Fund to be administered by the Department of Education. The trust fund shall be utilized to provide matching endowment grants to independent nonprofit colleges and universities in Florida that meet the requirements of this section. The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. All funds transferred to the trust fund, or retained in the trust fund, shall be invested in accordance with the provisions of chapter 215. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any

undisbursed balance remaining in the trust fund and any income from investments and interest shall be credited to the fund and shall increase the total funds available for such matching endowment grants.

(3) The matching endowment grants made available under this section shall be made available to any independent nonprofit college or university which:

(a) Is located in and chartered by the state.

(b) Is accredited by the Southern Association of Colleges and Schools.

(c) Grants baccalaureate degrees.

(d) Is not a state university or community college.

(e) Is not a pervasively sectarian institution.

(4)(a) The amounts appropriated to the trust fund shall be allocated by the Department of Education to each independent nonprofit college or university that meets the criteria of subsection (3) in the following manner:

1. Each such college or university that raises an endowment contribution of at least $50,000, but no more than $125,000, from private sources shall receive a matching endowment grant equal to 50 percent of the private contribution.

2. Each such college or university that raises an endowment contribution in excess of $125,000 from private sources shall receive a matching endowment grant of $125,000.

(b) The private sources may include combined contributions for a common purpose, but shall not include separate unrelated contributions. The state endowment matching grant shall be disbursed to the independent nonprofit college or university upon certification by the college or university to the department that it has received and deposited the proportionate amount specified in this subsection.

(c) No matching endowment grant shall be disbursed prior to collection of the total pledged contribution from the private source collected after July 1, 1988. A pledged contribution shall not encumber the matching endowment grant for an independent nonprofit college or university until the total contribution has been received, deposited in the appropriate amount, and certified to the department.

(5) By July 1 of each year, each independent nonprofit college or university that desires to participate in the program shall certify to the department its eligibility. The department, upon receipt and acceptance of such certifications, shall reserve the appropriate amount of the general revenue funds transferred to the trust fund for that fiscal year for each independent nonprofit college or university that is eligible to participate. For any independent nonprofit college or university that does not fully utilize its share of any unused amount in the reserved trust funds for any single fiscal year, shall be available in the subsequent fiscal year for matching by any eligible independent nonprofit college or university.

(6) Matching endowment grants made pursuant to this section to a qualified independent nonprofit college or university shall be placed in a separate restricted endowment by such institution. The interest or other income accruing from the endowment shall be expended exclusively for professorships, library resources, scientific and technical equipment, and nonathletic scholarships. Moreover, the funds in the endowment shall not be used for pervasively sectarian instruction, religious worship, or theology or divinity programs or resources. The records of the endowment shall be subject to review by the department and audit by the Auditor General. If any institution receiving a matching endowment grant pursuant to this section ceases operations and undergoes dissolution proceedings, then all funds received pursuant to this section from the state shall be returned.

(7) The department is authorized to promulgate rules necessary to implement the provisions of this section.

Section 56. Section 246.013, Florida Statutes, 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. *Effective October 1, 1991, any nonpublic postsecondary institution that is licensed pursuant to s. 246.215 and that is accredited by a member of the Council on Postsecondary Accreditation may also participate in such system.* Participating colleges *and postsecondary institutions* shall bear the costs associated with inclusion in the system *and shall meet the terms and conditions for institutional participation 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 *or postsecondary institution* shall record student transcripts or document courses offered by the college *or postsecondary institution* in accordance with this section unless the college *or postsecondary institution* is actually participating in the system pursuant to rules of the State Board of Education. Any college *or postsecondary institution* deemed to be in violation of this section shall be subject to the provisions of s. 246.111 *or s. 246.228, respectively.*

(3) The State Board of Education may adopt rules to implement the provisions of this section.

Section 57. Section 246.220, Florida Statutes, is amended to read:

246.220 Surety bonds, ~~or~~ insurance, *or escrow accounts.—Effective January 1, 1989,* surety bonds, ~~or~~ insurance, *or escrow accounts* shall ~~not~~ be required of any school licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools~~, except as may be required by the board~~ to insure the train-out of projected or currently enrolled students or issuance of refunds to projected or currently enrolled students *and the conveyance of all student records to such board or another location designated by the board pursuant to s. 246.217.*

Section 58. Section 295.01, Florida Statutes, is amended to read:

295.01 Children of deceased or disabled veterans; education.—

(1) It is hereby declared to be the policy of the state to provide educational opportunity, *in a Florida public postsecondary institution,* at state expense for dependent children either of whose parents was a resident of the state at the time such parent entered the Armed Forces and:

(a) Died in that service or from injuries sustained or disease contracted during a period of wartime service as defined in s. 1.01(15) or has died since or may hereafter die from diseases or disability resulting from such war service, or

(b) Has been:

1. Determined by the Veterans Administration to have a service-connected 100-percent total and permanent disability rating for compensation,

2. Determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, or

3. Issued a valid identification card by the Division of Veterans' Affairs of the Department of Administration in accordance with the provisions of s. 295.17,

when the parents of such children have been bona fide residents of the state for 5 years next preceding their application for the benefits hereof, and subject to the rules, restrictions, and limitations hereof.

(2) The provisions of ss. 295.03, 295.04, ~~and~~ 295.05, *and 240.404* shall apply.

Section 59. Section 295.015, Florida Statutes, is amended to read:

295.015 Children of prisoners of war and persons missing in action; education.—

(1) It is hereby declared to be the policy of the state to provide educational opportunity, *in a Florida public postsecondary institution,* at state expense for dependent children either of whose parents became classified as prisoners of war or missing in action in the service of the

Armed Forces of the United States during the Korean Conflict or during the Vietnam Era, as defined in s. 1.01(15), or civilian personnel captured while serving with the consent or authorization of the United States Government. Such educational opportunity shall be provided until such time as the parent so classified is returned alive or his remains are recovered; provided that, in order to be eligible, the parents of such children must have been bona fide residents of the state for 5 years next preceding their application for the benefits hereof and must be permanent residents of the state on the effective date of this act.

(2) The provisions of ss. 295.03, 295.04, ~~and~~ 295.05, *and 240.404* shall apply.

Section 60. Section 295.016, Florida Statutes, is amended to read:

295.016 Children of servicemen who died or became disabled in Operation Eagle Claw.—

(1) It is hereby declared to be a policy of the state to provide educational opportunity, *in a Florida public postsecondary institution,* at state expense for the dependent children of any serviceman who died or suffered a service-connected 100-percent total and permanent disability rating for compensation as determined by the Veterans Administration, or who has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, in the Iranian rescue mission known as Operation Eagle Claw, which serviceman was residing in the state on April 25, 1980. A certified copy of a death certificate, a valid identification card issued by the Division of Veterans' Affairs of the Department of Administration in accordance with the provisions of s. 295.17, a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the Veterans Administration, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Services shall be prima facie evidence of the fact that the dependent children of the serviceman are eligible for such benefits.

(2) The provisions of ss. 295.03, 295.04, ~~and~~ 295.05, *and 240.404* shall apply.

Section 61. Section 295.017, Florida Statutes, is amended to read:

295.017 Children of servicemen who died or became disabled in the Lebanon and Grenada military arenas; educational opportunity.—

(1) It is hereby declared to be the policy of the state to provide educational opportunity, *in a Florida public postsecondary institution,* at state expense for the dependent children of any serviceman who died or suffered a service-connected 100-percent total and permanent disability rating for compensation as determined by the Veterans Administration, or who has been determined to have a service-connected total and permanent disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services, while participating in a Multinational Peace Keeping Force in Lebanon during the period from September 17, 1982, through February 3, 1984, inclusive, or as a participant in Operation Urgent Fury in Grenada during the period from October 23, 1983, through November 2, 1983, inclusive, which serviceman was residing in the state during those periods of military action. A certified copy of a death certificate, a valid identification card issued in accordance with the provisions of s. 295.17, a letter certifying the service-connected 100-percent total and permanent disability rating for compensation from the Veterans Administration, or a letter certifying the service-connected total and permanent disability rating of 100 percent for retirement pay from any branch of the United States Armed Services shall be prima facie evidence of the fact that the dependent children of the serviceman are eligible for such benefits.

(2) The provisions of ss. 295.03, 295.04, ~~and~~ 295.05, *and 204.404* shall apply.

Section 62. Section 295.018, Florida Statutes, is amended to read:

295.018 Children of servicemen who died in Newfoundland air tragedy; educational opportunity.—

(1) It is hereby declared to be the policy of the state to provide educational opportunity, *in a Florida public postsecondary institution,* at state expense for the dependent children of those servicemen killed in the crash of a military transport airplane in Gander, Newfoundland, on December 12, 1985, while returning from Mideast peacekeeping duties in the Sinai Desert, which servicemen entered the military service from this state. A certified copy of a death certificate shall be prima facie evidence of the fact that the dependent children of the servicemen are eligible for such benefits.

(2) The provisions of ss. 295.03, 295.04, ~~and~~ 295.05, *and 240.404* shall apply.

Section 63. Section 817.566, Florida Statutes, is created to read:

817.566 Misrepresentation of association with, or academic standing at, an institution of higher education or community college.—Any person who misrepresents his association with, or academic standing or other progress at, an institution of higher education or community college by falsely making, altering, simulating, or forging a document, degree, award, letter, transcript, form, or other paper, or any person who causes or procures such a misrepresentation, or any person who utters and publishes or otherwise represents such a document, degree, award, record, letter, transcript, form, or other paper as true, knowing it to be false, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 64. *The Postsecondary Education Planning Commission shall conduct a study of proprietary education in Florida. Such study shall be conveyed to the Speaker of the House of Representatives and the President of the Senate on or before March 1, 1989. The study shall include, but not be limited to, the following:*

(1) An identification of the appropriate state role in licensing proprietary educational institutions, including a national comparison of state licensing or accrediting requirements.

(2) An identification of appropriate means for establishing program standards for proprietary educational institutions, including a comparison of the program standards required by such accrediting agencies as the Occupational Commission of the Southern Association of Colleges and Schools, the National Association of Trade and Technical Schools, the Association of Independent Colleges and Schools, and the Accrediting Bureau of Health Education Schools to current state-level program standards for vocational programs conducted within community colleges and public vocational-technical centers.

(3) A delineation of the degrees, diplomas, and certificates conferred by proprietary educational institutions and a proposed definition for each such document.

(4) An identification of the data currently collected regarding proprietary educational institutions, as well as a delineation of additional data, if any, that might be collected and the additional resources required to collect such data.

(5) A delineation of the human and nonhuman resources required to implement the commission's findings regarding proprietary education.

Section 65. *The State Board of Education shall adopt rules to improve reports to the Department of Education regarding the completion and placement of students in vocational programs. Such rules shall address uniform methods of identifying and reporting vocational student completion, and may identify conditions under which a student may be a completer for purposes of follow-up even though he has omitted certain courses in a vocational program. For vocational programs which few students complete, the state board shall determine the minimum number of completers required for calculation of the placement status required in s. 229.551(3)(g), F.S., designate procedures for delaying the application of the placement standard until the program has completers, and identify methods of reviewing and improving programs which few students complete. Such methods may include penalties for failure to identify and report vocational program completers for follow-up. The state board may recommend common methods of defining placement in employment related to the field of vocational training, and other rules that the state board deems necessary.*

Section 66. *The State Board of Education shall review the current statewide student assessment programs, including, but not limited to, the statewide student assessment tests and achievement tests conducted in the public schools, college entry-level tests, and the college-level communication and computation skills examination. The department shall submit a report to the President of the Senate and the Speaker of the House of Representatives on or before March 1, 1989. The report shall incorporate, at a minimum, the following elements:*

(1) A determination of the congruence between the level of skills tested through each examination and the level of skills expected of the student population being examined.

(2) A determination of whether the respective examinations are supportive or duplicative of one another.

(3) A determination of the degree to which the respective examinations form an integrated assessment system.

(4) An identification of alternatives to the current testing program that might more accurately reflect student educational achievement.

(5) An identification of recommendations for improving the statewide student assessment program.

Section 67. *Each state university that receives a loan for dormitory renovations and repairs pursuant to section 7(1)(c) of chapter 80-414, Laws of Florida, may elect, as an alternative repayment plan, to repay the loan from capital improvement fees. Pursuant to such a repayment plan, the loan amount may be considered as the first lien on the university's share of capital improvement fees from the date of loan approval. Interest, at the rate provided in chapter 80-414, Laws of Florida, shall apply to the loan amount outstanding upon project completion. Any entitlement balance previously withheld in connection with loans authorized by law may be applied to the satisfaction of the loan obligation.*

Section 68. *Section 240.1163, Florida Statutes, as created by chapter 87-212, Laws of Florida, and subsection (2) of section 240.321, Florida Statutes, are hereby repealed.*

Section 69. Subsection (6) is added to section 240.107, Florida Statutes, to read:

240.107 College-level communication and computation skills examination.—

(6) Students who do not successfully complete the college-level communication and computation skills examination during the first administration of the examination shall be allowed additional time to complete the section or sections of the examination that are required for passage during subsequent administrations of the examination. The Board of Regents and the State Board of Community Colleges, respectively, shall develop guidelines through which constituent institutions may implement the provisions of this subsection. Each state university shall submit a plan to the Board of Regents and each community college shall submit a plan to the State Board of Community Colleges that provides additional time for students to complete examination sections required for passage during subsequent administrations of the examination. The boards shall approve any plan that complies with the guidelines established pursuant to this subsection.

Section 70. *The Florida Sunrise Forum Council.—*

(1) The Legislature finds that the public interest of Florida will be served by the creation of a Sunrise Forum Council which will provide statewide, regional, and local forums to generate a common vision for Florida and a sense of community, help build a civic infrastructure, and:

(a) Provide for the study and deliberation of trends and conditions relating to the future of Florida and its place in the world.

(b) Provide different forums and educational activities for citizens, students, business leaders, and policymakers to discuss and array creative solutions to emerging problems in Florida.

(c) Involve citizens and inform them, through a series of educational functions, of the changing conditions and issues that are far reaching and have long-term impacts on their quality of life and the business climate of Florida.

(d) Advise, monitor, and utilize foresight efforts being conducted within state government and the private sector, and assist in the communication of the products of such efforts.

(e) Promote the institutionalization of a strategic research capacity in Florida, to attract the finest minds available, and to conduct or cause to be conducted such studies which may be deemed necessary for the health, safety, and welfare of the citizens and future generations of this state.

(f) Pursue efforts to generate donations and grants to assist with the goals of the organization.

(2) For the purpose of this section, the term "council" means the Sunrise Forum Council.

(3) The Sunrise Forum Council, which may organize as a not-for-profit corporation, subject to approval by the Commissioner of Education, is created for the purpose of planning, coordinating, assisting in, and performing educational functions and directing activities for carrying out the intent of this section. The council shall be assigned to the Department of Education for administrative purposes only.

(4) The council shall be composed of 32 members consisting of:

(a) Eight members appointed by the Governor.

(b) Eight members appointed by the Commissioner of Education.

(c) Eight members appointed by the President of the Senate.

(d) Eight members appointed by the Speaker of the House of Representatives.

(5) The Governor, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives shall solicit nominations from leading business and industry organizations and public and private interest organizations which are involved in issues of growth, cultural development, and the economic future of the state.

(6)(a) The term of each appointed council member shall be 3 years, with initial terms to be staggered, and any vacancy shall be filled by appointment by the person who had appointment jurisdiction of the vacated member. Members shall be limited to two terms. The council membership shall annually elect a chairman and vice chairman, who shall be limited to two successive terms.

(b) The first meeting of the council shall be held September 15, 1988, or within 5 days thereafter. The council shall adopt internal organizational procedures or bylaws necessary for the efficient operation of the council. The members and staff shall be entitled to reimbursement for per diem and traveling expenses pursuant to s. 112.061, Florida Statutes, unless otherwise provided for by approved grants or awards.

(c) Any member of the council absent from all meetings of the council for 6 consecutive months shall be deemed to have automatically resigned from the council and shall be replaced as provided in paragraph (a). Nothing shall preclude the reappointment of a member who has automatically resigned.

(7) The director of the council shall be appointed by the council upon recommendation by the Commissioner of Education. The director shall be the chief administrative and operational officer of the council and shall direct and supervise administrative affairs and the general management of the council.

(a) The director of the council may contract with or employ legal and technical experts and such other permanent and temporary employees as shall be authorized by the council and approved by the Commissioner of Education.

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

(8) The council officers shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this section, including, but not limited to, the power to:

(a) Adopt bylaws for the regulation of its affairs and the conduct of its business and rules.

(b) Select the director and staff, upon recommendation of the Commissioner of Education.

(c) Accept grants, donations, federal grants, and state and local funding.

(d) Copyright selected products of the council.

(e) Upon approval by the Commissioner of Education, enter into agreements or other transactions with any federal, state, or local agency.

(f) Provide for an independent annual audit.

(9) The council shall have the power and duty to:

(a) Meet at least four times a year.

(b) Carry out educational and research functions through grants and purchase of services, which include, but are not limited to, conferences, seminars, workshops, two-way interactive electronic forums, media productions, satellite conferencing, teleconferencing, and the distribution of approved information and reports about selected issues and trends that are important to the future of Florida.

(c) Design and undertake grant solicitation and approval and distribution of grant awards which would provide forums for public school students to discuss trends and issues for the future and provide for local, regional, or state forums to be undertaken by a variety of public and private organizations involved in joint or independently approved projects.

(d) Provide matching grants to counties and municipalities to establish Visions 2000 Committees, as authorized by chapter 86-221, Laws of Florida.

(e) Structure and provide for business and industry and academic fellowships which would involve mid-level management personnel in business and industry, instructional personnel, or graduate students in postsecondary education institutions, to provide support for the work of the council.

(f) Prepare and distribute an annual report to the Executive Office of the Governor, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives, with limited distribution to interested parties.

(10) There is hereby created the Florida Educational Forum Trust Fund in which donations and grant funds may be deposited, and from which moneys may be drawn for carrying out the provisions of this section. Notwithstanding the provisions of s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, interest accrued shall remain in the trust fund. The council shall comply with all applicable laws relating to the investment of moneys contained within the trust fund.

(11) This section is repealed effective July 1, 1993, and shall be reviewed by the Legislature prior to such date.

Section 71. *There is hereby appropriated from the General Revenue Fund to the Department of Education the sum of $300,000 for the purpose of implementing the Florida Sunrise Forum Council.*

Section 72. *The Florida Sunrise Forum Council may organize and establish a direct-support organization in order to carry out the duties of the council.*

(1) DEFINITIONS.—For the purposes of this section, the term:

(a) "Sunrise Forum Council direct-support organization" means an organization:

1. Which is a corporation not for profit that is incorporated under the provisions of chapter 617, Florida Statutes, and approved by the Department of State;

2. Which is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public education efforts relating to long-term issues and trends in this state; and

3. Which the Commissioner of Education, after review, has certified to be operating in a manner consistent with the best interest of the Department of Education.

(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.

(2) USE OF PROPERTY.—The Sunrise Forum Council:

(a) Is authorized to permit the use of property, facilities, and personal services of the council by the direct-support organization, subject to the provisions of this section.

(b) Is authorized to prescribe by rule any condition with which the direct-support organization must comply in order to use property, facilities, or personal services of the Sunrise Forum Council.

(c) Shall not permit the use of property, facilities, or personal services of the direct-support organization if such organization does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(3) BOARD OF DIRECTORS.—The board of directors of the Sunrise Forum Council direct-support organization shall be appointed by the Council and shall include representation from business, industry, and other components of Florida's economy.

(4) ANNUAL AUDIT.—The direct-support organization shall make provision for an annual postaudit of its financial accounts to be conducted by an independent, certified public accountant in accordance with rules to be adopted by the State Board of Education. The annual audit report shall be submitted to the Auditor General and the State Board of Education for review. The State Board of Education and the Auditor General have the authority to require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors is exempt from the provisions of chapter 119, Florida Statutes, and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119, Florida Statutes.

Section 73. Subsection (2) of section 112.24, Florida Statutes, is amended to read:

112.24 Intergovernmental transfer and interchange of public employees.—To encourage economical and effective utilization of public employees in this state, the temporary assignment of employees among agencies of government, both state and local, and including school districts and public institutions of higher education is authorized under terms and conditions set forth in this section. State agencies, municipalities, and political subdivisions are authorized to enter into employee interchange agreements with the Federal Government, with another state, with another municipality or political subdivision including a school district, or with a public institution of higher education. State agencies are also authorized to enter into employee interchange agreements with private institutions of higher education and other nonprofit organizations under the terms and conditions provided in this section. In addition, the Governor or the Governor and Cabinet may enter into employee interchange agreements with the Federal Government, with another state, with a municipality or political subdivision including a school district, or with a public institution of higher learning to fill, subject to the requirements of chapter 20, appointive offices which are within the executive branch of government and which are filled by appointment by the Governor or the Governor and Cabinet. Under no circumstances shall employee interchange agreements be utilized for the purpose of assigning individuals to participate in political campaigns. Duties and responsibilities of interchange employees shall be limited to the mission and goals of the agencies of government.

(2) The period of an individual's assignment or detail under an employee interchange program *must* ~~shall~~ not exceed 2 years. Upon agreement of the sending party and the receiving party and under the same or modified terms, an assignment or detail of 2 years may be extended by 3 months, *except that agreements relating to faculty members of the State University System may be extended biennially upon approval by the Department of Administration.* If the appointing agency is the Governor or the Governor and Cabinet, the period of an individual's assignment or detail under an employee interchange program shall not exceed 2 years plus an extension of 3 months or the number of years left in the term of office of the Governor, whichever is less.

Section 74. *County constitutional officers are authorized to reimburse employees for educational expenses, subject to the following conditions:*

(1) The coursework must be designed to develop skills, knowledge, and abilities which would improve the performance of official duties and improve the quality of public services.

(2) An employee shall not be permitted to attend reimbursed courses in the State of Florida, including travel to and from the location where the course is taught, during the employee's assigned work hours, unless such time is covered by approved annual or compensatory leave or leave without pay.

(3) The reimbursement of educational expenses in no way obligates the officer to grant time off or leave for the taking or completion of such course or program of instruction.

(4) An employee shall not be permitted to utilize any space, personnel, equipment, or supplies of the office by which he is employed in the process of fulfilling any of the requirements imposed by the coursework for which he is being reimbursed.

(5) No employee shall be permitted to enroll for more than eight credits per term or semester.

(6) The limitations contained in subsections (1)-(5) shall not be construed to apply to any courses offered by or as a part of an educational program sponsored by any state agency for which the constitutional officer is obligated to perform duties prescribed by law, or any educational program conducted in furtherance of s. 195.002, Florida Statutes, if such limitation did not exist prior to the effective date of this act.

Section 75. Paragraph (c) of subsection (2) of section 230.645, Florida Statutes, 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:

(c) Students who are enrolled in *an employment and training program pursuant to s. 409.029* ~~citizenship instruction offered through community instructional services~~.

Section 76. Section 240.2601, Florida Statutes, is created to read:

240.2601 State University System Facility Enhancement Challenge Grant Program.—

(1) The Legislature recognizes that the State University System does not have sufficient physical facilities to meet the current demands of its instructional and research programs. It further recognizes that, to strengthen and enhance the State University System, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support, can assist in constructing much-needed facilities and strengthen the commitment of citizens and organizations in promoting excellence throughout the state universities. Therefore, it is the intent of the Legislature to establish a trust fund to provide the opportunity for each state university to receive and match challenge grants for instructional and research-related capital facilities within the university.

(2) There is hereby established the State University System Facility Enhancement Challenge Grant Program for the purpose of assisting the State University System build high priority instructional and research-related capital facilities. The associated foundations that serve the universities shall solicit gifts from private sources to provide matching funds for capital facilities. For the purposes of this act, private sources of funds shall not include any federal, state, or local government funds that a university may receive.

(3) There is established the Capital Facilities Matching Trust Fund for the purpose of providing matching funds from private contributions for the development of high priority instructional and research-related capital facilities in the State University System. The Legislature shall appropriate funds to be transferred to the trust fund. The Public Education Capital Outlay and Debt Service Trust Funds, Capital Improvement Trust Fund, Division of Sponsored Research Trust Fund, and Contracts and Grants Trust Fund shall not be used as the source of the state match for private contributions. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to that portion of the trust fund shall increase the total funds available for the challenge grant program. The Board of Regents shall administer the trust fund and all related construction activities.

(4) No project shall be initiated unless all private funds for planning, construction, and equipping the facility have been received and deposited in the trust fund, and the state's share for the minimum amount of funds needed to begin the project have been appropriated by the Legislature. The Legislature may appropriate the state's matching funds in one or more fiscal years for the planning, construction, and equipping of an eligible facility.

(5) To be eligible to participate in the Capital Facilities Matching Trust Fund, a state university shall raise a contribution equal to one-half of the total cost of a facilities construction project from private nongovernmental sources which shall be matched by a state appropriation equal to the amount raised for a facilities construction project subject to the General Appropriations Act.

(6) If the state's share of the required match is insufficient to meet the requirements of subsection (5), the university shall renegotiate the terms of the contribution with the donors.

(7) By November 1 of each year, the Board of Regents shall transmit to the Legislature a list of projects which meet all eligibility requirements to participate in the Capital Facilities Matching Trust Fund and a budget request which includes the recommended schedule necessary to complete each project.

(8) In order for a project to be eligible under this program, it must be included in the State University System 5-year Capital Improvement Plan, and must receive prior approval from the Board of Regents and the Legislature.

(9) No university's project shall be removed from the approved 3-year PECO priority list because of its successful participation in this program until approved by the Legislature and provided for in the General Appropriations Act. When such a project is completed and removed from the list all other projects shall move up on the 3-year PECO priority list. A university shall not use PECO funds, including the Capital Improvement Trust Fund fee and the building fee, to complete a project under this section.

(10) Any funds that are unexpended after a project is completed shall revert to the Capital Facilities Matching Trust Fund. Fifty percent of such unexpended funds shall be reserved for the university which originally received the private contribution for the purpose of providing private matching funds for future facility construction projects as provided in this section. The balance of such unexpended funds shall be available to any state university for future facility construction projects conducted pursuant to this section.

(11) The surveys, architectural plans, facility, and equipment shall be the property of the State of Florida. A facility constructed pursuant to this section may be named in honor of a donor at the option of the university and the Board of Regents. No facility shall be named after a living person without prior approval by the Legislature.

Section 77. Paragraph (a) of subsection (2) of section 235.435, Florida Statutes, is amended to read:

235.435 Funds for comprehensive educational plant needs.—

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. The request must meet the following criteria to be considered by the committee:

1. The project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

2. The district must not have sufficient funds available in total from all capital outlay sources that within the next 3 fiscal years would allow the district to raise the total estimated cost of the project by itself.

3. There must be a certification from the Office of Educational Facilities of the inability of the district to pay for the project within 3 years from the total amount available from all capital outlay sources and that the project is recommended by survey.

4. There must be a certification from the Office of Educational Facilities that the plans for the project are completed and approved.

5. There must be an agreement signed by the district board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the office.

6. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility Construction Account to be reallocated to other projects on the list. However, an additional 30 days may be granted by the commissioner.

7. There must not be a request for funding for a project for at least 2 years after the debts for the most recent project have been completely satisfied.

(Renumber subsequent sections.)

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

Amendment 2—On page 1, line 14, through page 10, line 10, strike all of said lines and insert: education; creating s. 110.141, F.S.; providing for state agency solicitation of personnel educational services; amending s. 159.445, F.S.; providing an exemption from public records requirements for certain materials that relate to activities connected with the Florida High Technology Innovation Research and Development Fund and providing for review and repeal of such exemption; amending s. 222.21, F.S.; exempting prepaid postsecondary education expense plans from claims of creditors; amending s. 228.074, F.S.; providing technical revisions; revising provisions relating to the composition of regional coordinating councils; providing priority consideration for certain nominees to such councils; providing for notification to the Commissioner of Education for certain absences from council meetings; amending s. 228.075, F.S.; providing technical revisions; requiring the identification of available funding sources to meet critical opportunities and problems; requiring the inclusion of equal access and equal opportunity provisions in program and course evaluations; revising a reporting requirement; requiring the Department of Education to develop a state plan using regional plans coordinated by the councils; amending s. 228.076, F.S.; deleting certain requirements for school districts and community colleges to submit annual budgets to the appropriate council for review; amending s. 229.551, F.S.; deleting the maintenance and approval of certain skills associated with student performance from the educational accountability system; amending s. 229.814, F.S.; providing for certain rules for the Secondary Level Examination Program; amending s. 231.621, F.S.; renaming the Student Loan Forgiveness Program; expanding recipient eligibility; deleting certain funding requirements; providing technical revisions; amending s. 232.2463, F.S.; providing for a uniform weighted value for certain high school courses; amending s. 233.015, F.S.; revising provisions relating to purge of certain courses; amending s. 233.051, F.S.; excluding certain forms of instruction from primary school board responsibility; amending s. 235.014, F.S.; requiring the Office of Educational Facilities of the Department of Education to provide technical assistance to boards, including the Board of Regents, relating to commodities and products; amending s. 235.31, F.S.; providing for negotiation or modification of construction contracts with the lowest bidder under certain conditions; amending s. 235.34, F.S.; providing that permits and development orders for educational plants and facilities shall not be made conditional upon the provision of certain improvements; amending s. 236.081, F.S.; revising funding formulas for certain secondary programs; amending s. 240.116, F.S.; providing for the transfer of dual enrollment instruction; amending s. 240.125, F.S.; expanding institutional inclusion in cooperative efforts; requiring matching support for certain projects; amending s. 240.147, F.S.; requiring Post Secondary Education Planning Commission review of certain new programs, grants, and contracts; providing for review completion; amending s. 240.209, F.S.; providing for conditions of employment and compensation relating to the Board of Regents; providing technical revisions; revising provisions relating to certain student fees; providing for the rent or lease of parking facilities; authorizing fees; amending s. 240.2111, F.S.; revising provisions relating to meritorious service awards; revising reporting requirements; amending s. 240.227, F.S.; providing technical revisions relating to university presidents' duties; amending s. 240.233, F.S.; revising certain university admission requirements; amending s. 240.257, F.S.; providing for moneys to remain in the Florida Endowment Trust Fund for Eminent Scholars; providing a limitation on matching funds; amending s. 240.259, F.S.; providing for moneys to remain in the Trust Fund for New Donors; amending s. 240.2605, F.S.; providing for moneys to remain in the Trust Fund for Major Gifts; revising the allocation formula of the trust fund for matching private contributions; providing a limitation on matching funds; providing technical revisions; providing for prior contributions; authorizing combined contributions under certain conditions; amending s. 240.311, F.S.; deleting specific community college reporting requirements; revising report format requirements; amending s. 240.331, F.S., to conform; amending s. 240.334, F.S.; expanding responsibilities of technology transfer centers; deleting primary contact linkages; amending s. 240.35, F.S.; including certain programs within community college noncredit instruction for which fees are established; revising the allocation of financial aid fees; authorizing community college district boards of trustees to establish a capital improvements fee; providing for rules for student advance fee payment; amending s. 240.355, F.S.; requiring certain reporting of postsecondary vocational education programs; amending s. 240.359, F.S.; providing funding for students enrolled in dual enrollment instruction; revising qualifications for lifelong learning; amending s. 240.36, F.S.; providing for moneys to remain in the Florida Academic Improvement Trust Fund for Community Colleges; amending s. 240.363, F.S.; providing for rules of the State Board of Community Colleges relating to expenditures; authorizing the transfer of contributions to direct-support organizations; amending s. 240.402, F.S.; revising student eligibility for scholarships from the Florida Undergraduate Scholars' Fund; revising departmental administration and institutional responsibility; increasing the annual award; creating a trust fund and providing for moneys to remain therein; amending s. 240.4025, F.S.; revising student eligibility for scholarships from the Florida Graduate Scholars' Fund; revising departmental administration; amending s. 240.403, F.S.; revising student eligibility for scholarships from the Ex-Confederate Soldiers' and Sailors' Home Endowment Trust Fund; deleting provisions relating to certain use of trust fund moneys; creating s. 240.4035, F.S., the Florida Regents Scholarship Program; providing criteria for student eligibility; providing the amount of each scholarship and procedures for the award thereof; creating the Florida Regents Scholarship Trust Fund and providing for moneys to remain therein; providing for rules; amending s. 240.404, F.S.; revising student eligibility for state financial aid; providing a penalty; amending s. 240.4062, F.S.; revising student eligibility for loans from the Critical Teacher Shortage Scholarship Loan Program; revising repayment provisions; deleting certain funding requirements; providing technical revisions; amending s. 240.4064, F.S.; deleting certain funding requirements relating to critical teacher shortage tuition reimbursements; providing technical revisions; amending s. 240.4066, F.S.; revising student eligibility for loans from the Masters' Fellowship Loan Program for Teachers; deleting the mandatory provision of certification; amending s. 240.408, F.S.; renaming the Challenger Astronauts Memorial Scholarship Program; revising student eligibility for scholarships; amending s. 240.409, F.S.; revising student eligibility for grants from the State Student Assistance Grant Fund; increasing the maximum grant award; deleting certain funding requirements; revising departmental administration and institutional responsibility; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4095, F.S.; establishing the Florida Student Assistance Grant Fund; providing eligibility for grants; providing amount of grants; providing for priority in the awarding of grants; providing for transfers; providing for payment and refund; creating a trust fund and providing for moneys to remain therein; providing for rules; amending s. 240.412, F.S.; revising student eligibility for scholarships from the Jose Marti Scholarship Challenge Grant Fund; amending s. 240.413, F.S.; revising student eligibility for Seminole and Miccosukee Indian Scholarships; amending s. 240.414, F.S.; correcting cross-references; amending s. 240.421, F.S.; authorizing a designee of the commissioner to meet with the Florida Council of Student Financial Aid Advisors; amending s. 240.551, F.S.; revising provisions relating to the Florida Prepaid Postsecondary Education Expense Program; exempting prepaid postsecondary education expense plans from certain provisions related to unclaimed property; providing that expenditures shall be deemed to be appropriations; amending s. 240.60, F.S.; revising institutional expenditure authority relating to the college career work experience program; expanding required program analysis; amending s. 240.601, F.S.; revising student eligibility for certain work study funding; amending s. 240.604, F.S.; revising institutional expenditure authority relating to the public school work experience program; revising student eligibility for certain work study funding; amending and renumbering s. 240.401, F.S., relating to state tuition vouchers; revising conditions for eligibility; revising the amount of

vouchers; creating s. 240.609, F.S.; establishing the Florida Postsecondary Endowment Grants Trust Fund; providing for moneys to remain in the trust fund; providing eligibility for matching endowment grants; specifying matching provisions and providing restrictions; providing for certification of contributions; providing for use of funds; providing for rules; amending s. 246.013, F.S.; providing for participation in the common course designation and numbering system by certain postsecondary institutions; providing penalties for violations; providing for rules; amending s. 246.220, F.S.; requiring surety bonds, insurance, or escrow accounts of certain nonpublic postsecondary institutions to ensure certain train-out or refund; amending ss. 295.01, 295.015, 295.016, 295.017, and 295.018, F.S.; revising student eligibility for benefits relating to children of certain deceased or disabled veterans, prisoners of war, or servicemen who died or became disabled; creating s. 817.566, F.S.; providing penalties for certain forms of academic misrepresentation; requiring the Post Secondary Education Planning Commission to study proprietary education; authorizing the State Board of Education to adopt rules related to vocational student placement and follow-up; requiring the State Board of Education to study and report on statewide student assessment; authorizing the repayment of certain university loans from capital improvement fees; repealing s. 240.1163, F.S., relating to joint dual enrollment and advanced placement instruction; repealing s. 240.321(2), F.S., relating to certain admission requirements for high school graduates and nonresident applicants; amending s. 240.107, F.S.; providing for subsequent administrations of the college-level communication and computation skills examination; creating the Florida Sunrise Forum Council; providing for membership and terms; providing for a director and specifying duties; providing powers and duties of the officers of the council; creating a trust fund; providing for review and repeal; providing an appropriation; amending s. 112.24, F.S.; providing for biennial extensions of interchange agreements relating to faculty members of the State University System; authorizing county constitutional officers to reimburse employees for educational expenses under specified conditions; amending s. 230.645, F.S.; exempting students enrolled in employment training programs from paying instructional fees; creating s. 240.2601, F.S.; establishing the State University System Facility Enhancement Challenge Grant Program; establishing a trust fund; providing for allocation and administration of the trust fund; establishing eligibility criteria; providing a procedure for naming a facility; amending s. 235.435, F.S.; prohibiting school districts from requesting funds for new projects from the Special Facility Construction Account for 2 years after the completion of their last project; establishing the college reach-out program;

On motions by Senator Peterson, 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.

SB 919 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Crawford, Deratany, Jenne, Jennings, Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House Amendment 1; has further amended House Amendments 2 and 3 and passed as further amended CS for CS for SB 534 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 534—A bill to be entitled An act relating to public health; amending s. 154.01, F.S.; restating the purposes for the operation of county public health units; defining three levels of county public health unit services as environmental, communicable disease control, and primary care services; providing contracting provisions and requirements between the Department of Health and Rehabilitative Services and the counties; amending s. 154.011, F.S.; requiring counties to coordinate certain health care services with existing federal programs; amending s. 154.02, F.S.; modifying the provisions governing the Public Health Unit Trust Fund; specifying expenditure report requirements and providing timeframes for reporting; amending s. 154.04, F.S.; modifying provisions regarding public health unit personnel; requiring the employment of an environmental specialist; providing that public health unit personnel be employed by the Department of Health and Rehabilitative Services; amending s. 154.331, F.S.; providing for the creation of independent health care special districts upon voter approval; redesignating county indigent health care districts as county health care special districts; providing for assessment of certain ad valorem taxes within such district; providing for a governing board for a health care special district; providing board membership, duties, and terms of office; requiring the board to prepare and adopt a budget; providing a means to dissolve the district subject to certain limitations; requiring the board to comply with certain reporting and filing requirements; amending s. 409.266, F.S.; increasing the expenditure from the Public Medical Assistance Trust Fund to expand primary care programs; increasing the income level under which elderly and disabled persons may qualify for Medicaid services, in accordance with federal law; increasing the age level under which children may qualify for Medicaid benefits, in accordance with federal law; requiring a report by the Department of Health and Rehabilitative Services to the President of the Senate and the Speaker of the House of Representatives; providing disproportionate share reimbursement to certain hospitals; creating s. 409.2673, F.S.; establishing a shared county and state health care program for specified low-income persons; providing for eligibility for the program; providing for funding the program; delineating state and county responsibility should the funds of either be depleted; requiring participating counties to maintain current health care efforts; providing for eligibility determination; specifying conditions for reimbursement to hospitals; providing for development and adoption of rules governing the program; creating the Shared County and State Program Trust Fund; creating shared county and state program trust funds in each county; providing an annual appropriation into the trust fund; amending section 73. of chapter 88-1, Laws of Florida; excluding from initial hospital Birth-Related Neurological Injury Compensation Trust Fund assessments those infants born to charity or Medicaid patients in teaching hospitals; reviving and readopting s. 409.266(7)(k), F.S., relating to the Medicaid medically needy program; providing an effective date.

House Amendment 1 to House Amendment 2—On page 1, line 15, through page 67, line 17, strike all of said language and insert:

Section 5. Paragraph (d) of subsection (6) of section 154.205, Florida Statutes, is amended to read:

154.205 Definitions.—The following terms, whenever used in this part, shall have the following meanings unless a different meaning clearly appears from the context:

(6) "Cost," as applied to a project or any portion thereof financed under the provisions of this part, embraces:

(d) Financing charges and interest prior to, during, and for a *reasonable* period ~~of 24 months~~ after, completion of such construction.

Section 6. Section 154.301, Florida Statutes, is amended to read:

154.301 Short title.—*Sections 154.301-154.316* ~~This act~~ may be cited as "The Florida Health Care Responsibility Act *of 1988*."

Section 7. Section 154.302, Florida Statutes, is amended to read:

154.302 Legislative intent.—*The Legislature finds that certain hospitals provide a disproportionate share of charity care for persons who are indigent and not able to pay their medical bills and who are not eligible for government-funded programs. The burden of absorbing the cost of this uncompensated charity care is borne by the hospital, the private pay patients, and, many times, by the taxpayers in the county when the hospital is subsidized by tax revenues. The Legislature further finds that it is inequitable for hospitals and taxpayers of one county to be expected to subsidize the care of out-of-county indigent persons. Finally, the Legislature declares that the state and the counties must share the responsibility of assuring that adequate and affordable health care is available to all Floridians. Therefore,* it is the intent of the Legislature to place the ultimate financial obligation for the *out-of-county hospital care of qualified indigent patients* ~~medical treatment of indigents~~ on the county in which the indigent *patient* resides~~, for all those costs not fully reimbursed by other governmental programs or third-party payors~~.

Section 8. Section 154.304, Florida Statutes, is amended to read:

154.304 Definitions.—For the purpose of this act:

(1) "Board" means the Hospital Cost Containment Board as established in chapter 395.

(2) "Certification determination procedures" means the process used by the county of residence or the department to determine a person's county of residence.

(3)~~(1)~~ "Certified *resident* ~~indigent patient~~" means a *person* ~~patient~~ who has been certified as *a resident of the county* ~~indigent~~ by *a person designated by the county governing body to provide certification determination procedures for* the county in which *the patient* ~~he~~ resides*; by the department if such county does not make a determination of residency within 60 days of receiving a certified letter from the treating hospital; or by the department if the hospital appeals the decision of the county making such determination.*

(4) "Charity care obligation" means the minimum amount of uncompensated charity care as reported to the Hospital Cost Containment Board, based on the hospital's most recent audited actual experience, which must be provided by a participating hospital or a regional referral hospital before the hospital is eligible to be reimbursed by a county under the provisions of this act. That amount shall be the ratio of uncompensated charity care days compared to total acute care impatient days, which shall be equal to or greater than 2 percent.

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

(6) "Eligibility determination procedures" means the process used by a county or the department to evaluate a person's financial eligibility, eligibility for state-funded or federally funded programs, and the availability of insurance, in order to document a person as a qualified indigent for the purpose of this act.

(7)~~(3)~~ "Hospital," *for the purposes of this act,* means an establishment as defined in s. 395.002 and licensed by the department *which qualifies as either a participating hospital or as a regional referral hospital pursuant to this section;* ~~,~~ except that, hospitals operated by the department shall not be considered *participating* hospitals for purposes of this act.

(8) "Participating hospital" means a hospital which is eligible to receive reimbursement under the provisions of this act because it has been certified by the board as having met its charity care obligation and has either:

(a) A formal signed agreement with a county or counties to treat such county's indigent patients; or

(b) Demonstrated to the board that at least 5 percent of its uncompensated charity care, as reported to the board, is generated by out-of-county residents.

(9) "Qualified indigent person" or "qualified indigent patient" means a person who has been determined pursuant to s. 154.308 to have an average family income, for the 12 months preceding the determination, which is below 100 percent of the federal nonfarm poverty level; who is not eligible to participate in any other government program which provides hospital care; and who has no private insurance or has inadequate private insurance.

(10)~~(4)~~ "Regional referral hospital" means any hospital *which is eligible to receive reimbursement under the provision of this act because it has met its charity care obligation and it meets the definition of teaching hospital as defined in s. 395.502* ~~that provides services to patients who reside in counties other than the county in which the hospital is located~~.

Section 9. Section 154.306, Florida Statutes, is amended to read:

154.306 Financial responsibility for *certified residents who are qualified* ~~out-of-county~~ indigent patients treated at *an out-of-county participating hospital or* ~~a~~ regional referral hospital.—Ultimate financial responsibility for treatment received at a *participating hospital or a* regional referral hospital by a *qualified* ~~certified~~ indigent patient who is a *certified* resident of *a county in* the State of Florida, but is not a resident of the county in which the *participating hospital or* regional referral hospital is located, shall be the obligation of the county of which the *qualified* ~~certified~~ indigent patient is a resident. *Effective January 1, 1989, each county is directed to reimburse participating hospitals or regional referral hospitals as provided for in this act, and shall provide or arrange for indigent eligibility determination procedures and resident certification determination procedures as provided for in rules developed to implement this act. The department, or any county determining eligibility of a qualified indigent, shall provide to the county of residence, upon request, a copy of any documents, forms, or other information, as determined by rule, which may be used in making an eligibility determination.*

(1) A county's financial *obligation* ~~responsibility~~ for each *certified* ~~of its~~ resident *who qualifies as an* ~~certified~~ indigent *patient under this act, and who has received* ~~patients receiving~~ treatment at *an out-of-county* ~~a regional referral~~ hospital, shall ~~be limited to payment for 12 days of services per admission,~~ not ~~to~~ exceed 45 days per *calendar year* ~~annum,~~ at *not less than 80 percent of* the per diem reimbursement rate currently in effect for the *out-of-county* ~~regional referral~~ hospital under the medical assistance program for the needy under Title XIX of the Social Security Act, as amended. *However, nothing in this section shall preclude a hospital which has a formal signed agreement with a county to treat such county's indigents from negotiating a higher or lower per diem rate with the county. In addition, no county shall be required by this act to pay more than the equivalent of $4 per capita in the county's fiscal year. The department shall calculate and certify to each county by March 1 of each year, the maximum amount the county may be required to pay under this act by multiplying the most recent official state population estimate for the total population of the county by $4 per capita. Each county shall certify to the department within 60 days of the end of the county's fiscal year, or upon reaching the $4 per capita threshold, should that occur before the end of the fiscal year, the amount of reimbursement it paid to all out-of-county hospitals under this act.*

(2) ~~However,~~ No county shall be required to pay for *any elective or nonemergency admissions or* services at *an out-of-county* ~~a regional referral~~ hospital *for a qualified indigent who is a certified resident of the county* when *the county provides funding for* such services *and the services* are available at a local hospital in the county where the indigent resides*; or the out-of-county hospital has not obtained prior written authorization and approval for such hospital admission or service, provided that the resident county has established a procedure to authorize and approve such admissions.*~~, except that~~

(3) The county where the indigent resides shall, in all instances, be liable for the cost of treatment provided to *a qualified* ~~said certified~~ indigent *patient* at *an out-of-county* ~~a regional referral~~ hospital for any emergency medical condition which will deteriorate from failure to provide such treatment and when such condition is determined *and documented* by the attending physician to be of an emergency nature*; provided that the patient has been certified to be a resident of such county pursuant to s. 154.309.*

(4) No county shall be liable for payment for treatment of a qualified indigent who is a certified resident and has received services at an out-of-county participating hospital or regional referral hospital, until such time as that hospital provides documentation to the county that it has met its charity care obligation based on the most recent audited actual experience as reported and certified by the board.

Section 10. Section 154.308, Florida Statutes, is amended to read:

154.308 *Determination* ~~Certification~~ of *a qualified indigent patient's eligibility* ~~indigency~~ for the purpose of this act~~; rules~~.—

(1) ~~Not later than October 1, 1977,~~ The department, *pursuant to s. 154.3105* ~~in consultation with the Florida Association of County Welfare Executives~~, shall adopt rules which provide ~~a~~ statewide eligibility *determination procedures, forms, and criteria which shall be used by all counties* ~~standard~~ for *determining whether a person financially qualifies* ~~certifying residents of each county~~ as indigent for the purposes of this act.

(a) The criteria used to determine eligibility shall be uniform statewide and shall include, at a minimum, which assets, if any, may be included in the determination, which verification of income shall be required, which categories of persons shall be eligible, and any other criteria which may be determined as necessary.

(b) The methodology by which to determine financial eligibility shall also be uniform statewide such that any county or the state could determine whether a person would be a qualified indigent under this act.

(2) Determination of financial eligibility as a qualified indigent ~~These rules shall further provide that certification as indigent for the purposes of this act~~ may occur either prior to a person's admission to a *participating hospital or a* regional referral hospital or subsequent to such admission. ~~, but in any event if a~~

(3) Determination of whether a *hospital* patient *not already determined eligible* meets or does not meet eligibility standards *to financially qualify him* ~~for certification~~ as indigent for the purpose of this act *shall be* ~~is not~~ made within *60* ~~30~~ days following notification *by the hospital requesting a determination of indigency, by certified letter, to any county or the department. If for any reason, the county or department is unable to determine a patient's eligibility within the allotted time frame, the hospital shall be notified in writing of the reason or reasons.* ~~to the county of residence of the patient's admission to a regional referral hospital, the patient shall be considered to have been a certified indigent patient upon admission.~~

(4) A patient *determined eligible as a qualified* ~~certified as~~ indigent for the purpose of this act subsequent to his or her admission to a *participating hospital or a* regional referral hospital shall be considered to have been *qualified* ~~certified~~ upon admission. Such *determination* ~~certification~~ shall be made by a person designated by the *governing* board of *the* county *to make such a determination or by the department* ~~commissioners or, in the absence of such a designated person, by the director of the full-time health unit~~.

(5) Notwithstanding any other provision within this act, ~~Furthermore,~~ any county may establish *thresholds* ~~standards~~ of *financial* eligibility *to qualify indigents under this act* which are less restrictive than *100 percent of the federal poverty line. However,* ~~the standards adopted by the department under this section, and~~ no county may establish *eligibility thresholds* ~~standards~~ which are more restrictive than *100 percent of the federal poverty line* ~~the standards adopted by the department under this section~~.

Section 11. Section 154.309, Florida Statutes, is created to read:

154.309 Certification of county of residence for the purpose of this act.—

(1) The department, pursuant to s. 154.3105, shall adopt rules for certification determination procedures which provide criteria to be used for determining a qualified indigent's county of residence. Such criteria shall include, at a minimum, how and to what extent residency shall be verified and how a hospital shall be notified of a patient's certification or the inability to certify a patient.

(2) In all instances, the county known or thought to be the county of residence shall be given first opportunity to certify a resident. If the county known or thought to be the county of residence fails to, or is unable to, make such determination within 60 days following written notification by a hospital, the department shall determine residency utilizing the same criteria required by rule as the county, and the department's determination of residency shall be binding on the county of residence. The county determined as the residence of any qualified indigent under this act shall be liable to reimburse the treating hospital pursuant to s. 154.306. If for any reason a county or the department is unable to determine an indigent's residency, the hospital shall be notified in writing of such reason or reasons.

Section 12. Section 154.31, Florida Statutes, is amended to read:

154.31 Obligation of the *participating hospital or a* regional referral hospital.—As a condition of accepting the procedures of this act, each *participating hospital or* regional referral hospital in Florida shall be obligated to admit for *emergency* treatment all Florida residents, *without regard to county of residence,* who meet the eligibility standards established pursuant to s. 154.308 and who meet the medical standards for admission to such institutions. *If the department determines that a participating hospital or a regional referral hospital has failed to meet the requirements of this section, the department may impose an administrative fine, not to exceed $5,000 per incident, and suspend the hospital from eligibility for reimbursement under the provisions of this act.*

Section 13. Section 154.3105, Florida Statutes, is created to read:

154.3105 Rules.—Rules governing the Health Care Responsibility Act of 1988 shall be developed by the department based on recommendations of a work group consisting of equal representation by the department, the hospital industry, and the counties. County representatives to this work group shall be appointed by the Florida Association of Counties. Hospital representatives to this work group shall be appointed by the associations representing those hospitals which best represent the positions of the hospitals most likely to be eligible for reimbursement. Rules governing the various aspects of this act shall be promulgated by the department by December 1, 1988. Such rules shall address, at a minimum:

(1) Eligibility determination procedures and criteria.

(2) Certification determination procedures and methods of notification to hospitals.

Section 14. Section 154.312, Florida Statutes, is amended to read:

154.312 Procedure for settlement of disputes.—All disputes *among counties, the board, the department, a participating hospital, or* ~~between a county and~~ a regional referral hospital shall be resolved by order as provided in chapter 120. *Hearings held under this provision shall be conducted in the same manner as provided in s. 120.57, except that the hearing officer's order shall be final agency action. Cases filed under chapter 120 may combine all disputes between parties. Notwithstanding any other provisions of this part, when a county alleges that a residency determination or eligibility determination made by the department is incorrect, the burden of proof shall be on the county to demonstrate that such determination is, in light of the total record, not supported by the evidence.*

Section 15. Section 154.314, Florida Statutes, is amended to read:

154.314 Certification of the State of Florida.—

(1) In the event payment for the costs of services rendered by a *participating hospital or a* regional referral hospital is not received from the responsible county within *90* ~~60~~ days of receipt of a statement for services rendered *to a qualified indigent who is a certified resident of the county,* or if the payment is disputed and said payment is not received from the ~~responsible~~ county *determined to be responsible* within *60* ~~30~~ days of the date of exhaustion of all administrative and legal remedies~~,~~ as provided in chapter 120, the hospital shall certify *to the Comptroller* the amount *owed by the county.* ~~due to~~

(2) The Comptroller~~, who~~ shall *have not longer than 45 days from the date of receiving the hospital's certified notice to* forward the amount delinquent to the appropriate ~~regional referral~~ hospital from any funds due to the county under any revenue-sharing or tax-sharing fund established by the state, except as otherwise provided by the State Constitution. *The Comptroller shall provide the Governor and the appropriations and finance and tax committees in the House of Representatives and the Senate with a quarterly accounting of the amounts certified by hospitals as owed by counties and the amount paid to hospitals out of any revenue or tax sharing funds due to the county.*

Section 16. Section 154.316, Florida Statutes, is amended to read:

154.316 *Hospital's responsibility to notify of* admission of indigent patients.~~—Except in the case of an emergency, no patient shall be treated by, or admitted to, a regional referral hospital as an indigent unless and until the board of county commissioners of the county providing certification notifies the hospital that the patient is certified as an indigent and that he is approved by the board for treatment or admission.~~

(1) Any hospital admitting or treating any out-of-county patient who may qualify as indigent under this act shall, within 10 days after admitting or treating such patient, notify the county known, or thought to be, the county of residency and the department of such admission, or such hospital forfeits its right to reimbursement.

(2) It shall be the responsibility of any participating hospital or regional referral hospital to initiate any eligibility or certification determination procedures with any appropriate state or county agency which can determine financial eligibility or certify an indigent as a resident under this act.

Section 17. Section 154.331, Florida Statutes, is amended to read:

154.331 County ~~indigent~~ health care *special* districts.—Each county may establish a dependent special district pursuant to the provisions of chapter 125 or, by ordinance, create an independent special district *as defined in s. 200.001(8)(e)* to provide *funding for* indigent *and other* health care services throughout the county in accordance with this section. *The county governing body shall obtain approval, by a majority*

vote of the electors, to establish the district with authority to annually levy ad valorem taxes which shall not exceed the maximum millage rate authorized by this section. Any independent health care special district created by this section shall be required to levy and fix millage subject to the provisions of s. 200.065. Once approved by the electorate, the independent health care special district shall not be required to seek approval of the electorate in future years to levy the previously approved millage.

(1) The county governing body shall appoint *a district* ~~an indigent~~ health care board to serve as the governing board of the independent special district. *Such board shall consist of not less than five members, of which two members shall be appointed to the board by the Governor, and not less than three members shall be appointed by the governing body of the county. All members shall have been residents of the county for the previous 12-month period. The members' terms shall be staggered and may not exceed 4 years. No member shall serve for more than two consecutive terms. The governing body of the county shall fill any vacancies that may occur during the term of any board member. Board members may be removed for cause only by the Governor or by a majority of the electors voting within the county.*

(2)(a) Each *district* ~~indigent~~ health care board *may, subject to the limitations placed on the district by the governing body of the county at the time the independent special district was created and approved by the electorate,* ~~shall~~ have *any or all of* the following powers *or functions* ~~and duties~~:

1. To provide and maintain in the county such ~~indigent~~ health care clinics as the board determines are needed for the general welfare of the county.

2. To provide for the health care of indigents and to provide such other *health-related* services for indigents, *including the purchase of institutional services from any private or publicly owned medical facility,* as the board determines are needed for the general welfare of the county.

3. To allocate and provide funds for other agencies *or facilities* in the county which *provide health benefits or health services that improve the general welfare* ~~are operated for the benefit~~ of indigents *and other county residents.*

4. To collect information and statistical data that will be helpful to the board *and the county* in deciding the health care needs ~~of indigents~~ in the county.

5. To consult *and coordinate* with other agencies dedicated to ~~the~~ health care ~~of indigents~~ to the end that the overlapping of services will be prevented.

6. To govern, operate, administer, and fund, or any combination thereof, any county-owned or county-operated medical facility which is a major provider of charitable health care services for low-income persons.

7. To assume funding for the county's share of state or federal indigent health care programs which require financial participation by the county.

8.~~6.~~ To lease or buy such real property and personal property and to construct such buildings as are needed to execute the foregoing powers *or functions* ~~and duties~~; however, such purchases may not be made or construction done *unless paid* ~~except~~ for *with* cash ~~with funds~~ on hand~~.~~ *or secured by funds deposited in financial institutions. Nothing in this paragraph shall be construed to authorize an independent health care special district to issue bonds of any nature, nor shall it have the power to require the imposition of any bond by the governing body of the county.*

9.~~7.~~ To employ, ~~and~~ pay, *and provide benefits for* any part-time or full-time personnel needed to execute the foregoing powers and *functions* ~~duties~~.

(b) Each district health care board shall:

1. Organize immediately after the members are appointed to elect one of its members as chairman and one of its members as vice chairman, and elect other officers as deemed necessary by the board.

2. Make and adopt bylaws and rules and regulations for the board's guidance, operation, governance, and maintenance, provided such rules and regulations are not inconsistent with federal or state laws or ordinances of the county.

(c) Board members shall serve without compensation, but shall be entitled to necessary expenses incurred in the discharge of their duties.

(d)~~(b)~~ *All financial records and accounts relating to the independent health care special district shall be available for review by the county governing body and for audit* ~~Books of account must be kept by the board or its clerical assistants, and the fiscal affairs of the board must be exclusively audited~~ by state auditors assigned from time to time to audit the affairs of the county officials.

(3)(a) The fiscal year of the district must be the same as that of the county.

(b) On or before May 1 of each year, the *district* ~~indigent~~ health care board shall prepare *a tentative* ~~and adopt an~~ annual written budget of *the district's* ~~its~~ expected income and expenditures, including a contingency fund, *and shall compute a proposed millage rate within the voter-approved cap necessary to fund the tentative budget. Prior to adopting a final budget, the board shall comply with the provisions of s. 200.065, relating to the method of fixing millage, and shall fix the final millage rate by ordinance or resolution of the board.* The *adopted* ~~written~~ budget *and final millage rate* must be certified and delivered to the *county governing body no later than the time of adoption of the county's annual budget* ~~board of county commissioners on or before July 1 of each year~~. Included in each certified budget must be ~~an estimate of~~ the millage rate *adopted by ordinance or resolution of the independent health care special district board as* necessary to be applied to raise the funds budgeted for *district operations and* expenditures. *In no circumstances, however, shall any independent health care special district levy millage to*~~, which millage rate may not~~ exceed a maximum of 5 mills ~~for each $1,000~~ of assessed valuation of all properties within the county which are subject to *ad valorem* ~~county~~ taxes *or the amount approved by the electorate when the district was created, whichever is less.* The budget of the *district* ~~indigent health care board~~ so certified and delivered to the ~~board of~~ county *governing body* ~~commissioners~~ may not be changed or modified by the ~~board of~~ county *governing body* ~~commissioners~~ or by any other authority.

~~(c) In order to provide funds for the indigent health care board, the independent special district, by vote of the electorate, shall levy ad valorem taxes annually on all taxable property in the county in an amount not to exceed 5 mills. The tax shall be assessed, levied, and collected in the same manner and at the same times as is provided by law for the levy, collection, and enforcement of collection of county taxes.~~

(c)~~(d)~~ All tax moneys collected under this section, as soon after the collection thereof as is reasonably practicable, must be paid directly to the *district* ~~indigent~~ health care board by the tax collector of the county, or by the clerk of the circuit court if the clerk collects delinquent taxes.

1. The moneys so received by the *district* ~~indigent~~ health care board must be deposited in *financial institutions with separate and distinguishable accounts established specifically for the district* ~~a special bank account~~ and may be withdrawn only by checks signed by the chairman of the *district* ~~indigent~~ health care board and countersigned by *either* one other member of the *district* ~~indigent~~ health care board *or by a chief executive officer* who is so authorized by the board.

2. Upon entering the duties of office, the chairman and the other member of the *district* ~~indigent~~ health care board *or chief executive officer* who signs its checks shall each give a surety bond in the sum of $1,000, which bond must be conditioned that each of them shall faithfully discharge the duties of his office. *The premium on said bond may be paid by the special district as part of the expense of the board.* No other member of the *district* ~~indigent~~ health care board may be required to give bond or other security.

3.~~2.~~ No funds of the *district* ~~indigent health care board~~ may be expended except by check as aforesaid, except expenditures from a petty cash account, which may not at any time exceed $25. All expenditures from petty cash must be recorded on the books and records of the *district* ~~indigent health care board~~. No funds of the *district* ~~indigent health care board~~, excepting expenditures from petty cash, may be expended without prior approval of the board, in addition to the budgeting thereof.

(d)~~(c)~~ Within 10 days after the expiration of each quarter-annual period, the *district* ~~indigent~~ health care board shall cause to be prepared and filed with the ~~board of~~ county *governing body* ~~commissioners~~ a financial report, which includes:

1. The total expenditures of the board for the quarter-annual period;

2. The total receipts of the board during the quarter-annual period; and

3. A statement of the funds the board has on hand or *deposited with financial institutions* ~~in banks~~ at the end of the quarter-annual period.

(4) *Any independent health care special district may be dissolved pursuant to s. 165.051, or the county governing body may by ordinance vote to dissolve the independent health care special district subject to the approval of the electorate; provided, however, the county obligates itself to assume the debts, liabilities, contracts, and outstanding obligations of the district within the total millage available to the county governing body for all county and municipal purposes as provided for under s. 9, Art. VII of the State Constitution.* ~~After the first year of operation of the indigent health care board, the board of county commissioners may, at its option, fund the budget of the indigent health care board from its own funds.~~

(5) Any independent health care special district created under this section shall comply with all other statutory requirements of general application which relate to the filing of any financial reports or compliance reports required under part III of chapter 218, or any other report or documentation required by law.

Section 18. Paragraph (d) of subsection (2) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(2) "Cost," as applied to any project, shall embrace:

(d) The cost of all machinery and equipment, financing charges, interest prior to and during construction, and~~, if deemed advisable by the local agency,~~ for a *reasonable* period ~~not exceeding 1 year~~ after completion of construction, the cost of engineering and architectural surveys, plans, and specifications; and

Section 19. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsections (17) and (18) of section 381.702, Florida Statutes, are renumbered as subsections (18) and (19), respectively, and a new subsection (17) is added to said section, to read:

381.702 Definitions.—As used in ss. 381.701-381.715, the term:

(17) "Multifacility project" means an integrated residential and health care facility consisting of independent living units, adult congregate living facility units and nursing home beds certificated on or after January 1, 1987, where:

(a) The aggregate total number of independent living units and adult congregate living facility units exceeds the number of nursing home beds.

(b) The developer of the project has expended the sum of $500,000 or more on the certificated and non-certificated elements of the project combined, exclusive of land costs, by the conclusion of the 18th month of the life of the certificate of need.

(c) The total aggregate cost of construction of the certificated element of the project, when combined with other, noncertificated elements, is $10 million or more.

(d) All elements of the project are contiguous or immediately adjacent to each other and construction of all elements will be continuous.

Section 20. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsection (3) is added to section 381.705, Florida Statutes, to read:

381.705 Review criteria.—

(3) For any application authorized by s. 381.706(2)(j) or (k) involving an approved facility based on a certificate of need application filed prior to December 31, 1984, the department shall approve such application unless the proposed consolidation or division would result in a facility or facilities not meeting the criterion of financial feasibility or unless the consolidation or division would result in beds or services being moved more than 15 miles from their original certificated location.

Section 21. Effective July 1, 1988, or upon becoming a law, whichever occurs later, new paragraphs (i), (j) and (k) are added to subsection (2) of section 381.706, Florida Statutes, to read:

381.706 Projects subject to review.—

(2) PROJECTS SUBJECT TO EXPEDITED REVIEW.—Unless exempt pursuant to subsection (3), projects subject to an expedited review shall include, but not be limited to:

(i) A 50-percent increase in nursing home beds for a facility incorporated and operating in this state for at least 60 years on or before July 1, 1988, which has a licensed nursing home facility located on a campus providing a variety of residential settings and supportive services. The increased nursing home beds shall be for the exclusive use of the campus residents.

(j) Combination within one nursing home facility of the beds or services authorized by two or more certificates of need issued in the same planning subdistrict.

(k) Division into two or more nursing home facilities of beds or services authorized by one certificate of need issued in the same planning subdistrict. Such division shall not be approved if it would adversely affect the original certificate's approved cost.

The department shall develop rules to implement the provisions for expedited review, including time schedule, application content, and application processing.

Section 22. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsection (5) of section 381.709, Florida Statutes, is amended to read:

381.709 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(a) Within 21 days after publication of notice of the State Agency Action Report and Notice of Intent, any person authorized under paragraph (b) to participate in a hearing may file a request for an administrative hearing; failure to file a request for hearing within 21 days of publication of notice shall constitute a waiver of any right to a hearing and a waiver of the right to contest the final decision of the department. A copy of the request for hearing shall be served on the applicant.

(b)*1.* Hearings shall be held in Tallahassee unless the hearing officer determines that changing the location will facilitate the proceedings. In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the department in the same batching cycle are entitled to a comparative hearing on their applications.

2.a. Existing health care facilities may initiate or intervene in such administrative hearing upon a showing that an established program will be substantially affected by the issuance of a certificate of need to a competing proposed facility or program within the same district, provided that existing health care providers, other than the applicant, have no standing or right to initiate or intervene in an administrative hearing involving a health care project which is subject to certificate-of-need review solely on the basis of s. 381.706(1)(c).

b. In addition to any rights granted under sub-subparagraph 2.a., any existing health care facility which is affiliated with, and located on the campus of, a state university, and which is involved in research and the teaching and training of students in one or more of the medical professions, may initiate or intervene in such administrative hearing upon a showing that an established program or the overall role of the facility will be substantially affected by the issuance of a certificate of need to a competing proposed facility or program within the primary service area of the existing facility as designated in its certificate of need. Any such facility shall be taken into consideration under the criteria set forth in s. 381.705(1)(a)-(n) and rules adopted pursuant thereto, as if it were located within the same service district of the applicant, to the extent that such consideration is consistent with the purposes of each criterion.

3. The department shall assign proceedings requiring hearings to the Division of Administrative Hearings of the Department of Administration within 10 days after the time has run to request a hearing. Except upon unanimous consent of the parties or upon the granting by the hearing officer of a motion of continuance, hearings shall commence within 60

days after the hearing officer has been assigned. All nonstate-agency parties shall bear their own expense of preparing a transcript. In any application for a certificate of need which is referred to the Division of Administrative Hearings for hearing, the hearing officer shall complete and submit to the parties a recommended order as provided in s. 120.57(1)(b). The recommended order shall be issued within 30 days after the receipt of the proposed recommended orders or the deadline for submission of such proposed recommended orders, whichever is earlier. The division shall adopt procedures for administrative hearings which shall maximize the use of stipulated facts and shall provide for the admission of prepared testimony.

(c) The department shall issue its final order within 45 days after receipt of the recommended order.

(d) If the department fails to take action within the time specified in paragraph (4)(a) or paragraph (5)(c), or as otherwise agreed to by the applicant and the department, the applicant may take appropriate legal action to compel the department to act. When making a determination on an application for a certificate of need, the department is specifically exempt from the time limitations provided in s. 120.60(2).

Section 23. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsection (2) of section 381.710, Florida Statutes, is amended to read:

381.710 Conditions and monitoring.—

(2)(a) Unless the applicant has commenced construction, if the project provides for construction, unless the applicant has incurred an enforceable capital expenditure commitment for a project, if the project does not provide for construction, or unless subject to paragraph (b), a certificate of need shall terminate 1 year after the date of issuance, *except in the case of a multifacility project, as defined in s. 381.702(17), where the certificate of need shall terminate 2 years after the date of issuance.* The department may extend the period of validity of the certificate for an additional period of up to 6 months, upon a showing of good cause, as defined by rule, by the applicant for the extension. The department shall monitor the progress of the holder of the certificate of need in meeting the timetable for project development specified in the application with the assistance of the local health council as specified in s. 381.703(1)(b)7., and may revoke the certificate of need, if the holder of the certificate is not meeting such timetable and is not making a good faith effort, as defined by rule, to meet it.

(b) A certificate of need issued to an applicant holding a provisional certificate of authority under chapter 651 shall terminate 1 year after the applicant receives a valid certificate of authority from the Department of Insurance. The certificate-of-need validity period may be extended by the department for an additional period of up to 6 months upon a showing of good cause, as defined by rule, by the applicant for the extension.

(c) The certificate-of-need validity period for a project shall be extended by the department, to the extent that the applicant demonstrates to the satisfaction of the department that good faith commencement of the project is being delayed by litigation or by governmental action or inaction with respect to regulations or permitting precluding commencement of the project.

(d) If an application is filed to consolidate two or more certificates as authorized by s. 381.706(2)(j) or to divide a certificate of need into two or more facilities as authorized by s. 381.706(2)(k), the validity period of the certificate or certificates of need to be consolidated or divided shall be extended for the period beginning upon submission of the application and ending when final agency action and any appeal from such action has been concluded. However, no such suspension shall be effected if the application is withdrawn by the applicant.

Section 24. Subsections (7) and (8) of section 409.266, Florida Statutes, are amended, and subsection (18) is added to said section, to read:

409.266 Medical assistance.—

(7) The Department of Health and Rehabilitative Services shall, within the intent of this section, expand payment for medical services to additional eligible persons as provided herein:

(a) The department shall, by rule, increase the Medicaid outpatient hospital services cap from $500 to $1,000, effective October 1, 1987.

(b) Beginning July 1, 1984, the department is authorized to use up to $10 million from the Public Medical Assistance Trust Fund, as created in s. 409.2662, to establish a primary care *system* ~~programs~~ for *Medicaid clients and other* low-income persons *by developing primary care programs contracted* through the county public health units pursuant to s. 154.011.

(c) Beginning July 1, *1988* ~~1987~~, the department is authorized to use up to *$20* ~~$10~~ million from the Public Medical Assistance Trust Fund in addition to the moneys authorized in paragraph (b), for a total of *$30* ~~$20~~ million for fiscal year *1988-1989* ~~1987-1988~~, in order to expand primary care programs for low-income persons *to each county* pursuant to s. 154.011.

(d) Beginning July 1, 1985, the department shall provide by rule for the delivery of Medicaid services to:

1. Financially eligible individuals under age 21 who are children in intact families;

2. Financially eligible unemployed parents and their children who are under age 18; and

3. Financially eligible married pregnant women.

Financial eligibility shall be based on the income and resource standards for Aid to Families with Dependent Children. The definition of the term "unemployed" shall be based on federal regulations.

(e) The department shall provide, by rule, for the delivery of federally approved Medicaid services to qualified elderly persons and disabled persons whose family incomes are below *100* ~~90~~ percent of the federal nonfarm poverty level.

(f) Beginning October 1, 1987, the department shall provide, by rule, for the delivery of Medicaid services as specified in paragraph (j) to qualified pregnant women whose family incomes are below 100 percent of the federal nonfarm poverty level.

(g) Beginning October 1, *1988* ~~1987~~, the department shall provide, by rule, for the delivery of federally approved Medicaid services to qualified infants and children under *5* ~~2~~ years of age, whose family incomes are below 100 percent of the federal nonfarm poverty level, and shall phase in additional age limits as follows:

1. Beginning October 1, *1989* ~~1988~~, Medicaid benefits shall be extended to cover eligible children under the age of *6* ~~3~~.

2. Beginning October 1, *1990* ~~1989~~, Medicaid benefits shall be extended to cover eligible children under the age of *7* ~~4~~.

3. Beginning October 1, *1991* ~~1990~~, Medicaid benefits shall be extended to cover eligible children under the age of *8* ~~5~~.

(h) The department is prohibited from applying a resource test to those pregnant women or children who are made eligible for Medicaid services under paragraph (f) or paragraph (g), unless such persons also receive Aid to Families with Dependent Children (AFDC) or Supplemental Security Income (SSI) benefits.

(i) Beginning October 1, 1987, the department is directed to implement the federal option of presumptive eligibility in accordance with 42 U.S.C., ss. 1396(a)(47) and 1396r, for all Medicaid-eligible pregnant women who affirm their family income to be within the Medicaid eligibility standards.

(j) The *specific* Medicaid services *referred* to ~~be provided~~ in paragraphs (e) through (i) shall be those authorized by the Federal Sixth Omnibus Budget Reconciliation Act *or the Federal Seventh Omnibus Budget Reconciliation Act* and provided for in the General Appropriations Act.

(k)*1.* Beginning July 1, 1986, the department shall establish, by rule, a Medicaid medically needy program that will provide services for which categorically eligible persons are entitled, except for long-term institutional services. These services shall be provided to persons who meet categorical eligibility requirements, other than requirements relating to income limitations. The maximum income eligibility for services through the medically needy program shall be set at up to 133⅓ percent of the payment standard for eligibility for Aid to Families with Dependent Children, the percentage to be set by the department in consultation with the appropriations committees of the Senate and the House of Representatives and based upon recurring funds available.

2. On or before March 1, 1989, the department shall submit to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, a report on the status of the Medicaid medically needy program and any of the other Medicaid programs which expand eligibility to optional groups and which are funded from the Public Medical Assistance Trust Fund. The report shall include, but need not be limited to, the following:

a. The amounts reimbursed to providers, arranged by major types of providers, and the amount hospitals were assessed for the Public Medicaid Assistance Trust Fund.

b. Any evidence of a shift in the burden of uncompensated care among hospitals, based on hospital assessments and reimbursements from the Public Medical Assistance Trust Fund.

c. The impact in the eligibility for and the reimbursements from the expanded Medicaid eligibility programs on the budgets of county public health units and the children's medical services budget.

d. Caseload information concerning Aid to Families With Dependent Children and Supplemental Security Income clients who were screened, and determined eligible, as a result of the medically needy eligibility determination process.

e. Information relating to attrition rates at the various stages of the application process.

f. An assessment of the impact of the payment level for clients receiving Aid to Families With Dependent Children on the average medically needy spend-down payment level.

g. Recommendations for program improvements, including recommendations relating to administrative issues, additional services to be offered, interface with providers, and possible funding mechanism.

h. Projections of caseloads for the next 3 fiscal years for programs funded from the Public Medical Assistance Trust Fund and projections of any surplus or deficit resulting from those caseload projections.

(8) The department shall, within the intent of this section, expand payment for Medicaid services as follows:

(a) Beginning October 1, 1987, the department is directed to increase all Medicaid physician reimbursement up to a minimum of the Medicare 50th percentile as published in the 1986 Medicare Part B Procedure Codes and Prevailing Allowances, to be phased in over a 5-year period, except, however, effective October 1, 1987:

1. The department shall increase the Medicaid physician reimbursement rate for office visits to the Medicare 50th percentile.

2. Reimbursement fees to physicians for providing total obstetrical services to Medicaid recipients, which include prenatal, delivery, and postpartum care, shall be at least $800 per delivery for a pregnant woman with low medical risk and at least $1,200 per delivery for a pregnant woman with high medical risk. Nurse midwives licensed under chapter 464 and chapter 467 shall be paid at no less than 80 percent of the low medical risk fee. The department shall by rule determine, for the purpose of this paragraph, what constitutes a high or low medical risk pregnant woman. Such determination shall not include a consideration of whether a caesarean section was performed. The department shall by rule determine a prorated payment for obstetrical services in cases where only part of the total prenatal, delivery, or postpartum care was performed. The department shall review these reimbursement fees annually in relation to the actual cost of providing the obstetrical care, and shall make recommendations to the Legislature for appropriate increases as necessary.

3. Reimbursement per day per patient to a physician licensed under chapter 458 or chapter 459, who is certified or is eligible for certification by an appropriate board to practice neonatal-perinatal medicine *or pediatric critical care medicine*, shall be limited to no more than 10 percent of the total obstetrical service delivery rate for a high medical risk pregnant woman. The department may by rule establish a graduated fee schedule which is based on the complexity and severity of the infant's medical problems. However, in no instance shall the physician's daily reimbursement per patient be set at less than $50.

(b) The department shall phase in increases to the Medicaid physician reimbursement rates up to a minimum of the Medicare 50th percentile, utilizing the Florida Medicare Area B allowances, as follows:

1. Beginning October 1, 1988, the department shall increase fees for physician critical care visits and hospital visits; and for certain surgical procedures identified in rule by the department which are performed by physicians licensed under chapter 458 or chapter 459 who are certified or eligible for certification by an appropriate board to practice surgery on eligible children under 21 who participate in the Medicaid Early Periodic Screening Diagnosis and Treatment Program.

2. Beginning October 1, 1989, the department shall increase fees for all remaining physician visits; for anesthesiologist procedures; and for the 25 most frequent surgical procedure code groups as determined by the department.

3. Beginning October 1, 1990, the department shall increase fees for radiology and pathology procedures.

4. Beginning October 1, 1991, the department shall increase fees for the remaining surgical procedures and for all remaining procedures not previously increased.

(c)~~(b)~~ Consistent with the legislative intent to emphasize primary and preventive health services as they apply to children, beginning October 1, 1987, the department is directed to provide, by rule, for the expansion of Medicaid coverage to increase provider fees for early periodic screening, diagnosis and treatment of Medicaid-eligible children up to a minimum of $30 per unit. The department shall review provider fees annually in relation to the actual cost of providing the screening, diagnosis, and treatment, and shall make recommendations to the Legislature for appropriate increases as necessary.

(d)~~(c)~~ Beginning October 1, 1987, the department shall provide, by rule, for a 100-percent increase in Medicaid provider fees for home health care services, up to a maximum of 55 percent of the Medicare maximum allowance; however, licensed practical nurses shall be reimbursed 15 percent less than registered nurses.

(e)~~(d)~~ Beginning October 1, 1987, the department shall reimburse physicians $35 per unit to provide annual health screening and diagnostic services for Medicaid-eligible adults. The department shall review provider fees annually in relation to the actual cost of providing the screening and diagnosis, and shall make recommendations to the Legislature for appropriate increases as necessary.

(f)~~(e)~~ Beginning October 1, 1987, the department shall increase access to primary dental care by increasing Medicaid dental fees to 100 percent of the October 1, 1984, departmental fee schedule for non-Medicaid clients as determined by the advisory Dental Fee Committee.

(18) The department is directed to pursue alternatives with the Federal Health Care Financing Administration to extend the limit on inpatient hospitalization to 120 days beginning October 1, 1988, for all Medicaid eligible neonates. If by January 1, 1989, the department is unable to reach agreement with the Health Care Financing Administration to extend the length of inpatient hospital days for such neonates, then the department is directed to extend the length of stay for inpatient hospital services to 120 days for all eligible children under 21, who participate in the Medicaid Early Periodic Screening, Diagnosis, and Treatment Program. Notwithstanding the provisions of s. 409.267, counties shall be exempt from contributing towards the cost of this extention from the 46th to the 120th day. The provisions of this subsection shall be funded by an appropriation to the department from the Public Medical Assistance Trust Fund pursuant to s. 409.2662.

Section 25. Subsections (1) and (6) of section 409.2661, Florida Statutes, are amended to read:

409.2661 Medically indigent demonstration projects.—Beginning July 1, 1987, the department is directed to plan for and establish medically indigent demonstration projects and to evaluate the impact of each on improving access to services by persons who are medically underserved.

(1) The department shall contract to assist in funding *two* ~~one~~ rural and *two* ~~one~~ urban ~~demonstration~~ primary care health training *demonstration projects which link* ~~project which links~~ the provision of primary care services to low-income persons with the education of medical students, interns, and residents. Such program shall at a minimum:

(a) Be sponsored by state-approved medical schools which shall be responsible for the clinical training and supervision.

(b) Cover large geographical areas and large numbers of patients.

(c) Utilize a multidisciplinary approach with appropriate medical supervision.

Nothing in this subsection shall preclude a primary care health training demonstration project from utilizing current community resources such as county public health units, primary care programs, or other established cooperative agreements. *Each primary care health training demonstration project shall be eligible for up to $1 million of funds appropriated pursuant to subsection (6).*

(6) Not more than *$5* ~~$3~~ million *in total* shall be appropriated for the medically indigent demonstration projects; provided, however, that each demonstration project shall be awarded no more than $1 million to cover service, administration, and start-up costs. This money shall be derived exclusively from the Public Medical Assistance Trust Fund.

Section 26. Subsection (4) of section 409.2662, Florida Statutes, is amended to read:

409.2662 Public Medical Assistance Trust Fund.—

(4) Moneys deposited into the Public Medical Assistance Trust Fund shall be used solely for the purposes set out in this *act* ~~section~~, in s. 14, chapter 87-92, Laws of Florida, and in ss. 409.266(7), 409.2661, 409.2663, and 409.701.

Section 27. Section 409.2673, Florida Statutes, is created to read:

409.2673 Shared county and state health care program for low-income persons.—

(1) It is the policy of the state that the state and local governments have a joint obligation, as provided in this section, to participate in the provision of health care services to low-income persons who do not meet the criteria for Medicaid.

(2) A shared county and state program is established to provide inpatient hospital services including out-of-county inpatient hospital services to single adults under the age of 65, childless couples, and parents in intact families with incomes up to 100 percent of the federal poverty income guidelines who do not meet the criteria for Medicaid and who have insufficient third-party insurance coverage. This program is intended to serve as the payer of last resort.

(3)(a) Beginning no later than January 1, 1989, county participation in this program shall be optional.

(b) Beginning October 1, 1989, county participation in this program shall be mandatory.

(4) The levels of financial participation by counties and the state for this program shall be determined as follows:

(a) If on July 1, 1988, a county is funding inpatient hospital services for those who would be eligible for the program, the county shall fund 35 percent of the cost of this program and the state shall provide the remaining 65 percent of the funding required for this program. A county participating at this level shall use that portion of its budget that previously would have funded these inpatient hospital services, and that, under this program, has been offset by state funding, for funding other health programs.

(b) If a county has not reached its maximum ad valorem millage rate as authorized by law and certified to the Department of Revenue and the county does not currently fund inpatient hospital services for those who would be eligible for this program, the county:

1. Shall provide 35 percent of the cost for this program from within the county's existing budget and the state shall provide the remaining 65 percent of the funding required for this program; however, under no circumstances will county funding which had been used for funding the county public health unit under chapter 154 be utilized for funding the county's portion of this program; or

2. Shall levy an additional ad valorem millage to fund the county's portion of this program. The state shall provide the remaining portion of program funding if:

a. A county levies additional ad valorem millage up to the maximum authorized by law and certified to the Department of Revenue and still does not have sufficient funds to meet its 35 percent of the funding of this program; and

b. A county has exhausted all revenue sources which can statutorily be used as possible funding sources for this program.

(c) A county will be eligible for 100 percent state funding of this program if:

1. On July 1, 1988, the county does not fund inpatient hospital services for those who would be eligible for this program;

2. The county has reached its maximum ad valorem millage as authorized by law and certified to the Department of Revenue; and

3. The county has exhausted all revenue sources which can statutorily be used as possible funding sources for this program.

Reporting forms specifically designed to capture the information necessary to determine the above levels of participation will be developed as part of the joint rule making required for the shared county and state program. For purposes of this program, the counties will be required to report necessary information to the Department of Banking and Finance.

(5) Under no circumstances shall any county receive more than $1.5 million of the total state appropriation during any fiscal year from the state for the state's share of the funding for the shared county and state program.

(6)(a) If, during the course of any fiscal year the state's specific appropriation for this program is depleted, the program will cease to operate for the remainder of that fiscal year. When state dollars are depleted, county obligations cease. A county is not liable for funding without appropriate state matching funds.

(b) If, during the course of any fiscal year the county's specific appropriation for this program is depleted, the program will cease to operate in that county for the remainder of that fiscal year. When county dollars are depleted, state obligations cease. The state is not liable for funding without appropriate county matching funds.

(c) The state's portion of the funding shall be made available from the Public Medical Assistance Trust Fund, created under s. 409.2662.

(7) A county that participates in the program at any level may not reduce its total per capita expenditures being devoted to health care if any of these funds were previously utilized for the provision of inpatient hospital services to those persons made eligible for the shared county and state program. It is the intent of the Legislature that, as a result of the shared county and state program, local funds which were previously used for the provision of inpatient hospital services to persons made eligible by the program be used by counties for funding other health care programs, which for purposes of this section, are health expenditures as reported annually to the Department of Banking and Finance pursuant to s. 218.32, provided that this subsection does not apply to reductions in county funding resulting from the expiration of special sales taxes levied pursuant to chapter 84-373, Laws of Florida.

(8)(a) For those counties contributing funding to the shared county and state program, the county has the first right of refusal in deciding if it will be responsible for making eligibility determinations required as part of the shared county and state program if the state is contributing 80 percent or less of program funding. If a county declines the eligibility determination function, such determinations shall be made by the department.

(b) In those counties where the shared county and state program is 80 percent or more funded by the state, the department shall be responsible for making eligibility determinations required as part of the program.

(9) Under the shared county and state program, reimbursement to a hospital for inpatient services for an eligible person must:

(a) Be at a reimbursement rate negotiated between the county and the hospital participating in the program but not to exceed the hospital's per diem reimbursement rate in effect at the time of service delivery for the hospital under the medical assistance program for the needy under Title XIX of the Social Security Act, as amended;

(b) Be limited to payment for 12 days of service per admission, not to exceed 45 days of service a year;

(c) Be conditioned on participation of the eligible person prior to hospitalization in a case-managed outpatient services program or referral of the eligible person immediately subsequent to discharge from the hospital, in a case-managed outpatient services program. For purposes of this program, case-managed outpatient services programs are those operated by:

1. A state-funded county public health unit, a county public health unit primary care program, or a contractor whose primary care program is funded through a county public health unit;

2. A county-operated primary care program or a contractor whose primary care program is funded by or through a county governing authority;

3. A federally funded community or migrant primary health care center; or

4. A private physician who has previously provided case-managed care to the person to be enrolled and who, upon being contacted by the county, verifies that such care will continue to be provided; and

(d) Be conditioned, for any hospital seeking to be considered by a county as a provider of inpatient hospital services under the shared county and state program, on the submission by a hospital to the county information which indicates that hospital's per diem reimbursement rate in effect on October 1, 1988, for the hospital under the medical assistance program for the needy under the Title XIX of the Social Security Act, as amended, and any subsequent adjustments of that hospital's rate.

(e) Be conditioned, for public hospitals and hospital districts that deliver services as part of this program, on a commitment not to reduce the percentage of the hospital's ad valorem tax dollars being devoted to health care for low-income persons if any of these funds were previously utilized for the provision of health care services to those persons made eligible for the shared county and state program. It is the intent of the Legislature that, as a result of the shared county and state program, funds that were previously utilized for the provision of health care services to persons made eligible by the program be used by public hospitals and hospital districts to expand their health care program capabilities for low-income persons.

(f) Be conditioned, for tax district hospitals that deliver services as part of this program, on the delivery of charity care, as defined in the rules of the Hospital Cost Containment Board, which equals a minimum of 2.5 percent of the tax district hospital's net revenues; however, those tax district hospitals which by virtue of the population within the geographic boundaries of the tax district can not feasibly provide this level of charity care shall assure an "open door" policy to those residents of the geographic boundaries of the tax district who would otherwise be considered charity cases.

(10) For each person determined eligible for the shared county and state program, every effort must be made as part of the eligibility determination process to determine if any applicable third-party insurance coverage is available. A requirement for participation by the applicant in the shared county and state program shall be complete cooperation of each applicant in the eligibility review process. Failure of a potential program participant to provide necessary documentation and follow-up will result in program rejection.

Section 28. *Rules governing the shared county and state program under section 409.2673, Florida Statutes, shall be developed by a nine-member work group consisting of equal representation by the Department of Health and Rehabilitative Services, the counties, and the hospital industry. County representatives to this work group shall be appointed by the Florida Association of Counties. Rules governing the various aspects of the shared county and state program, as adopted by the work group, shall be promulgated by the department by January 1, 1989. Topics to be addressed by rule include, but are not limited to:*

1. Funding transfers from the state to the counties;

2. Maintenance of effort on the part of counties, public hospitals, and hospital districts;

3. Eligibility determinations, including income and asset tests and intent to reside criteria;

4. Subrogation;

5. Out-of-county hospitalization;

6. Data elements and forms required for reporting by counties to the Department of Revenue; and

7. Allocation methodology.

Section 29. *There is created the Shared County and State Program Trust Fund in the Treasury to be used by the Department of Health and Rehabilitative Services for the purpose of funding the state's portion of the shared county and state program created pursuant to s. 409.2673, Florida Statutes.*

Section 30. *There is created in each county the Shared County and State Program Trust Fund to be used by the county for reimbursing participating hospitals for the provision of inpatient hospital services to those eligible for coverage by the shared county and state program created pursuant to section 409.2673, Florida Statutes. There shall be deposited into the trust fund county funds for the shared county and state program and the county's share of state funds allocated for the shared county and state program.*

Section 31. *DISPROPORTIONATE SHARE PROGRAM.—Effective July 1, 1988, and for the 1988-89 fiscal year only, the department shall distribute, pursuant to this section, moneys appropriated from the Public Medical Assistance Trust Fund to hospitals providing a disproportionate share of Medicaid or charity care services by increasing Medicaid per diem payments to hospitals as required by the Federal Omnibus Budget Reconciliation Act of 1987. Notwithstanding the provisions of chapter 409.267, Florida Statutes, counties shall be exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low income patients.*

(1) DEFINITIONS.—As used in this section:

(a) "Adjusted patient days" means the sum of acute care patient days and intensive care patient days as reported to the board, divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues.

(b) "Actual audited data" or "actual audited experience" means data reported to the board which is contained within financial statements examined by an independent, Florida-licensed, certified public account, in accordance with general accepted auditing standards.

(c) "Base Medicaid per diem" means the hospital's most recent Medicaid per diem rate as determined by the department from the hospital's Medicaid cost report. The base Medicaid per diem rate shall not include any additional per diem increases received as a result of the disproportionate share distribution.

(d) "Board" means the Hospital Cost Containment Board as established in s. 395.503, Florida Statutes.

(e) "Charity care" or "uncompensated charity care" means that portion of hospital charges reported to the board for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 150 percent of the federal non-farm poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal non-farm poverty level for a family of four be considered charity.

(f) "Charity care days" for the purpose of this section, means the sum of the deductions from revenues for charity care minus 50 percent of restricted and unrestricted revenues provided to a hospital by local governments or tax districts, divided by gross revenues per adjusted patient day.

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

(h) "Disproportionate share rate" means a rate of increase in the Medicaid per diem rate pursuant to the Federal Omnibus Budget Reconciliation Act of 1987 as calculated under this section.

(i) "Hospital" means a health care institution as defined in s. 395.002(6).

(j) "Medicaid days" means the number of actual days attributable to Medicaid patients as reported to the board.

(k) "Public Medical Assistance Trust Fund" or "trust fund" means the Public Medical Assistance Trust Fund as established in s. 409.2662, Florida Statutes.

(2) METHODOLOGY.—The board shall utilize the following criteria to determine a hospital's disproportionate share rate:

(a) In computing the disproportionate share rate, the following minimum requirements shall apply:

1. In order to qualify for reimbursement under this section, a hospital's total Medicaid days when combined with its total charity care days must equal or exceed 5 percent of its total adjusted patient days.

2. Per diem increases earned from disproportionate share shall be applied to each hospital's base Medicaid per diem rate and shall be capped at 50 percent.

3. The fiscal base year used to determine a hospital's Medicaid and charity care days shall be the most recent audited actual experience as reported to the board prior to July 1, 1988.

4. If the total amount earned by all hospitals under this section exceeds the amount appropriated, each hospital's share shall be reduced on a pro rata basis so that the total dollars redistributed from the trust fund do not exceed the total amount appropriated.

(b) The following formula shall be utilized by the board to calculate the maximum disproportionate share rate used to increase a qualified hospital's Medicaid per diem rate:

$$DSR = \left(\frac{CCD}{APD}\right) \times 4.5 + \left(\frac{MD}{APD}\right)$$

where:

APD — adjusted patient days.

CCD — charity care days.

DSR — disproportionate share rate.

MD — Medicaid days.

Section 32. *Sections 32 through 40 may be cited as the "Rural Hospital Act of 1988."*

Section 33. *Legislative findings and intent.—*

(1) The Legislature finds that rural hospitals are the nucleus or "backbone" of rural health care systems. Public health programs and physicians depend on rural hospitals to meet many of their medical needs. Rural hospitals are usually the only source of emergency medical care in rural areas for life-threatening situations and play a crucial role in attracting physicians to rural areas. The Legislature deems the benefits derived from these features to be truly significant, as rural counties with hospitals have lower accidental death rates and lower incidence of low birth-weight than rural counties without hospitals. In addition, rural hospitals enhance their communities beyond the scope of health care, as they are among the largest employers in rural areas and substantially foster economic development and growth. For these reasons, the Legislature finds that rural hospitals are widely viewed as integral to the welfare of rural communities. However, the rural health care system is experiencing significant instability as the financial viability of many of these hospitals is threatened. The Legislature finds that sharply declining occupancy rates, increasing dependence on Medicaid and Medicare reimbursements, liability concerns, frequent changes in ownership, high levels of bad debt, greater competition on more sophisticated levels with urban hospitals, and physician and personnel staffing problems threaten the existence of some rural hospitals.

(2) It is the intent of the Legislature to ease the burdens experienced by rural hospitals in personnel staffing by:

(a) Providing financial incentives under the Medical Education Tuition Reimbursement Program in order to increase the number of primary care physicians and nurses in rural areas; and

(b) Requiring a study of problems unique to rural hospitals generated by existing licensure and certification requirements for allied health care practitioners in the state.

(3) In addition, it is the intent of the Legislature to ease the severe financial constraints being experienced by some rural hospitals by extending Medicaid reimbursements to rural hospital swing-beds and establishing the full utilization, when feasible, of rural hospital services by departmental primary care programs and programs serving the elderly citizens of the state.

(4) Furthermore, the Legislature encourages the Department of Health and Rehabilitative Services to actively foster the provision of health care services in rural areas and serve as a catalyst for improved health services to citizens in rural areas of the state. Among other considerations, the department is encouraged to:

(a) Promote the location and relocation of health care practitioners in rural areas.

(b) Promote the financial viability of rural hospitals and their continued existence in rural counties.

(c) Integrate policies related to physician manpower, hospitals, primary care, and state regulatory functions.

(d) Collect relevant data on rural health care issues for use in departmental policy development.

(e) Propose solutions for problems affecting health care delivery in rural areas.

Section 34. *Definitions.—As used in sections 32 through 40:*

(1) "Rural hospital" means an acute care hospital licensed under chapter 395, Florida Statutes, with 85 beds or less, which is:

(a) The sole provider within a county with a population density of no greater than 100 persons per square mile; or

(b) An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other acute care hospital within the same county; or

(c) A provider supported by a hospital tax district whose boundaries encompass a population of 100 persons or less per square mile.

(2) "Rural area health education center" means an area health education center (AHEC), as authorized by Pub. L. No. 94-484, which provides services in a county with a population density of no greater than 100 persons per square mile.

(3) "Swing-bed" means a bed which can be used interchangeably as either a hospital, skilled nursing facility (SNF), or intermediate care facility (ICF) bed pursuant to the Code of Federal Regulations, Parts 405, 435, 440, 442, and 447.

Section 35. Paragraph (c) of subsection (1) of section 154.011, Florida Statutes, is amended to read:

154.011 Primary care services.—

(1) It is the intent of the Legislature that all 67 counties offer primary care services through contracts, as required by s. 154.01(3), for Medicaid recipients and other qualified low-income persons. Therefore, beginning July 1, 1987, the Department of Health and Rehabilitative Services is directed, to the extent that funds are appropriated, to develop a plan to implement a program in cooperation with each county. The department shall coordinate with the county's primary care panel, as created by s. 154.013, or with the county's governing body if no primary care panel is appointed. Such primary care programs shall be phased-in and made operational as additional resources are appropriated pursuant to s. 409.266(6)(c), and shall be subject to the following:

(c) Each primary care program shall conform to the requirements and specifications of the department, and shall at a minimum:

1. Adopt a minimum eligibility standard of at least 100 percent of the federal nonfarm poverty level.

2. Provide a comprehensive mix of preventive and illness care services.

3. Be family oriented and be easily accessible regardless of income, physical status, or geographical location.

4. Ensure 24-hour telephone access and offer evening and weekend clinic services.

5. Offer continuity of care over time.

6. Make maximum use of existing providers to ensure efficient use of resources.

7. Have a sliding fee schedule based on income for eligible persons above 100 percent of the federal nonfarm poverty level.

8. Include quality assurance provisions and procedures for evaluation.

9. Provide early periodic screening diagnostic and treatment services for Medicaid-eligible children.

10. Fully utilize and coordinate with rural hospitals for outpatient services, including contracting for services when advisable in terms of cost-effectiveness and feasibility.

Section 36. *It is the intent of the Legislature that funds as appropriated shall be utilized by the Department of Health and Rehabilitative Services for the purpose of increasing the number of primary care physicians and nurses in rural areas pursuant to s. 240.4067, Florida Statutes, pertaining to the Medical Education Tuition Reimbursement Program. Reimbursement through the program shall be limited to:*

(1) Primary care physicians and nurses employed by or affiliated with rural hospitals, as defined in this act; and

(2) Primary care physicians and nurses employed by or affiliated with rural area health education centers, as defined in this act. Such physicians and nurses shall practice:

(a) In a county with a population density of no greater than 100 persons per square mile; or

(b) Within the boundaries of a hospital tax district which encompasses a population of no greater than 100 persons per square mile.

These funds may be used for federal loan repayment programs which require state matching funds, such as that provided for in section 338 of Pub L. No. 100-177.

Section 37. Subsection (19) is added to section 409.266, Florida Statutes, to read:

409.266 Medical assistance.—

(19) Medicaid funding shall be extended to intermediate and skilled nursing patients in rural hospital swing-beds, subject to federal financial participation. Such reimbursement shall not be provided for skilled nursing or intermediate care beyond the 30th day of swing-bed service provision, unless the Office of the Deputy Assistant Secretary for Medicaid within the Department of Health and Rehabilitative Services gives prior authorization for a longer length of stay. The provisions of this subsection shall be funded by an appropriation to the department from the Public Medical Assistance Trust Fund pursuant to s. 409.2662.

Section 38. Paragraph (n) is added to subsection (2) of section 410.016, Florida Statutes, to read:

410.016 Elderly population; departmental responsibilities.—

(2) DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES.—The department shall:

(n) Fully utilize and coordinate with rural hospitals when carrying out activities under this chapter with regard to the aged, when advisable in terms of cost-effectiveness and feasibility.

Section 39. *Manpower shortage study.—The Department of Health and Rehabilitative Services shall conduct a study of existing state licensure or certification requirements for allied health personnel employed in licensed rural hospitals, and report its findings and recommendations to the Legislature on or before March 1, 1989. The study shall include, but not be limited to, the following:*

(1) A review of current licensure or certification requirements for:

(a) Clinical laboratory personnel in accordance with chapter 483, Florida Statutes.

(b) Nursing practitioners in accordance with chapter 464, Florida Statutes.

(c) Physical therapy practitioners in accordance with chapter 486, Florida Statutes.

(d) Radiologic technology practitioners in accordance with chapter 468, Florida Statutes.

(e) Respiratory care practitioners in accordance with chapter 468, Florida Statutes.

(f) Any other category of allied health personnel licensed or certified by the state which may be employed in licensed rural hospitals.

(2) An analysis of problems unique to rural hospitals in this state generated by practice requirements for the personnel enumerated in subsection (1).

(3) An analysis of the availability of personnel, recruiting problems, supervision problems, and budget or other constraints for rural hospitals in this state.

Section 40. *The Department of Health and Rehabilitative Services is hereby authorized to adopt all necessary rules pertaining to the standards of care applicable to rural hospital swing-beds and the criteria whereby swing-bed stays of longer than 30 days shall be authorized. The latter length-of-stay criteria shall include, but not be limited to, the medical needs of the patient, the county of residence of the patient and patient's family, patient preference, proximity to relatives and friends, and distance to available nursing home beds, if any.*

Section 41. Effective July 1, 1988, Sections 41 through 44 are created and may be cited as the "Medical Education and Tertiary Care Act."

Section 42. *LEGISLATIVE INTENT.—The Legislature finds and declares that statutory teaching hospitals, as defined in s. 395.502(22), Florida Statutes, provide the majority of graduate medical education in this state and that, without the contributions to undergraduate and graduate medical education by statutory teaching hospitals, this state will lack the supply of medical manpower necessary to meet the health care needs of the state in coming years, and, despite the enactment of various measures by the Legislature, there remains a deficit in the funds available to provide access to acute care for many residents of this state. The Legislature further finds that if properly funded, the statutory teaching hospitals are uniquely situated to contribute to both undergraduate and graduate medical education and to tertiary health care services, in that these teaching hospitals are geographically situated to make such contributions in the various regions of the state and also have the staff necessary to render such care. The Legislature finds that although the statutory teaching hospitals together maintain less than 10 percent of hospital beds in this state, they provide more than 90 percent of the state's graduate medical education and constitute a safety net for the most complex health care services for all Floridians, and while the state's statutory teaching hospitals are sustaining a disproportionate share of the cost of medical education and related patient care, the increasingly competitive health care environment has made it impossible for these hospitals to fund such costs. Therefore, it is the Legislature's intent to assure the survival of the state's statutory teaching hospitals and thus protect the health of a significant portion of the public.*

Section 43. *Medical Education and Tertiary Care Trust Fund.—There is hereby created the Medical Education and Tertiary Care Trust Fund, within the Board of Regents, State University System. All moneys deposited into the Medical Education and Tertiary Care Trust Fund shall be allocated as described in section 44 and expended by the respective hospitals after consultation with the affiliated college of medicine.*

Section 44. *Distribution of funds from the Medical Education and Tertiary Care Trust Fund.—On or before September 15 of each year, the Hospital Cost Containment Board, in consultation with the Board of Regents, shall calculate an allocation fraction to be used for distributing funds from the Medical Education and Tertiary Care Trust Fund. At the end of each quarter of the state fiscal year, the Board of Regents shall distribute from the fund to each statutory teaching hospital, as defined in s. 395.502(22), Florida Statutes, an amount determined by multiplying one-fourth of the funds appropriated to the Medical Education and Tertiary Care Trust Fund times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:*

(1) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board

of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(2) The number of full-time equivalent trainees in the hospital, which comprises two components:

(a) The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in subsection (1). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(3) A service index, which comprises three components:

(a) The Hospital Cost Containment Board Service Index, computed by applying the standard Service Inventory Scores established by the Hospital Cost Containment Board to services offered by the given hospital, as reported on the Hospital Cost Containment Board Worksheet A-2 for the last fiscal year reported to the board before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total Hospital Cost Containment Board Service Index values, where the total is computed for all state statutory teaching hospitals.

(b) A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the Hospital Cost Containment Board to the volume of each service, expressed in terms of the standard units of measure reported on the Hospital Cost Containment Board Worksheet A-2 for the last fiscal year reported to the board before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

(c) Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

Section 45. Paragraph (b) of subsection (4) of section 73 of chapter 88-1, Laws of Florida, is amended to read:

Section 73. Birth-Related Neurological Injury Compensation Trust Fund.—

(4) On or before March 1, 1988, the following persons and entities shall pay into the fund an initial assessment in accordance with the plan of operation:

(b) Each hospital licensed under chapter 395, Florida Statutes, shall pay an initial assessment of $50 per infant delivered during the prior calendar year, as reported in the most recent annual licensure survey of hospitals. Each hospital owned or operated by the state or a county, special taxing district, or other political subdivision of the state shall not be required to pay the initial assessment or any assessment required by subsection (5). The term "infant delivered during the prior calendar year" shall not include infants delivered by a physician employed by the State or any political subdivision thereof. *The initial assessment and any assessment imposed pursuant to subsection (5) may not include any infant born to a charity patient (as defined by rule of the Hospital Cost Containment Board) or born to a patient for whom the hospital receives Medicaid reimbursement, in a teaching hospital as defined in s. 395.502(22), F.S.*

Section 46. Section 395.0145, Florida Statutes, is hereby repealed.

Section 47. *Notwithstanding the provisions of section 50 of chapter 87-92, Laws of Florida, s. 409.266(7)(k), Florida Statutes, relating to the Medicaid medically needy program shall not stand repealed on October 1, 1988, as scheduled by such act, but shall continue in full force and effect as amended herein until October 1, 1989, at which time s. 409.266(7)(k), Florida Statutes, shall stand repealed unless reenacted by the Legislature.*

Section 48. *Effective July 1, 1988, or upon becoming a law, whichever occurs later, there is hereby appropriated, for fiscal year 1988-1989, the following monies from the Public Medical Assistance Trust Fund as set forth in s. 409.2662, Florida Statutes, to the Department of Health and Rehabilitative Services:*

(1) The sum of $2.5 million to fund the extension of Medicaid length of stay for neonates to 120 days as provided for in section 24.

(2) The sum of $2 million to fund two additional primary care health training demonstration projects as provided for in section 25.

(4) The sum of $10 million to fund the state's share of the state and county program as provided for in sections 27 through 30.

(5) The sum of $35 million to fund the Medicaid Disproportionate share program provided for in section 31.

(6) The sum of $644,163 to fund Medicaid rural hospital swing-beds as provided for in section 37.

Section 49. Except as otherwise provided herein, this act shall take effect October 1, 1988.

House Amendment 1 to House Amendment 3—On page 1, in the title, line 14, through page 6, line 2, strike all of said language and insert: A bill to be entitled An act relating to health care; amending s. 154.01, F.S.; restating the purposes for the operation of county public health units; defining three levels of county public health unit services as environmental, communicable disease control, and primary care services; providing contracting provisions and requirements between the Department of Health and Rehabilitative Services and the counties; amending s. 154.011, F.S.; requiring counties to coordinate certain health care services with existing federal programs; amending s. 154.02, F.S.; modifying the provisions governing the Public Health Unit Trust Fund; specifying expenditure report requirements and providing timeframes for reporting; amending s. 154.04, F.S.; modifying provisions regarding public health unit personnel; requiring the employment of an environmental specialist; providing that public health unit personnel be employed by the Department of Health and Rehabilitative Services; amending s. 154.205, F.S.; revising the time period which certain financing charges and interest costs must be guaranteed; amending s. 154.301, F.S.; renaming "The Florida Health Care Responsibility Act" as "The Florida Health Care Responsibility Act of 1988"; amending s. 154.302, F.S.; revising legislative intent; amending s. 154.304, F.S.; revising definitions; amending s. 154.306, F.S.; specifying financial responsibilities of hospitals and counties for certified residents who are qualified indigent patients; specifying county obligation per calendar year; providing duties of the Hospital Cost Containment Board and the Department of Health and Rehabilitative Services; amending s. 154.308, F.S.; requiring uniform statewide eligibility criteria; requiring that rules be adopted; increasing the time frame for determination of financial eligibility; providing for qualified indigents; authorizing counties to establish less restrictive financial eligibility thresholds; creating s. 154.309, F.S.; providing for certification of county of residence; providing minimum criteria; requiring certain notification to treating hospitals; amending s. 154.31, F.S.; specifying obligation of participating hospitals and regional referral hospitals to admit patients; providing penalties; creating s. 154.3105, F.S.; providing for rules; requiring a work group; providing membership criteria; requiring promulgation of certain

rules; amending s. 154.312, F.S.; providing procedure for settlement of disputes; amending s. 154.314, F.S.; revising time frames for payment to hospitals; requiring the Comptroller to provide a quarterly accounting; amending s. 154.316, F.S.; providing conditions for reimbursement for treatment of patients; amending s. 154.331, F.S.; providing for establishment of independent health care special districts, with authority to levy ad valorem taxes; providing for appointment and powers and functions of governing boards; providing procedures and restrictions with respect to millage rates; providing for dissolution of districts; providing for compliance with statutory requirements; amending s. 159.27, F.S.; revising the time period which specified costs incurred in the construction of certain projects must be guaranteed; amending s. 381.702, F.S.; defining "multifacility project"; amending ss. 381.705, 381.706, 381.709, and 381.710, F.S.; providing additional projects subject to certificate-of-need review; providing review criteria; modifying review process; extending validity period for certain certificates of need; amending s. 409.266, F.S.; authorizing certain use of moneys in the Public Medical Assistance Trust Fund to expand primary care programs; increasing the income level under which elderly and disbled persons may qualify for Medicaid services; increasing the age level under which children may qualify for Medicaid benefits; requiring a report; providing for increases in certain physician reimbursement; extending Medicaid length of stay for certain hospital services; amending s. 409.2661, F.S.; providing for additional primary care health training demonstration projects; increasing funding; amending s. 409.2662, F.S.; specifying additional uses of moneys in the Public Medical Assistance Trust Fund; creating s. 409.2673, F.S.; establishing a shared county and state health care program for specified low-income persons; providing for eligibility for the program; providing for funding the program; delineating state and county responsibility should the funds of either be depleted; requiring participating counties to maintain current health care efforts; providing for eligibility determination; specifying conditions for reimbursement to hospitals; providing for development and adoption of rules governing the program; creating the Shared County and State Program Trust Fund; creating shared county and state program trust funds in each county; providing Medicaid disproportionate share reimbursement to certain hospitals; providing a methodology for determining rate of increase; creating the "Rural Hospital Act of 1988"; providing legislative intent and definitions; amending s. 154.011, F.S.; requiring certain primary care programs to utilize and coordinate with rural hospitals for outpatient services; providing intent for funds to be appropriated to increase primary care physicians and nurses in rural areas; amending s. 409.266, F.S.; extending Medicaid funding for swing-bed services to certain patients in rural areas; amending s. 410.016, F.S.; requiring the Department of Health and Rehabilitative Services to utilize rural hospitals in providing services to the aged; providing for a study of personnel shortages in rural hospitals; requiring a report; providing certain rulemaking authority; creating the Medical Education and Tertiary Care Trust Fund within the Board of Regents; providing for the distribution of funds from the Medical Education and Tertiary Care Trust Fund to teaching hospitals in the state; amending s. 73 of chapter 88-1, Laws of Florida; relating to teaching hospitals' assessment exemption from the Birth-Related Neurological Injury Compensation Trust Fund; repealing s. 395.0145, Florida Statutes; postponing Sunset repeal of s. 409.266(7)(k), F.S., relating to the Medicaid medically needy program; providing appropriations; providing effective dates.

Senator Myers moved the following amendment to House Amendment 1 to House Amendment 2:

Amendment 1—On page 22, line 10, through page 59, line 2, of the House Amendment to House Amendment 2, strike all of said lines and insert:

Section 22. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsection (2) of section 381.710, Florida Statutes, is amended to read:

381.710 Conditions and monitoring.—

(2)(a) Unless the applicant has commenced construction, if the project provides for construction, unless the applicant has incurred an enforceable capital expenditure commitment for a project, if the project does not provide for construction, or unless subject to paragraph (b), a certificate of need shall terminate 1 year after the date of issuance, *except in the case of a multifacility project, as defined in s. 381.702(17), where the certificate of need shall terminate 2 years after the date of issuance.* The department may extend the period of validity of the certificate for an additional period of up to 6 months, upon a showing of good cause, as defined by rule, by the applicant for the extension. The department shall monitor the progress of the holder of the certificate of need in meeting the timetable for project development specified in the application with the assistance of the local health council as specified in s. 381.703(1)(b)7., and may revoke the certificate of need, if the holder of the certificate is not meeting such timetable and is not making a good faith effort, as defined by rule, to meet it.

(b) A certificate of need issued to an applicant holding a provisional certificate of authority under chapter 651 shall terminate 1 year after the applicant receives a valid certificate of authority from the Department of Insurance. The certificate-of-need validity period may be extended by the department for an additional period of up to 6 months upon a showing of good cause, as defined by rule, by the applicant for the extension.

(c) The certificate-of-need validity period for a project shall be extended by the department, to the extent that the applicant demonstrates to the satisfaction of the department that good faith commencement of the project is being delayed by litigation or by governmental action or inaction with respect to regulations or permitting precluding commencement of the project.

(d) If an application is filed to consolidate two or more certificates as authorized by s. 381.706(2)(j) or to divide a certificate of need into two or more facilities as authorized by s. 381.706(2)(k), the validity period of the certificate or certificates of need to be consolidated or divided shall be extended for the period beginning upon submission of the application and ending when final agency action and any appeal from such action has been concluded. However, no such suspension shall be effected if the application is withdrawn by the applicant.

Section 23. Subsections (7) and (8) of section 409.266, Florida Statutes, are amended, and subsection (18) is added to said section, to read:

409.266 Medical assistance.—

(7) The Department of Health and Rehabilitative Services shall, within the intent of this section, expand payment for medical services to additional eligible persons as provided herein:

(a) The department shall, by rule, increase the Medicaid outpatient hospital services cap from $500 to $1,000, effective October 1, 1987.

(b) Beginning July 1, 1984, the department is authorized to use up to $10 million from the Public Medical Assistance Trust Fund, as created in s. 409.2662, to establish a primary care *system* ~~programs~~ for *Medicaid clients and other* low-income persons *by developing primary care programs contracted* through the county public health units pursuant to s. 154.011.

(c) Beginning July 1, *1988* ~~1987~~, the department is authorized to use up to *$20* ~~$10~~ million from the Public Medical Assistance Trust Fund in addition to the moneys authorized in paragraph (b), for a total of *$30* ~~$20~~ million for fiscal year *1988-1989* ~~1987-1988~~, in order to expand primary care programs for low-income persons *to each county* pursuant to s. 154.011.

(d) Beginning July 1, 1985, the department shall provide by rule for the delivery of Medicaid services to:

1. Financially eligible individuals under age 21 who are children in intact families;

2. Financially eligible unemployed parents and their children who are under age 18; and

3. Financially eligible married pregnant women.

Financial eligibility shall be based on the income and resource standards for Aid to Families with Dependent Children. The definition of the term "unemployed" shall be based on federal regulations.

(e) The department shall provide, by rule, for the delivery of federally approved Medicaid services to qualified elderly persons and disabled persons whose family incomes are below *100* ~~90~~ percent of the federal nonfarm poverty level.

(f) Beginning October 1, 1987, the department shall provide, by rule, for the delivery of Medicaid services as specified in paragraph (j) to qualified pregnant women whose family incomes are below 100 percent of the federal nonfarm poverty level.

(g) Beginning October 1, *1988* ~~1987~~, the department shall provide, by rule, for the delivery of federally approved Medicaid services to qualified infants and children under *5* ~~2~~ years of age, whose family incomes are below 100 percent of the federal nonfarm poverty level, and shall phase in additional age limits as follows:

1. Beginning October 1, *1989* ~~1988~~, Medicaid benefits shall be extended to cover eligible children under the age of *6* ~~3~~.

2. Beginning October 1, *1990* ~~1989~~, Medicaid benefits shall be extended to cover eligible children under the age of *7* ~~4~~.

3. Beginning October 1, *1991* ~~1990~~, Medicaid benefits shall be extended to cover eligible children under the age of *8* ~~5~~.

(h) The department is prohibited from applying a resource test to those pregnant women or children who are made eligible for Medicaid services under paragraph (f) or paragraph (g), unless such persons also receive Aid to Families with Dependent Children (AFDC) or Supplemental Security Income (SSI) benefits.

(i) Beginning October 1, 1987, the department is directed to implement the federal option of presumptive eligibility in accordance with 42 U.S.C., ss. 1396(a)(47) and 1396r, for all Medicaid-eligible pregnant women who affirm their family income to be within the Medicaid eligibility standards.

(j) The *specific* Medicaid services *referred* to ~~be provided~~ in paragraphs (e) through (i) shall be those authorized by the Federal Sixth Omnibus Budget Reconciliation Act *or the Federal Seventh Omnibus Budget Reconciliation Act* and provided for in the General Appropriations Act.

(k)*1.* Beginning July 1, 1986, the department shall establish, by rule, a Medicaid medically needy program that will provide services for which categorically eligible persons are entitled, except for long-term institutional services. These services shall be provided to persons who meet categorical eligibility requirements, other than requirements relating to income limitations. The maximum income eligibility for services through the medically needy program shall be set at up to 133⅓ percent of the payment standard for eligibility for Aid to Families with Dependent Children, the percentage to be set by the department in consultation with the appropriations committees of the Senate and the House of Representatives and based upon recurring funds available.

2. On or before March 1, 1989, the department shall submit to the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives, a report on the status of the Medicaid medically needy program and any of the other Medicaid programs which expand eligibility to optional groups and which are funded from the Public Medical Assistance Trust Fund. The report shall include, but need not be limited to, the following:

a. The amounts reimbursed to providers, arranged by major types of providers, and the amount hospitals were assessed for the Public Medicaid Assistance Trust Fund.

b. Any evidence of a shift in the burden of uncompensated care among hospitals, based on hospital assessments and reimbursements from the Public Medical Assistance Trust Fund.

c. The impact in the eligibility for and the reimbursements from the expanded Medicaid eligibility programs on the budgets of county public health units and the children's medical services budget.

d. Caseload information concerning Aid to Families With Dependent Children and Supplemental Security Income clients who were screened, and determined eligible, as a result of the medically needy eligibility determination process.

e. Information relating to attrition rates at the various stages of the application process.

f. An assessment of the impact of the payment level for clients receiving Aid to Families With Dependent Children on the average medically needy spend-down payment level.

g. Recommendations for program improvements, including recommendations relating to administrative issues, additional services to be offered, interface with providers, and possible funding mechanism.

h. Projections of caseloads for the next 3 fiscal years for programs funded from the Public Medical Assistance Trust Fund and projections of any surplus or deficit resulting from those caseload projections.

(8) The department shall, within the intent of this section, expand payment for Medicaid services as follows:

(a) Beginning October 1, 1987, the department is directed to increase all Medicaid physician reimbursement up to a minimum of the Medicare 50th percentile as published in the 1986 Medicare Part B Procedure Codes and Prevailing Allowances, to be phased in over a 5-year period, except, however, effective October 1, 1987:

1. The department shall increase the Medicaid physician reimbursement rate for office visits to the Medicare 50th percentile.

2. Reimbursement fees to physicians for providing total obstetrical services to Medicaid recipients, which include prenatal, delivery, and postpartum care, shall be at least $800 per delivery for a pregnant woman with low medical risk and at least $1,200 per delivery for a pregnant woman with high medical risk. Nurse midwives licensed under chapter 464 and chapter 467 shall be paid at no less than 80 percent of the low medical risk fee. The department shall by rule determine, for the purpose of this paragraph, what constitutes a high or low medical risk pregnant woman. Such determination shall not include a consideration of whether a caesarean section was performed. The department shall by rule determine a prorated payment for obstetrical services in cases where only part of the total prenatal, delivery, or postpartum care was performed. The department shall review these reimbursement fees annually in relation to the actual cost of providing the obstetrical care, and shall make recommendations to the Legislature for appropriate increases as necessary.

3. Reimbursement per day per patient to a physician licensed under chapter 458 or chapter 459, who is certified or is eligible for certification by an appropriate board to practice neonatal-perinatal medicine *or pediatric critical care medicine*, shall be limited to no more than 10 percent of the total obstetrical service delivery rate for a high medical risk pregnant woman. The department may by rule establish a graduated fee schedule which is based on the complexity and severity of the infant's medical problems. However, in no instance shall the physician's daily reimbursement per patient be set at less than $50.

(b) The department shall phase in increases to the Medicaid physician reimbursement rates up to a minimum of the Medicare 50th percentile, utilizing the 1986 Florida Medicare Area B allowances, as follows:

1. Beginning October 1, 1988, the department shall increase fees for physician critical care visits and hospital visits; and for certain surgical procedures identified in rule by the department which are performed by physicians licensed under chapter 458 or chapter 459 who are certified or eligible for certification by an appropriate board to practice surgery on eligible children under 21 who participate in the Medicaid Early Periodic Screening Diagnosis and Treatment Program.

2. Beginning October 1, 1989, the department shall increase fees for all remaining physician visits; for anesthesiologist procedures; and for the 25 most frequent surgical procedure code groups as determined by the department.

3. Beginning October 1, 1990, the department shall increase fees for radiology and pathology procedures.

4. Beginning October 1, 1991, the department shall increase fees for the remaining surgical procedures and for all remaining procedures not previously increased.

(c)~~(b)~~ Consistent with the legislative intent to emphasize primary and preventive health services as they apply to children, beginning October 1, 1987, the department is directed to provide, by rule, for the expansion of Medicaid coverage to increase provider fees for early periodic screening, diagnosis and treatment of Medicaid-eligible children up to a minimum of $30 per unit. The department shall review provider fees annually in relation to the actual cost of providing the screening, diagnosis, and treatment, and shall make recommendations to the Legislature for appropriate increases as necessary.

(d)~~(c)~~ Beginning October 1, 1987, the department shall provide, by rule, for a 100-percent increase in Medicaid provider fees for home health care services, up to a maximum of 55 percent of the Medicare maximum allowance; however, licensed practical nurses shall be reimbursed 15 percent less than registered nurses.

(e)~~(d)~~ Beginning October 1, 1987, the department shall reimburse physicians $35 per unit to provide annual health screening and diagnostic services for Medicaid-eligible adults. The department shall review provider fees annually in relation to the actual cost of providing the screening and diagnosis, and shall make recommendations to the Legislature for appropriate increases as necessary.

(f)~~(e)~~ Beginning October 1, 1987, the department shall increase access to primary dental care by increasing Medicaid dental fees to 100 percent of the October 1, 1984, departmental fee schedule for non-Medicaid clients as determined by the advisory Dental Fee Committee.

(18) The department is directed to pursue alternatives with the Federal Health Care Financing Administration to extend the limit on inpatient hospitalization to 120 days beginning October 1, 1988, for all Medicaid eligible neonates. If by January 1, 1989, the department is unable to reach agreement with the Health Care Financing Administration to extend the length of inpatient hospital days for such neonates, then the department is directed to extend the length of stay for inpatient hospital services to 120 days for all eligible children under 21, who participate in the Medicaid Early Periodic Screening, Diagnosis, and Treatment Program. Notwithstanding the provisions of s. 409.267, counties shall be exempt from contributing towards the cost of this extention from the 46th to the 120th day. The provisions of this subsection shall be funded by an appropriation to the department from the Public Medical Assistance Trust Fund pursuant to s. 409.2662.

Section 24. Subsections (1) and (6) of section 409.2661, Florida Statutes, are amended to read:

409.2661 Medically indigent demonstration projects.—Beginning July 1, 1987, the department is directed to plan for and establish medically indigent demonstration projects and to evaluate the impact of each on improving access to services by persons who are medically underserved.

(1) The department shall contract to assist in funding *two* ~~one~~ rural and one urban ~~demonstration~~ primary care health training *demonstration projects which link* ~~project which links~~ the provision of primary care services to low-income persons with the education of medical students, interns, and residents. Such program shall at a minimum:

(a) Be sponsored by state-approved medical schools which shall be responsible for the clinical training and supervision.

(b) Cover large geographical areas and large numbers of patients.

(c) Utilize a multidisciplinary approach with appropriate medical supervision.

Nothing in this subsection shall preclude a primary care health training demonstration project from utilizing current community resources such as county public health units, primary care programs, or other established cooperative agreements. *Each primary care health training demonstration project shall be eligible for up to $1 million of funds appropriated pursuant to subsection (6).*

(6) Not more than *$4* ~~$3~~ million *in total* shall be appropriated for the medically indigent demonstration projects; provided, however, that each demonstration project shall be awarded no more than $1 million to cover service, administration, and start-up costs. This money shall be derived exclusively from the Public Medical Assistance Trust Fund.

Section 25. Subsection (4) of section 409.2662, Florida Statutes, is amended to read:

409.2662 Public Medical Assistance Trust Fund.—

(4) Moneys deposited into the Public Medical Assistance Trust Fund shall be used solely for the purposes set out in this *act* ~~section~~, in s. 14, chapter 87-92, Laws of Florida, and in ss. 409.266(7), 409.2661, 409.2663, and 409.701.

Section 26. Section 409.2673, Florida Statutes, is created to read:

409.2673 Shared county and state health care program for low-income persons.—

(1) It is the policy of the state that the state and local governments have a joint obligation, as provided in this section, to participate in the provision of health care services to low-income persons who do not meet the criteria for Medicaid.

(2) A shared county and state program is established to provide inpatient hospital services including out-of-county inpatient hospital services to single adults under the age of 65, childless couples, and parents in intact families with incomes up to 100 percent of the federal poverty income guidelines who do not meet the criteria for Medicaid and who have insufficient third-party insurance coverage. This program is intended to serve as the payer of last resort.

(3)(a) Beginning no later than January 1, 1989, county participation in this program shall be optional.

(b) Beginning October 1, 1989, county participation in this program shall be mandatory.

(4) The levels of financial participation by counties and the state for this program shall be determined as follows:

(a) If on July 1, 1988, a county is funding inpatient hospital services for those who would be eligible for the program, the county shall fund 35 percent of the cost of this program and the state shall provide the remaining 65 percent of the funding required for this program. A county participating at this level shall use that portion of its budget that previously would have funded these inpatient hospital services, and that, under this program, has been offset by state funding, for funding other health programs.

(b) If a county has not reached its maximum ad valorem millage rate as authorized by law and certified to the Department of Revenue and the county does not currently fund inpatient hospital services for those who would be eligible for this program, the county:

1. Shall provide 35 percent of the cost for this program from within the county's existing budget and the state shall provide the remaining 65 percent of the funding required for this program; however, under no circumstances will county funding which had been used for funding the county public health unit under chapter 154 be utilized for funding the county's portion of this program; or

2. Shall levy an additional ad valorem millage to fund the county's portion of this program. The state shall provide the remaining portion of program funding if:

a. A county levies additional ad valorem millage up to the maximum authorized by law and certified to the Department of Revenue and still does not have sufficient funds to meet its 35 percent of the funding of this program; and

b. A county has exhausted all revenue sources which can statutorily be used as possible funding sources for this program.

(c) A county will be eligible for 100 percent state funding of this program if:

1. On July 1, 1988, the county does not fund inpatient hospital services for those who would be eligible for this program;

2. The county has reached its maximum ad valorem millage as authorized by law and certified to the Department of Revenue; and

3. The county has exhausted all revenue sources which can statutorily be used as possible funding sources for this program.

Reporting forms specifically designed to capture the information necessary to determine the above levels of participation will be developed as part of the joint rule making required for the shared county and state program. For purposes of this program, the counties will be required to report necessary information to the Department of Banking and Finance.

(5) Under no circumstances shall any county receive more than $1.5 million of the total state appropriation during any fiscal year from the state for the state's share of the funding for the shared county and state program.

(6)(a) If, during the course of any fiscal year the state's specific appropriation for this program is depleted, the program will cease to operate for the remainder of that fiscal year. When state dollars are depleted, county obligations cease. A county is not liable for funding without appropriate state matching funds.

(b) If, during the course of any fiscal year the county's specific appropriation for this program is depleted, the program will cease to operate in that county for the remainder of that fiscal year. When county dollars are depleted, state obligations cease. The state is not liable for funding without appropriate county matching funds.

(c) The state's portion of the funding shall be made available from the Public Medical Assistance Trust Fund, created under s. 409.2662.

(7) A county that participates in the program at any level may not reduce its total per capita expenditures being devoted to health care if any of these funds were previously utilized for the provision of inpatient

hospital services to those persons made eligible for the shared county and state program. It is the intent of the Legislature that, as a result of the shared county and state program, local funds which were previously used for the provision of inpatient hospital services to persons made eligible by the program be used by counties for funding other health care programs, which for purposes of this section, are health expenditures as reported annually to the Department of Banking and Finance pursuant to s. 218.32, provided that this subsection does not apply to reductions in county funding resulting from the expiration of special sales taxes levied pursuant to chapter 84-373, Laws of Florida.

(8)(a) For those counties contributing funding to the shared county and state program, the county has the first right of refusal in deciding if it will be responsible for making eligibility determinations required as part of the shared county and state program if the state is contributing 80 percent or less of program funding. If a county declines the eligibility determination function, such determinations shall be made by the department.

(b) In those counties where the shared county and state program is 80 percent or more funded by the state, the department shall be responsible for making eligibility determinations required as part of the program.

(9) Under the shared county and state program, reimbursement to a hospital for inpatient services for an eligible person must:

(a) Be at a reimbursement rate negotiated between the county and the hospital participating in the program but not to exceed the hospital's per diem reimbursement rate in effect at the time of service delivery for the hospital under the medical assistance program for the needy under Title XIX of the Social Security Act, as amended;

(b) Be limited to payment for 12 days of service per admission, not to exceed 45 days of service a year;

(c) Be conditioned on participation of the eligible person prior to hospitalization in a case-managed outpatient services program or referral of the eligible person immediately subsequent to discharge from the hospital, in a case-managed outpatient services program. For purposes of this program, case-managed outpatient services programs are those operated by:

1. A state-funded county public health unit, a county public health unit primary care program, or a contractor whose primary care program is funded through a county public health unit;

2. A county-operated primary care program or a contractor whose primary care program is funded by or through a county governing authority;

3. A federally funded community or migrant primary health care center; or

4. A private physician who has previously provided case-managed care to the person to be enrolled and who, upon being contacted by the county, verifies that such care will continue to be provided; and

(d) Be conditioned, for any hospital seeking to be considered by a county as a provider of inpatient hospital services under the shared county and state program, on the submission by a hospital to the county information which indicates that hospital's per diem reimbursement rate in effect on October 1, 1988, for the hospital under the medical assistance program for the needy under the Title XIX of the Social Security Act, as amended, and any subsequent adjustments of that hospital's rate.

(e) Be conditioned, for public hospitals and hospital districts that deliver services as part of this program, on a commitment not to reduce the percentage of the hospital's ad valorem tax dollars being devoted to health care for low-income persons if any of these funds were previously utilized for the provision of health care services to those persons made eligible for the shared county and state program. It is the intent of the Legislature that, as a result of the shared county and state program, funds that were previously utilized for the provision of health care services to persons made eligible by the program be used by public hospitals and hospital districts to expand their health care program capabilities for low-income persons.

(f) Be conditioned, for tax district hospitals that deliver services as part of this program, on the delivery of charity care, as defined in the rules of the Hospital Cost Containment Board, which equals a minimum of 2.5 percent of the tax district hospital's net revenues; however, those tax district hospitals which by virtue of the population within the geographic boundaries of the tax district can not feasibly provide this level of charity care shall assure an "open door" policy to those residents of the geographic boundaries of the tax district who would otherwise be considered charity cases.

(10) For each person determined eligible for the shared county and state program, every effort must be made as part of the eligibility determination process to determine if any applicable third-party insurance coverage is available. A requirement for participation by the applicant in the shared county and state program shall be complete cooperation of each applicant in the eligibility review process. Failure of a potential program participant to provide necessary documentation and follow-up will result in program rejection.

Section 27. Rules governing the shared county and state program under section 409.2673, Florida Statutes, shall be developed by a nine-member work group consisting of equal representation by the Department of Health and Rehabilitative Services, the counties, and the hospital industry. County representatives to this work group shall be appointed by the Florida Association of Counties. Rules governing the various aspects of the shared county and state program, as adopted by the work group, shall be promulgated by the department by January 1, 1989. Topics to be addressed by rule include, but are not limited to:

1. Funding transfers from the state to the counties;

2. Maintenance of effort on the part of counties, public hospitals, and hospital districts;

3. Eligibility determinations, including income and asset tests and intent to reside criteria;

4. Subrogation;

5. Out-of-county hospitalization;

6. Data elements and forms required for reporting by counties to the Department of Revenue; and

7. Allocation methodology.

Section 28. There is created the Shared County and State Program Trust Fund in the Treasury to be used by the Department of Health and Rehabilitative Services for the purpose of funding the state's portion of the shared county and state program created pursuant to s. 409.2673, Florida Statutes.

Section 29. There is created in each county the Shared County and State Program Trust Fund to be used by the county for reimbursing participating hospitals for the provision of inpatient hospital services to those eligible for coverage by the shared county and state program created pursuant to section 409.2673, Florida Statutes. There shall be deposited into the trust fund county funds for the shared county and state program and the county's share of state funds allocated for the shared county and state program.

Section 30. DISPROPORTIONATE SHARE PROGRAM.—Effective July 1, 1988, and for the 1988-89 fiscal year only, the department shall distribute, pursuant to this section, moneys appropriated from the Public Medical Assistance Trust Fund to hospitals providing a disproportionate share of Medicaid or charity care services by increasing Medicaid per diem payments to hospitals as required by the Federal Omnibus Budget Reconciliation Act of 1987. Notwithstanding the provisions of chapter 409.267, Florida Statutes, counties shall be exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low income patients.

(1) DEFINITIONS.—As used in this section:

(a) "Adjusted patient days" means the sum of acute care patient days and intensive care patient days as reported to the board, divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues.

(b) "Actual audited data" or "actual audited experience" means data reported to the board which is contained within financial statements examined by an independent, Florida-licensed, certified public account, in accordance with general accepted auditing standards.

(c) "Base Medicaid per diem" means the hospital's most recent Medicaid per diem rate as determined by the department from the hospital's Medicaid cost report. The base Medicaid per diem rate shall not include any additional per diem increases received as a result of the disproportionate share distribution.

(d) "Board" means the Hospital Cost Containment Board as established in s. 395.503, Florida Statutes.

(e) "Charity care" or "uncompensated charity care" means that portion of hospital charges reported to the board for which there is no compensation for care provided to a patient whose family income for the 12 months preceding the determination is less than or equal to 150 percent of the federal non-farm poverty level, unless the amount of hospital charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the hospital charges for a patient whose family income exceeds four times the federal non-farm poverty level for a family of four be considered charity.

(f) "Charity care days" for the purpose of this section, means the sum of the deductions from revenues for charity care minus 50 percent of restricted and unrestricted revenues provided to a hospital by local governments or tax districts, divided by gross revenues per adjusted patient day.

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

(h) "Disproportionate share rate" means a rate of increase in the Medicaid per diem rate pursuant to the Federal Omnibus Budget Reconciliation Act of 1987 as calculated under this section.

(i) "Hospital" means a health care institution as defined in s. 395.002(6).

(j) "Medicaid days" means the number of actual days attributable to Medicaid patients as reported to the board.

(k) "Public Medical Assistance Trust Fund" or "trust fund" means the Public Medical Assistance Trust Fund as established in s. 409.2662, Florida Statutes.

(2) METHODOLOGY.—The board shall utilize the following criteria to determine a hospital's disproportionate share rate:

(a) In computing the disproportionate share rate, the following minimum requirements shall apply:

1. In order to qualify for reimbursement under this section, a hospital's total Medicaid days when combined with its total charity care days must equal or exceed 5 percent of its total adjusted patient days.

2. Per diem increases earned from disproportionate share shall be applied to each hospital's base Medicaid per diem rate and shall be capped at 50 percent.

3. The fiscal base year used to determine a hospital's Medicaid and charity care days shall be the most recent audited actual experience as reported to the board prior to July 1, 1988.

4. If the total amount earned by all hospitals under this section exceeds the amount appropriated, each hospital's share shall be reduced on a pro rata basis so that the total dollars redistributed from the trust fund do not exceed the total amount appropriated.

(b) The following formula shall be utilized by the board to calculate the maximum disproportionate share rate used to increase a qualified hospital's Medicaid per diem rate:

$$DSR = \left(\frac{CCD}{APD}\right) \times 4.5 + \left(\frac{MD}{APD}\right)$$

where:

APD — adjusted patient days.

CCD — charity care days.

DSR — disproportionate share rate.

MD — Medicaid days.

Section 31. Sections 31 through 39 may be cited as the "Rural Hospital Act of 1988."

Section 32. Legislative findings and intent.—

(1) The Legislature finds that rural hospitals are the nucleus or "backbone" of rural health care systems. Public health programs and physicians depend on rural hospitals to meet many of their medical needs. Rural hospitals are usually the only source of emergency medical care in rural areas for life-threatening situations and play a crucial role in attracting physicians to rural areas. The Legislature deems the benefits derived from these features to be truly significant, as rural counties with hospitals have lower accidental death rates and lower incidence of low birth-weight than rural counties without hospitals. In addition, rural hospitals enhance their communities beyond the scope of health care, as they are among the largest employers in rural areas and substantially foster economic development and growth. For these reasons, the Legislature finds that rural hospitals are widely viewed as integral to the welfare of rural communities. However, the rural health care system is experiencing significant instability as the financial viability of many of these hospitals is threatened. The Legislature finds that sharply declining occupancy rates, increasing dependence on Medicaid and Medicare reimbursements, liability concerns, frequent changes in ownership, high levels of bad debt, greater competition on more sophisticated levels with urban hospitals, and physician and personnel staffing problems threaten the existence of some rural hospitals.

(2) It is the intent of the Legislature to ease the burdens experienced by rural hospitals in personnel staffing by:

(a) Providing financial incentives under the Medical Education Tuition Reimbursement Program in order to increase the number of primary care physicians and nurses in rural areas; and

(b) Requiring a study of problems unique to rural hospitals generated by existing licensure and certification requirements for allied health care practitioners in the state.

(3) In addition, it is the intent of the Legislature to ease the severe financial constraints being experienced by some rural hospitals by extending Medicaid reimbursements to rural hospital swing-beds and establishing the full utilization, when feasible, of rural hospital services by departmental primary care programs and programs serving the elderly citizens of the state.

(4) Furthermore, the Legislature encourages the Department of Health and Rehabilitative Services to actively foster the provision of health care services in rural areas and serve as a catalyst for improved health services to citizens in rural areas of the state. Among other considerations, the department is encouraged to:

(a) Promote the location and relocation of health care practitioners in rural areas.

(b) Further analyze the financial viability of rural hospitals and their continued existence in rural counties.

(c) Integrate policies related to physician manpower, hospitals, primary care, and state regulatory functions.

(d) Collect relevant data on rural health care issues for use in departmental policy development.

(e) Propose solutions for problems affecting health care delivery in rural areas.

Section 33. Definitions.—As used in sections 31 through 39:

(1) "Rural hospital" means an acute care hospital licensed under chapter 395, Florida Statutes, with 85 beds or less, which is:

(a) The sole provider within a county with a population density of no greater than 100 persons per square mile; or

(b) An acute care hospital, in a county with a population density of no greater than 100 persons per square mile, which is at least 30 minutes of travel time, on normally traveled roads under normal traffic conditions, from any other acute care hospital within the same county; or

(c) A provider supported by a hospital tax district whose boundaries encompass a population of 100 persons or less per square mile.

(2) "Rural area health education center" means an area health education center (AHEC), as authorized by Pub. L. No. 94-484, which provides services in a county with a population density of no greater than 100 persons per square mile.

(3) "Swing-bed" means a bed which can be used interchangeably as either a hospital, skilled nursing facility (SNF), or intermediate care facility (ICF) bed pursuant to the Code of Federal Regulations, Parts 405, 435, 440, 442, and 447.

Section 34. Paragraph (c) of subsection (1) of section 154.011, Florida Statutes, is amended to read:

154.011 Primary care services.—

(1) It is the intent of the Legislature that all 67 counties offer primary care services through contracts, as required by s. 154.01(3), for Medicaid recipients and other qualified low-income persons. Therefore, beginning July 1, 1987, the Department of Health and Rehabilitative Services is directed, to the extent that funds are appropriated, to develop a plan to implement a program in cooperation with each county. The department shall coordinate with the county's primary care panel, as created by s. 154.013, or with the county's governing body if no primary care panel is appointed. Such primary care programs shall be phased-in and made operational as additional resources are appropriated pursuant to s. 409.266(6)(c), and shall be subject to the following:

(c) Each primary care program shall conform to the requirements and specifications of the department, and shall at a minimum:

1. Adopt a minimum eligibility standard of at least 100 percent of the federal nonfarm poverty level.

2. Provide a comprehensive mix of preventive and illness care services.

3. Be family oriented and be easily accessible regardless of income, physical status, or geographical location.

4. Ensure 24-hour telephone access and offer evening and weekend clinic services.

5. Offer continuity of care over time.

6. Make maximum use of existing providers to ensure efficient use of resources.

7. Have a sliding fee schedule based on income for eligible persons above 100 percent of the federal nonfarm poverty level.

8. Include quality assurance provisions and procedures for evaluation.

9. Provide early periodic screening diagnostic and treatment services for Medicaid-eligible children.

10. Fully utilize and coordinate with rural hospitals for outpatient services, including contracting for services when advisable in terms of cost-effectiveness and feasibility.

Section 35. It is the intent of the Legislature that funds as appropriated shall be utilized by the Department of Health and Rehabilitative Services for the purpose of increasing the number of primary care physicians and nurses in rural areas pursuant to s. 240.4067, Florida Statutes, pertaining to the Medical Education Tuition Reimbursement Program. Reimbursement through the program shall be limited to:

(1) Primary care physicians and nurses employed by or affiliated with rural hospitals, as defined in this act; and

(2) Primary care physicians and nurses employed by or affiliated with rural area health education centers, as defined in this act. Such physicians and nurses shall practice:

(a) In a county with a population density of no greater than 100 persons per square mile; or

(b) Within the boundaries of a hospital tax district which encompasses a population of no greater than 100 persons per square mile.

These funds may be used for federal loan repayment programs which require state matching funds, such as that provided for in section 338 of Pub L. No. 100-177.

Section 36. Subsection (19) is added to section 409.266, Florida Statutes, to read:

409.266 Medical assistance.—

(19) Medicaid funding shall be extended to intermediate and skilled nursing patients in rural hospital swing-beds, subject to federal financial participation. Such reimbursement shall not be provided for skilled nursing or intermediate care beyond the 30th day of swing-bed service provision, unless the Office of the Deputy Assistant Secretary for Medicaid within the Department of Health and Rehabilitative Services gives prior authorization for a longer length of stay. The provisions of this subsection shall be funded by an appropriation to the department from the Public Medical Assistance Trust Fund pursuant to s. 409.2662.

Section 37. Paragraph (n) is added to subsection (2) of section 410.016, Florida Statutes, to read:

410.016 Elderly population; departmental responsibilities.—

(2) DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES.—The department shall:

(n) Fully utilize and coordinate with rural hospitals when carrying out activities under this chapter with regard to the aged, when advisable in terms of cost-effectiveness and feasibility.

Section 38. Manpower shortage study.—The Department of Health and Rehabilitative Services shall conduct a study of existing state licensure or certification requirements for allied health personnel employed in licensed rural hospitals, and report its findings and recommendations to the Legislature on or before March 1, 1989. The study shall include, but not be limited to, the following:

(1) A review of current licensure or certification requirements for:

(a) Clinical laboratory personnel in accordance with chapter 483, Florida Statutes.

(b) Nursing practitioners in accordance with chapter 464, Florida Statutes.

(c) Physical therapy practitioners in accordance with chapter 486, Florida Statutes.

(d) Radiologic technology practitioners in accordance with chapter 468, Florida Statutes.

(e) Respiratory care practitioners in accordance with chapter 468, Florida Statutes.

(f) Any other category of allied health personnel licensed or certified by the state which may be employed in licensed rural hospitals.

(2) An analysis of problems unique to rural hospitals in this state generated by practice requirements for the personnel enumerated in subsection (1).

(3) An analysis of the availability of personnel, recruiting problems, supervision problems, and budget or other constraints for rural hospitals in this state.

Section 39. The Department of Health and Rehabilitative Services is hereby authorized to adopt all necessary rules pertaining to the standards of care applicable to rural hospital swing-beds and the criteria whereby swing-bed stays of longer than 30 days shall be authorized. The latter length-of-stay criteria shall include, but not be limited to, the medical needs of the patient, the county of residence of the patient and patient's family, patient preference, proximity to relatives and friends, and distance to available nursing home beds, if any.

Section 40. Effective July 1, 1988, Sections 40 through 43 are created and may be cited as the "Medical Education and Tertiary Care Act."

Section 41. LEGISLATIVE INTENT.—The Legislature finds and declares that statutory teaching hospitals, as defined in s. 395.502(22), Florida Statutes, provide the majority of graduate medical education in this state and that, without the contributions to undergraduate and graduate medical education by statutory teaching hospitals, this state will lack the supply of medical manpower necessary to meet the health care needs of the state in coming years, and, despite the enactment of various measures by the Legislature, there remains a deficit in the funds available to provide access to acute care for many residents of this state. The Legislature further finds that if properly funded, the statutory teaching hospitals are uniquely situated to contribute to both undergraduate and graduate medical education and to tertiary health care services, in that these teaching hospitals are geographically situated to make such contributions in the various regions of the state and also have the staff necessary to render such care. The Legislature finds that although the statutory teaching hospitals together maintain less than 10 percent of hospital beds in this state, they provide more than 90 percent of the state's graduate medical education and constitute a safety net for the most complex health care services for all Floridians, and while the state's statutory

teaching hospitals are sustaining a disproportionate share of the cost of medical education and related patient care, the increasingly competitive health care environment has made it impossible for these hospitals to fund such costs. Therefore, it is the Legislature's intent to assure the survival of the state's statutory teaching hospitals and thus protect the health of a significant portion of the public.

Section 42. Medical Education and Tertiary Care Trust Fund.—There is hereby created the Medical Education and Tertiary Care Trust Fund, within the Board of Regents, State University System. All moneys deposited into the Medical Education and Tertiary Care Trust Fund shall be allocated as described in section 43 and expended by the respective hospitals after consultation with the affiliated college of medicine.

Section 43. Distribution of funds from the Medical Education and Tertiary Care Trust Fund.—On or before September 15 of each year, the Hospital Cost Containment Board, in consultation with the Board of Regents, shall calculate an allocation fraction to be used for distributing funds from the Medical Education and Tertiary Care Trust Fund. At the end of each quarter of the state fiscal year, the Board of Regents shall distribute from the fund to each statutory teaching hospital, as defined in s. 395.502(22), Florida Statutes, an amount determined by multiplying one-fourth of the funds appropriated to the Medical Education and Tertiary Care Trust Fund times such hospital's allocation fraction. The allocation fraction for each such hospital shall be determined by the sum of three primary factors, divided by three. The primary factors are:

(1) The number of nationally accredited graduate medical education programs offered by the hospital, including programs accredited by the Accreditation Council for Graduate Medical Education and the combined Internal Medicine and Pediatrics programs acceptable to both the American Board of Internal Medicine and the American Board of Pediatrics at the beginning of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of programs, where the total is computed for all state statutory teaching hospitals.

(2) The number of full-time equivalent trainees in the hospital, which comprises two components:

(a) The number of trainees enrolled in nationally accredited graduate medical education programs, as defined in subsection (1). Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the hospital represents of the total number of full-time equivalent trainees enrolled in accredited graduate programs, where the total is computed for all state statutory teaching hospitals.

(b) The number of medical students enrolled in accredited colleges of medicine and engaged in clinical activities, including required clinical clerkships and clinical electives. Full-time equivalents are computed using the fraction of the year during which each trainee is primarily assigned to the given institution, over the course of the state fiscal year preceding the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total number of full-time equivalent students enrolled in accredited colleges of medicine, where the total is computed for all state statutory teaching hospitals.

The primary factor for full-time equivalent trainees is computed as the sum of these two components, divided by two.

(3) A service index, which comprises three components:

(a) The Hospital Cost Containment Board Service Index, computed by applying the standard Service Inventory Scores established by the Hospital Cost Containment Board to services offered by the given hospital, as reported on the Hospital Cost Containment Board Worksheet A-2 for the last fiscal year reported to the board before the date on which the allocation fraction is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total Hospital Cost Containment Board Service Index values, where the total is computed for all state statutory teaching hospitals.

(b) A volume-weighted service index, computed by applying the standard Service Inventory Scores established by the Hospital Cost Containment Board to the volume of each service, expressed in terms of the standard units of measure reported on the Hospital Cost Containment Board Worksheet A-2 for the last fiscal year reported to the board before the date on which the allocation factor is calculated. The numerical value of this factor is the fraction that the given hospital represents of the total volume-weighted service index values, where the total is computed for all state statutory teaching hospitals.

(c) Total Medicaid payments to each hospital for direct inpatient and outpatient services during the fiscal year preceding the date on which the allocation factor is calculated. This includes payments made to each hospital for such services by Medicaid prepaid health plans, whether the plan was administered by the hospital or not. The numerical value of this factor is the fraction that each hospital represents of the total of such Medicaid payments, where the total is computed for all state statutory teaching hospitals.

The primary factor for the service index is computed as the sum of these three components, divided by three.

Section 44. Paragraph (b) of subsection (4) of section 73 of chapter 88-1, Laws of Florida, is amended to read:

Section 73. Birth-Related Neurological Injury Compensation Trust Fund.—

(4) On or before March 1, 1988, the following persons and entities shall pay into the fund an initial assessment in accordance with the plan of operation:

(b) Each hospital licensed under chapter 395, Florida Statutes, shall pay an initial assessment of $50 per infant delivered during the prior calendar year, as reported in the most recent annual licensure survey of hospitals. Each hospital owned or operated by the state or a county, special taxing district, or other political subdivision of the state shall not be required to pay the initial assessment or any assessment required by subsection (5). The term "infant delivered during the prior calendar year" shall not include infants delivered by a physician employed by the State or any political subdivision thereof. *In addition to any other exemption provided by law, the initial assessment and any assessment imposed pursuant to subsection (5) may not include any infant born to a charity patient (as defined by rule of the Hospital Cost Containment Board) or born to a patient for whom the hospital receives Medicaid reimbursement, in a teaching hospital as defined in s. 395.502(22), Florida Statutes.*

Section 45. Section 395.0145, Florida Statutes, is hereby repealed.

Section 46. Notwithstanding the provisions of section 50 of chapter 87-92, Laws of Florida, s. 409.266(7)(k), Florida Statutes, relating to the Medicaid medically needy program shall not stand repealed on October 1, 1988, as scheduled by such act, but shall continue in full force and effect as amended herein until October 1, 1989, at which time s. 409.266(7)(k), Florida Statutes, shall stand repealed unless reenacted by the Legislature.

Section 47. Effective July 1, 1988, or upon becoming a law, whichever occurs later, there is hereby appropriated, for fiscal year 1988-1989, the following monies from the Public Medical Assistance Trust Fund as set forth in s. 409.2662, Florida Statutes, to the Department of Health and Rehabilitative Services:

(1) The sum of $2.5 million to fund the extension of Medicaid length of stay for neonates to 120 days as provided for in section 23.

(2) The sum of $1 million to fund an additional primary care health training demonstration project as provided for in section 24.

(3) The sum of $10 million to fund the state's share of the state and county program as provided for in sections 26 through 29.

(4) The sum of $35 million to fund the Medicaid Disproportionate share program provided for in section 30.

(5) The sum of $644,163 to fund Medicaid rural hospital swing-beds as provided for in section 36.

Section 48. Except as otherwise provided herein, this act shall take effect October 1, 1988.

Senator Grant moved the following amendment to Senate Amendment 1 to House Amendment 1 to House Amendment 2 which failed:

Amendment 1A—On page 1, between lines 12 and 13, insert a new Section 22:

Section 22. Effective July 1, 1988, or upon becoming a law, whichever occurs later, subsection (5) of section 381.709, Florida Statutes, is amended to read:

381.709 Review process.—The review process for certificates of need shall be as follows:

(5) ADMINISTRATIVE HEARINGS.—

(a) Within 21 days after publication of notice of the State Agency Action Report and Notice of Intent, any person authorized under paragraph (b) to participate in a hearing may file a request for an administrative hearing; failure to file a request for hearing within 21 days of publication of notice shall constitute a waiver of any right to a hearing and a waiver of the right to contest the final decision of the department. A copy of the request for hearing shall be served on the applicant.

(b)*1.* Hearings shall be held in Tallahassee unless the hearing officer determines that changing the location will facilitate the proceedings. In administrative proceedings challenging the issuance or denial of a certificate of need, only applicants considered by the department in the same batching cycle are entitled to a comparative hearing on their applications.

2.a. Existing health care facilities may initiate or intervene in such administrative hearing upon a showing that an established program will be substantially affected by the issuance of a certificate of need to a competing proposed facility or program within the same district, provided that existing health care providers, other than the applicant, have no standing or right to initiate or intervene in an administrative hearing involving a health care project which is subject to certificate-of-need review solely on the basis of s. 381.706(1)(c).

b. In addition to any rights granted under subsubparagraph 2.1., any existing health care facility which is affiliated with, and located on the campus of, a state university, and which is involved in research and the teaching and training of students in one or more of the medical professions, may initiate or intervene in such administrative hearing upon a showing that an established program or the overall role of the facility will be substantially affected by the issuance of a certificate of need to a competing proposed facility or program within the primary service area of the existing facility as designated in its certificate of need. Any such facility shall be taken into consideration under the criteria set forth in s. 381.705(1)(a)-(n) and rules adopted pursuant thereto, as if it were located within the same service district of the applicant, to the extent that such consideration is consistent with the purposes of each criterion.

3. The department shall assign proceedings requiring hearings to the Division of Administrative Hearings of the Department of Administration within 10 days after the time has run to request a hearing. Except upon unanimous consent of the parties or upon the granting by the hearing officer of a motion of continuance, hearings shall commence within 60 days after the hearing officer has been assigned. All nonstate-agency parties shall bear their own expense of preparing a transcript. In any application for a certificate of need which is referred to the Division of Administrative Hearings for hearing, the hearing officer shall complete and submit to the parties a recommended order as provided in s. 120.57(1)(b). The recommended order shall be issued within 30 days after the receipt of the proposed recommended orders or the deadline for submission of such proposed recommended orders, whichever is earlier. The division shall adopt procedures for administrative hearings which shall maximize the use of stipulated facts and shall provide for the admission of prepared testimony.

(c) The department shall issue its final order within 45 days after receipt of the recommended order.

(d) If the department fails to take action within the time specified in paragraph (4)(a) or paragraph (5)(c), or as otherwise agreed to by the applicant and the department, the applicant may take appropriate legal action to compel the department to act. When making a determination on an application for a certificate of need, the department is specifically exempt from the time limitations provided in s. 120.60(2).

(Renumber subsequent section.)

Senator Ros-Lehtinen moved the following amendment to Senate Amendment 1 to House Amendment 1 to House Amendment 2 which was adopted:

Amendment 1B—On page 36, between lines 11 and 12, insert:

Section 12. Paragraph (g) is added to subsection (1), and subsection (4) is added to section 395.101, Florida Statutes, to read:

395.101 Annual assessments on net operating revenues to fund public medical assistance; administrative fines for failure to pay assessments when due.—

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

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

(b) "Gross operating revenue" or "gross revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges, and other operating revenue.

(c) "Hospital" means a health care institution as defined in s. 395.002(6), but does not include any hospital operated by the Department of Health and Rehabilitative Services or the Department of Corrections.

(d) "Hospital Cost Containment Board" or "board" means the Hospital Cost Containment Board created by s. 395.503.

(e) "Net operating revenue" or "net revenue" means gross revenue less deductions from revenue.

(f) "Total deductions from gross revenue" or "deductions from revenue" means reductions from gross revenue resulting from inability to collect payment of charges. Such reductions include bad debts; contractual adjustments; uncompensated care; administrative, courtesy, and policy discounts and adjustments; and other such revenue deductions, but also includes the offset of restricted donations and grants for indigent care.

(g)"Psychiatric specialty hospital" means a hospital which is licensed by the department as a specialty hospital as that term is defined in s. 395.002(14), which is accredited by the Joint Commission on Accreditation of Health Care Organizations and provides a program of comprehensive services for only the diagnosis, care, treatment, and rehabilitation of patients with psychiatric illnesses or disorders, and all licensed beds of which are classified as psychiatric specialty beds pursuant to s. 395.003(4) and are not classified as general beds.

(2) There is hereby imposed upon each hospital an assessment in an amount equal to 1 percent of the annual net operating revenue of the hospital for its first fiscal year ending subsequent to May 18, 1984, and in an amount equal to 1.5 percent of such revenue for each hospital fiscal year thereafter, such revenue to be determined by the board, based on the actual experience of the hospital as reported to the board. Within 6 months after the end of each hospital fiscal year, the board shall certify to the department the amount of the assessment for each hospital. The assessment shall be payable to and collected by the department in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the board certifies to the department the amount of the assessment for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

(3) The department shall impose an administrative fine, not to exceed $500 per day, for failure of any hospital to pay its assessment by the first day of the calendar quarter on which it is due. The failure of a hospital to pay its assessment within 30 days after the assessment is due is ground for the department to impose an administrative fine not to exceed $5,000 per day.

(4) Psychiatric specialty hospitals are exempt from the assessment imposed in this section until such time as they may participate in programs funded by the Public Medical Assistance Trust Fund.

(Renumber subsequent sections.)

Senate Amendment 1 to House Amendment 1 to House Amendment 2, as amended, was adopted.

Senator Myers moved the following amendment to House Amendment 1 to House Amendment 3:

Amendment 1—In title, on page 3, line 30, through page 4, line 16, of the House Amendment to House Amendment 3, strike all of said lines and insert: and 381.710, F.S.; providing additional projects subject to certificate-of-need review; providing review criteria; extending validity period for certain certificates of need; amending s. 409.266, F.S.; authoriz-

ing certain use of moneys in the Public Medical Assistance Trust Fund to expand primary care programs; increasing the income level under which elderly and disabled persons may qualify for Medicaid services; increasing the age level under which children may qualify for Medicaid benefits; requiring a report; providing for increases in certain physician reimbursement; extending Medicaid length of stay for certain hospital services; amending s. 409.2661, F.S.; providing for an additional primary care health training demonstration project; increasing funding;

Senator Ros-Lehtinen moved the following amendment to Senate Amendment 1 to House Amendment 1 to House Amendment 3 which was adopted:

Amendment 1A—In title, on page 3, line 7, after the semicolon (;) insert: amending s. 395.101, F.S.; defining the term "psychiatric specialty hospital" for certain purposes; exempting such hospitals from the assessment for public medical assistance, under certain circumstances;

Senate Amendment 1 to House Amendment 1 to House Amendment 3, as amended, was adopted.

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

CS for CS for SB 534 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Langley, Peterson

Reconsideration

On motion by Senator Brown, the Senate reconsidered the vote by which—

CS for SB 5—A bill to be entitled An act relating to public parking; amending ss. 316.1964, 320.0842, F.S.; exempting certain disabled persons from payment of certain fees and penalties exacted for parking in a parking facility that is open on a general basis to the public and that is owned or operated by a state agency, a county, a municipality, or a political subdivision thereof; providing an effective date.

—as amended passed this day.

On motion by Senator Brown, the Senate reconsidered the vote by which the Senate concurred in the House amendments.

Further consideration of **CS for SB 5** was deferred.

SPECIAL ORDER, continued

CS for SB 1124—A bill to be entitled An act relating to handicapped persons; providing handicapped accessibility requirements for structures and parking areas used by the public; amending s. 316.1956, F.S.; providing handicapped parking space requirements for certain entities; amending s. 318.18, F.S.; increasing penalties for parking illegally in spaces designated for disabled persons; providing an effective date.

—was read the second time by title.

Senator Brown moved the following amendments which were adopted:

Amendment 1—On page 1, line 14, through page 4, line 11, strike all of said lines and insert:

Section 1. Subsections (2), (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.—

Amendment 2—In title, on page 1, strike all of lines 3-5 and insert: amending s. 316.1956, F.S.;

On motion by Senator Brown, by two-thirds vote CS for SB 1124 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	Gordon	Lehtinen	Scott
Barron	Grant	Malchon	Stuart
Beard	Hair	Margolis	Thomas
Brown	Hill	McPherson	Thurman
Childers, D.	Hollingsworth	Meek	Weinstein
Childers, W. D.	Johnson	Myers	Weinstock
Deratany	Kirkpatrick	Peterson	Woodson
Dudley	Kiser	Plummer	
Girardeau	Langley	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Crawford, Jennings

The Senate resumed consideration of—

CS for HB 1576—A bill to be entitled An act relating to health care services; creating part IV of chapter 631, F.S., consisting of ss. 631.811-631.828, F.S., relating to health maintenance organizations assistance to consumers; creating the Florida Health Maintenance Organization Consumer Assistance Plan; providing for the purpose and application of the part; providing definitions; providing for a Florida Health Maintenance Organization Consumer Assistance Plan; providing for a board of directors; providing for eligibility requirements; providing for powers and duties of the plan; providing for assessments; providing for a plan of operation; providing for powers and duties of the Department of Insurance; providing for records of the plan; providing for examination of the plan and annual report; providing for tax exemptions; providing for immunity; providing for extent of liability of the plan; providing for prohibitions on advertisements; providing for assessments against member HMOs; revising the Health Maintenance Organization Act; amending s. 641.19, F.S.; providing definitions; amending s. 641.21, F.S.; providing additional criteria for application for certificate; amending s. 641.22, F.S.; revising language with respect to issuance of certificate of authority; amending s. 641.225, F.S.; increasing the amount of surplus requirement; creating s. 641.228, F.S.; creating the Florida Health Maintenance Organization Consumer Assistance Plan; amending s. 641.23, F.S.; reducing the time frame for the department to suspend the authority of an HMO to enroll new subscribers or revoke any certificate; providing for a corrective action plan for certain HMO's; creating s. 641.234, F.S.; providing for administrative, provider, and management contracts; creating s. 641.2342, F.S.; providing for contract providers of comprehensive health care services to file financial statements; amending s. 641.25, F.S.; increasing administrative penalties; amending s. 641.26, F.S.; revising language with respect to the required annual report; amending s. 641.27, F.S.; authorizing the department to accept an independent certified public accountant's audit report; amending s. 641.29, F.S.; increasing fees; amending s. 641.31, F.S.; revising language with respect to health maintenance contracts; amending s. 641.311, F.S.; clarifying language with respect to the Statewide Subscriber Assistance Program; creating s. 641.3111, F.S.; providing for extension of benefits; amending s. 641.315, F.S.; providing additional criteria for provider contracts; amending s. 641.35, F.S.; revising language with respect to assets, liabilities, and investments; creating s. 641.365, F.S.; providing for dividends; amending s. 641.3913, F.S.; increasing a monetary penalty; amending s. 641.3921, F.S.; providing an additional criterion for denial of a converted contract; amending s. 220.02, F.S.; providing for order of credits; providing for review and repeal; providing an effective date.

—which had passed and been reconsidered this day.

On motion by Senator Margolis, by two-thirds vote the Senate reconsidered the vote by which CS for HB 1576 was read the third time.

On motion by Senator Margolis, the Senate reconsidered the vote by which Amendments 3, 4 and 6 were adopted.

Senator Margolis moved the following substitute amendments which were adopted:

Substitute Amendment 3—On page 6, line 8, strike *"October 31, 1988"* and insert: *July 31, 1989*

Substitute Amendment 4—On page 12, line 26, and on page 13, lines 2 and 18, strike *"January"* and insert: *July*

Substitute Amendment 6—On page 52, strike line 16 and insert: 1988, except that sections 1 and 6 shall take effect July 1, 1989.

Senator Margolis moved the following amendment which was adopted:

Amendment 7—On page 14, line 13, strike *"December 31, 1988"* and insert: *October 31, 1989*

On motion by Senator Margolis, by two-thirds vote CS for HB 1576 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—None

Vote after roll call:

Yea—Crawford, Jennings, Thurman

Consideration of **CS for SB 1205** was deferred.

The Senate resumed consideration of—

SB 920—A bill to be entitled An act relating to teacher certification; amending s. 231.17, F.S.; clarifying the requirements for teacher certification; providing for endorsements of teaching certificates; clarifying certification requirements for vocational teachers; providing for the extension of temporary certificates; creating s. 231.174, F.S.; providing for an alternate preparation program for secondary school teachers; providing for the creation of regional centers; providing a procedure for funding; authorizing the charging of fees; requiring evaluation and reporting of program effectiveness; amending s. 231.24, F.S.; authorizing active status certificates for administrators; repealing s. 231.172, relating to alternate certification programs for secondary school teachers; providing multiple effective dates.

—which, having been considered and amended June 6, was taken up with pending Amendment 8. Amendment 8 was withdrawn.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 9—On page 4, between lines 10 and 11, insert:

Section 5. Section 240.515, Florida Statutes, is amended to read:

240.515 Florida ~~State~~ Museum *of Natural History*; functions.—

(1) The functions of the Florida ~~State~~ Museum *of Natural History*, located at the University of Florida, are to make scientific investigations toward the sustained development of natural resources and a greater appreciation of human cultural heritage, including, but not limited to, biological surveys, ecological studies, environmental impact assessments, in-depth archaeological research, and ethnological analyses, and to collect and maintain a depository of biological, archaeological, and ethnographic specimens and materials in sufficient numbers and quantities to provide within the state and region a base for research on the variety, evolution, and conservation of wild species; the composition, distribution, importance, and functioning of natural ecosystems; and the distribution of prehistoric and historic archaeological sites and an understanding of the aboriginal and early European cultures that occupied them. State institutions, departments, and agencies may deposit type collections from archaeological sites in the museum, and it shall be the duty of each state institution, department, and agency to cooperate by depositing in the museum voucher and type biological specimens collected as part of the normal research and monitoring duties of its staff and to transfer to the museum those biological specimens and collections in its possession but not actively being curated or used in the research or teaching of that institution, department, or agency. The Florida ~~State~~ Museum *of Natural History* is empowered to accept, preserve, maintain, or dispose of these specimens and materials in a manner which makes each collection and its accompanying data available for research and use by the staff of the museum and by cooperating institutions, departments, agencies, and qualified independent researchers. The biological, archaeological, and ethnographic collections shall belong to the state with the title vested in the Florida ~~State~~ Museum *of Natural History*, except as provided in s. 267.12(3). In collecting or otherwise acquiring these collections, the museum shall comply with pertinent state wildlife, archaeological, and agricultural laws and rules. However, all collecting, quarantine, and accreditation permits issued by other institutions, departments, and agencies shall be granted routinely for said museum research study or collecting effort on state lands or within state jurisdiction which does not pose a significant threat to the survival of endangered wild species, habitats, or ecosystems. In addition, the museum shall develop exhibitions and conduct programs which illustrate, interpret, and explain the natural history of the state and region and shall maintain a library of publications pertaining to the work as herein provided. The exhibitions, collections, and library of the museum shall be open, free to the public, under suitable rules to be promulgated by the director of the museum and approved by the University of Florida.

(2)(a) There is established within the Florida ~~State~~ Museum *of Natural History* a *Museum of Medical History* ~~State Medical Museum~~. The ~~medical~~ Museum *of Medical History* is empowered to act as a depository for materials which enhance the mission of the College of Medicine of the University of Florida in teaching, research, and public service on behalf of the citizens of the state. The Florida ~~State~~ Museum *of Natural History* shall provide space to the ~~medical~~ Museum *of Medical History* and shall provide necessary staff to assist in the founding and inaugurating of the museum services.

(b) The ~~medical~~ Museum *of Medical History* shall be directed by the Florida ~~State~~ Medical Museum Council, which shall be appointed by the President of the University of Florida upon recommendation of the Dean of the College of Medicine. The council shall consist of 10 members who shall have a demonstrated interest in and knowledge of medicine. Members shall serve without remuneration and shall serve for a term of 5 years. The membership shall organize and elect a chairman from its membership. The council shall meet upon the call of the chair, but in no case shall it meet less often than once in each calendar year.

(3) Any gifts, transfers, bequests, or other conveyances made to the Florida State Museum are deemed to have been made to the Florida Museum of Natural History.

Section 6. Subsections (1) and (3) of section 240.516, Florida Statutes, are amended to read:

240.516 Vertebrate paleontological sites and remains; legislative intent and state policy.—

(1) It is the declared intention of the Legislature that vertebrate paleontological sites be protected and preserved and that, pursuant thereto, vertebrate paleontological field investigation activities, including, but not limited to, collection, excavation, salvage, restoration, and cataloging of fossils, be discouraged except when such activities are carried on in accordance with both the provisions and the spirit of this act. However, it is not the intention of the Legislature that the provisions of this act impede mining or quarrying for rock, gravel, fill, phosphate, and other minerals, or the construction of canals or similar excavations, when such activities are permitted by law. Rather, it is the intent of the Legislature that mine and heavy equipment operators be encouraged to cooperate with the state in preserving its vertebrate paleontological heritage and vertebrate fossils by notifying the Florida ~~State~~ Museum *of Natural History* whenever vertebrate fossils are discovered during mining or digging operations and by allowing such fossils to be properly salvaged and that persons having knowledge of vertebrate paleontological sites be encouraged to communicate such information to the museum.

(3) It is further declared to be the public policy of the state that all vertebrate fossils found on state-owned lands, including submerged lands and uplands, belong to the state with title to the fossils vested in the Florida ~~State~~ Museum *of Natural History* for the purpose of administration of ss. 240.516-240.5163.

Section 7. Section 240.5161, Florida Statutes, is amended to read:

240.5161 Program of vertebrate paleontology within Florida ~~State~~ Museum *of Natural History*.—There is established within the Florida ~~State~~ Museum *of Natural History* a program of vertebrate paleontology, which program has the following responsibilities:

(1) Encouraging the study of the vertebrate fossils and vertebrate paleontological heritage of the state, and providing exhibits and other educational materials on the vertebrate fauna to the universities and schools of the state.

(2) Developing a statewide plan, to be submitted to the director of the Florida ~~State~~ Museum *of Natural History*, for preserving the vertebrate paleontological resources of the state in a manner which is consistent with the state policies in s. 240.516 and which will not unduly hamper development in this state, including mining and excavating operations.

(3) Locating, surveying, acquiring, collecting, salvaging, conserving, and restoring vertebrate fossils; conducting research on the history and systematics of the fossil fauna of the state; and maintaining the official state depository of vertebrate fossils.

(4) Locating, surveying, acquiring, excavating, and operating vertebrate paleontological sites and properties containing vertebrate fossils, which sites and properties have great significance to the scientific study of such vertebrate fossils or to public representation of the faunal heritage of the state.

(5) Enlisting the aid of professional vertebrate paleontologists, mine and quarry operators, heavy digging equipment operators, and qualified amateurs in carrying out the provisions of subsections (1) through (4); and authorizing their active support and cooperation by issuing permits to them as provided in s. 240.5162.

(6) Cooperating and coordinating activities with the Department of Natural Resources under the provisions of ss. 375.021 and 375.031, and the Department of State under this chapter, in the acquisition, preservation, and operation of significant vertebrate paleontological sites and properties of great and continuing scientific value, so that such sites and properties may be utilized to conserve the faunal heritage of this state and to promote an appreciation of that heritage.

(7) Designating areas as "state vertebrate paleontological sites" pursuant to the provisions of this section, which areas are of great and continuing significance to the scientific study and public understanding of the faunal history of the state. However, no privately owned site or grouping of sites shall be so designated without the express written consent of the private owner of the site or group of sites. Upon designation of a state vertebrate paleontological site, the owners and occupants of such site shall be given written notification of such designation by the program. Once such site has been so designated, no person may conduct paleontological field investigation activities on the site without first securing a permit for such activities as provided in s. 240.5162.

(8) Arranging for the disposition of the vertebrate fossils by accredited institutions and for the temporary or permanent loan of such fossils for the purpose of further scientific study, interpretative display, and curatorial responsibilities by such institutions.

Section 8. Subsections (1) and (3) of section 240.5162, Florida Statutes, are amended to read:

240.5162 Destruction, purchase, and sale of vertebrate fossils prohibited, exceptions; field investigation permits required; penalty for violation.—

(1) The destruction, defacement, purchase, and sale of vertebrate fossils found on or under land owned or leased by the state and on land in state-designated vertebrate paleontological sites are prohibited, except that the Florida ~~State~~ Museum *of Natural History* may sell vertebrate fossils and may adopt rules defining "nonessential vertebrate fossils" and prescribing the conditions under which such fossils may be sold or otherwise disposed of by a person holding a permit issued by the Florida ~~State~~ Museum *of Natural History*. Field investigations of vertebrate fossils, including, but not limited to, the systematic collection, acquisition, excavation, salvage, exhumation, or restoration of such fossils, are prohibited on all lands owned or leased by the state and on lands in state-designated vertebrate paleontological sites, unless such activities are conducted under the authority of permits issued by the Florida ~~State~~ Museum *of Natural History*. A permit may be granted by the Florida ~~State~~ Museum *of Natural History*, upon application for the permit accompanied by an application fee not to exceed $5, as provided in rules adopted pursuant to s. 240.227(1), which rules are in furtherance of the preservation of the vertebrate paleontological resources of this state. The privileges authorized pursuant to the grant of a permit as provided in this subsection may not be assigned or sublet to any other party.

(3) The Florida ~~State~~ Museum *of Natural History* may institute a civil action in the appropriate circuit court for recovery of any unlawfully taken vertebrate fossil. The fossil shall be forfeited to the state if the Florida ~~State~~ Museum *of Natural History* shows, by the greater weight of the evidence, that the fossil has been taken from a particular site within this state and that the person found in possession of the fossil is not authorized by law to possess such fossil.

Section 9. The baseball stadium on the University of Florida campus is hereby named the "Alfred A. McKethan Baseball Stadium."

Section 10. The Central Science Library Building at the University of Florida is hereby named "Robert Q. Marston Hall."

Section 11. The tennis courts and varsity tennis facilities at the University of Florida are hereby named the "Scott Linder Tennis Stadium."

Section 12. The University of Florida is authorized to expend funds to erect the appropriate identification markers for such buildings.

Section 13. The new Department of Education building in the City of Tallahassee is hereby named the "Ralph D. Turlington Education Building."

(Renumber subsequent section.)

Senator Peterson moved the following amendment which was adopted:

Amendment 10—In title, on page 1, line 3, through the semicolon (;) on line 19, strike all of said language and insert: amending s. 231.17, F.S.; revising requirements for teacher certification; providing for endorsements on teaching certificates; delaying the effective date of specified requirements pertaining to teacher certification; revising certification requirements for vocational teachers; providing for the extension of temporary certificates; creating s. 231.174, F.S.; providing for an alternate preparation program for school teachers; providing for the creation of regional programs and specifying requirements thereof; providing a procedure for funding; authorizing the charging of fees; authorizing school districts to operate alternate preparation programs; requiring evaluation and reporting of program effectiveness; amending s. 231.24, F.S.; authorizing active status certificates for administrators; repealing s. 231.172, F.S., relating to alternate certification programs for secondary school teachers; providing for written notification to certain students of new course requirements;

Senator Meek moved the following amendments which were adopted:

Amendment 11—In title, on page 1, line 19, after the semicolon (;) insert: amending s. 231.495, F.S.; authorizing district school boards to purchase annuities for members of the Florida Retirement System and certain members of the Teachers' Retirement System who have out-of-state teaching services under certain circumstances; amending s. 240.344, F.S., authorizing community college boards of trustees to purchase annuities for members of the Florida Retirement System who have out-of-state teaching service under certain circumstances;

Amendment 12—In title, on page 1, line 19, insert: amending s. 231.546, F.S., requiring the Education Standards Commission to conduct a study on the professionalization of teaching;

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 13—In title, on page 1, line 19, after the semicolon (;) insert: amending ss. 240.515, 240.516, 240.5161, 240.5162, F.S.; changing the name of the Florida State Museum to the Florida Museum of Natural History; changing the name of the State Medical Museum to the Museum of Medical History; changing the name of the Florida State Medical Museum Council to the Florida Medical Museum Council; authorizing and directing the University of Florida to name a designated sports facility the "Alfred A. McKethan Baseball Stadium"; authorizing and directing the university to name a designated building at the University of Florida the "Robert Q. Marston Hall"; authorizing and directing the university to name a designated sports facility the "Scott Linder Tennis Stadium"; providing funds; naming the Department of Education building in Tallahassee the "Ralph D. Turlington Education Building";

Senator Weinstock moved the following amendment which failed:

Amendment 14—On page 15, between lines 10 and 11, insert:

Section 5. Subsection (4) of section 235.19, Florida Statutes, is amended and subsection (7) is added to said section, to read:

235.19 Site planning and selection.—

(4) Sites recommended for purchase, or purchased, in accordance with the provisions of chapter 230 or chapter 240 shall meet standards prescribed therein and such supplementary standards as may be prescribed by the state board to promote the educational interests of the students. Each site shall be well drained and reasonably free from mud, and the soil shall be adaptable to landscaping and suitable for outdoor educational purposes. Insofar as is practicable, the site shall not be located within any path of flight approach of any airport or adjoin a right-of-way of any railroad or through highway and shall not be adjacent to any *prison, jail,* factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program.

(Renumber subsequent section.)

On motion by Senator Peterson, by two-thirds vote SB 920 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

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

Nays—1

Hill

Vote after roll call:

Yea—Langley

Consideration of **CS for SB 1255** was deferred.

Senator Hair presiding

The Senate resumed consideration of—

CS for SB 5—A bill to be entitled An act relating to public parking; amending ss. 316.1964, 320.0842, F.S.; exempting certain disabled persons from payment of certain fees and penalties exacted for parking in a parking facility that is open on a general basis to the public and that is owned or operated by a state agency, a county, a municipality, or a political subdivision thereof; providing an effective date.

—which had passed as amended and had been reconsidered this day.

On motions by Senator D. Childers, 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 President presiding

On motions by Senator Hollingsworth, by two-thirds vote CS for HB 1389 was withdrawn from the Committees on Transportation and Appropriations.

On motion by Senator Hollingsworth—

CS for HB 1389—A bill to be entitled An act relating to financing transportation projects; amending ss. 20.23, and 339.135, F.S.; transferring language relating to the allocation of funds for new construction from the provision creating the Department of Transportation to the provision in the Transportation Code relating to budgets; revising language with respect to the adoption of the final program budget and 5-year transportation plan of the department; providing for the allocation of unappropriated funds to the districts; prohibiting the department from establishing any additional district or urban offices under certain circumstances; amending s. 332.007, F.S.; authorizing the funding of projects when provided in the General Appropriations Act; providing an effective date.

—a companion measure, was substituted for SB 1018 and read the second time by title. On motion by Senator Hollingsworth, by two-thirds vote CS for HB 1389 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford

The Senate resumed consideration of—

SJR 360—A joint resolution proposing an amendment to Article XII of the State Constitution to create a commission to study the tax structure of the state and file with the secretary of state its proposal, if any, for a revision of Article VII of the State Constitution.

—which had been considered on June 6.

Two amendments were adopted to SJR 360 to conform the bill to HJR 1616.

On motions by Senator Brown, by two-thirds vote HJR 1616 was withdrawn from the Committees on Finance, Taxation and Claims; Appropriations; and Rules and Calendar.

On motion by Senator Brown—

HJR 1616—A joint resolution proposing amendments to Section 5 of Article II and Sections 2 and 5 of Article XI and the creation of Section 6 of Article XI of the State Constitution relating to establishment of a Tax Reform Commission.

Be It Resolved by the Legislature of the State of Florida:

That the amendments to Section 5 of Article II and Sections 2 and 5 of Article XI and the creation of Section 6 of Article XI of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 1988:

ARTICLE II
GENERAL PROVISIONS

SECTION 5. Public officers.—

(a) No person holding any office of emolument under any foreign government, or civil office of emolument under the United States or any other state, shall hold any office of honor or of emolument under the government of this state. No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, *tax reform commission,* constitutional convention, or statutory body having only advisory powers.

(b) Each state and county officer, before entering upon the duties of the office, shall give bond as required by law, and shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the state; and that I will well and faithfully perform the duties of . . . (title of office) . . . on which I am now about to enter. So help me God.",

and thereafter shall devote personal attention to the duties of the office, and continue in office until his successor qualifies.

(c) The powers, duties, compensation and method of payment of state and county officers shall be fixed by law.

ARTICLE XI
AMENDMENTS

SECTION 2. Revision commission.—

(a) Within thirty days after the adjournment of the regular session of the legislature convened in the tenth year following that in which this constitution is adopted, and each twentieth year thereafter, there shall be established a constitution revision commission composed of the following thirty-seven members:

(1) the attorney general of the state;

(2) fifteen members selected by the governor;

(3) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate; and

(4) three members selected by the chief justice of the supreme court of Florida with the advice of the justices.

(b) The governor shall designate one member of the commission as its chairman. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each constitution revision commission shall convene at the call of its chairman, adopt its rules of procedure, examine the constitution of the state, *except for matters relating directly to taxation that are to be reviewed by the tax reform commission established in section 6*, hold public hearings, and, not later than one hundred eighty days prior to the next general election, file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it.

SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, ~~or~~ constitutional convention *or tax reform commission* proposing it is filed with the secretary of state, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(c) If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

SECTION 6. Tax reform commission.—

(a) Beginning in 1990 and each tenth year thereafter, there shall be established a tax reform commission composed of the following members:

(1) fifteen members selected by the governor;

(2) nine members selected by the speaker of the house of representatives and nine members selected by the president of the senate.

(b) The governor shall designate one member of the commission as its chairman. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments.

(c) Each tax reform commission shall convene at the call of its chairman, adopt its rules of procedure, examine the tax structure and revenue needs of the state, hold public hearings, and, not later than one hundred eighty days prior to the general election in the second year following the year in which the commission is established, file with the secretary of state its proposal, if any, of a revision of this constitution or any part of it dealing with taxation, and propose to the legislature any recommended statutory changes relating to the tax laws of the state.

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendment proposed herein shall appear on the ballot as follows:

TAX REFORM COMMISSION

Transfers authority to review matters in the State Constitution relating to taxation from the Constitution Revision Commission to a newly created Tax Reform Commission. Provides for the Tax Reform Commission to be established in 1990 and every 10 years thereafter to review the state's tax structure and revenue needs, and recommend proposed constitutional changes to be submitted directly to the voters, and propose statutory changes to the Legislature.

—a companion measure, was substituted for SJR 360 and read the second time in full. On motion by Senator Brown, by two-thirds vote HJR 1616 was read the third time by title, passed by the required constitutional three-fifths vote of the membership and was certified to the House. The vote on passage was:

Yeas—29

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

Nays—8

Barron	Hill	Myers	Scott
Dudley	Langley	Peterson	Woodson

Reconsideration

On motion by Senator Ros-Lehtinen, the Senate reconsidered the vote by which—

CS for CS for SB 534—A bill to be entitled An act relating to public health; amending s. 154.01, F.S.; restating the purposes for the operation of county public health units; defining three levels of county public health unit services as environmental, communicable disease control, and primary care services; providing contracting provisions and requirements between the Department of Health and Rehabilitative Services and the counties; amending s. 154.011, F.S.; requiring counties to coordinate certain health care services with existing federal programs; amending s. 154.02, F.S.; modifying the provisions governing the Public Health Unit Trust Fund; specifying expenditure report requirements and providing timeframes for reporting; amending s. 154.04, F.S.; modifying provisions regarding public health unit personnel; requiring the employment of an environmental specialist; providing that public health unit personnel be employed by the Department of Health and Rehabilitative Services; amending s. 154.331, F.S.; providing for the creation of independent health care special districts upon voter approval; redesignating county indigent health care districts as county health care special districts; providing for assessment of certain ad valorem taxes within such district; providing for a governing board for a health care special district; providing board membership, duties, and terms of office; requiring the board to prepare and adopt a budget; providing a means to dissolve the district subject to certain limitations; requiring the board to comply with certain reporting and filing requirements; amending s. 409.266, F.S.; increasing the expenditure from the Public Medical Assistance Trust Fund to expand primary care programs; increasing the income level under which elderly and disabled persons may qualify for Medicaid services, in accordance with federal law; increasing the age level under which children may qualify for Medicaid benefits, in accordance with federal law; requiring a report by the Department of Health and Rehabilitative Services to the President of the Senate and the Speaker of the House of Representatives; providing disproportionate share reimbursement to certain hospitals; creating s. 409.2673, F.S.; establishing a shared county and state health care program for specified low-income persons; providing for eligibility for the program; providing for funding the program; delineating state and county responsibility should the funds of either be depleted; requiring participating counties to maintain current health care efforts; providing for eligibility determination; specifying conditions for reimbursement to hospitals; providing for development and adoption of rules governing the program; creating the Shared County and State Program Trust Fund; creating shared county and state program trust funds in each county; providing an annual appropriation into the trust fund; amending section 73. of chapter 88-1, Laws of Florida; excluding from initial hospital Birth-Related Neurological Injury Compensation Trust

Fund assessments those infants born to charity or Medicaid patients in teaching hospitals; reviving and readopting s. 409.266(7)(k), F.S., relating to the Medicaid medically needy program; providing an effective date.

—as amended passed this day.

On motions by Senator Ros-Lehtinen, the Senate reconsidered the vote by which the Senate concurred in the House Amendments as amended; and the Senate reconsidered the vote by which the Senate adopted Senate Amendment 1 to House Amendment 1 to House Amendment 2; and the Senate reconsidered the vote by which the Senate adopted Senate Amendment 1 to House Amendment 1 to House Amendment 3.

On motion by Senator Ros-Lehtinen, the Senate reconsidered the vote by which Amendment 1B to Senate Amendment 1 to House Amendment 1 to House Amendment 2 was adopted and by permission, Amendment 1B was withdrawn. On motion by Senator Ros-Lehtinen, the Senate reconsidered the vote by which Amendment 1A to Senate Amendment 1 to House Amendment 1 to House Amendment 3 was adopted and by permission, Senate Amendment 1A was withdrawn.

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

CS for CS for SB 534 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Beard, Brown

SPECIAL ORDER, continued

On motion by Senator Lehtinen, by two-thirds vote CS for HB 685 was withdrawn from the Committee on Judiciary-Criminal.

On motion by Senator Lehtinen—

CS for HB 685—A bill to be entitled An act relating to criminal mischief; amending s. 806.13, F.S.; providing that perpetrators may, in addition to any criminal penalty, be required to pay for the damages caused thereby; providing penalties; providing an effective date.

—a companion measure, was substituted for CS for SB 299 and read the second time by title. On motion by Senator Lehtinen, by two-thirds vote CS for HB 685 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

On motions by Senator Langley, by two-thirds vote CS for HB 646 was withdrawn from the Committees on Natural Resources and Conservation; and Appropriations.

On motion by Senator Langley—

CS for HB 646—A bill to be entitled An act relating to state parks and preserves; creating s. 258.398, F.S., establishing the Lake Weir Aquatic Preserve; providing an appropriation; providing an effective date.

—a companion measure, was substituted for SB 545 and read the second time by title. On motion by Senator Langley, by two-thirds vote CS for HB 646 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

On motion by Senator Thurman, by two-thirds vote SB 1433 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Thurman, by two-thirds vote—

SB 1433—A bill to be entitled An act relating to the Rainbow River Management Area in Marion County; requiring the board of county commissioners to fix and assess a schedule of rates, fees, and charges to finance the cost of providing water and sewer services within such area; providing for an initial installation or connection charge or fee; providing for the schedule of rates, fees, and charges for water and sewer services to be revised as necessary; 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—34

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

Nays—None

CS for SB 1255—A bill to be entitled An act relating to public health; amending s. 509.013, F.S.; removing exemption from inspection by the Department of Business Regulation those retail grocery stores which prepare food for consumption off the premises; amending s. 381.061, F.S., relating to duties of the Department of Health and Rehabilitative Services; providing that the department shall adopt standards for training of managers of food establishments; providing for certification and testing; providing a fee; precluding the sanitary ranking of establishments; providing an effective date.

—was read the second time by title.

Senator D. Childers moved the following amendment which was adopted:

Amendment 1—On page 1, line 17, strike everything after the enacting clause and insert:

Section 1. Subsection (9) of section 381.061, Florida Statutes, is renumbered as subsection (10), and a new subsection (9) is added to said section, to read:

381.061 Additional duties of Department of Health and Rehabilitative Services.—It shall be the duty of the Department of Health and Rehabilitative Services to:

(9) *Adopt, by rule, food safety protection standards for the training of all managers who are responsible for the storage, preparation, display, and serving of foods to the public in establishments regulated under this chapter and chapter 509. These standards are to be adopted by the Department of Health and Rehabilitative Services to ensure that upon the successful passing of a test, a manager of a food establishment will have demonstrated a knowledge of basic food protection practices. These standards shall also provide for a certification program which authorizes private or public agencies to conduct an approved test and certify the results of those tests to the department. The fee for the test shall not exceed $50. All managers employed by a food establishment shall have passed this test, and received a certificate attesting thereto, prior to July 1, 1990. Managers employed after the effective date of this law shall have a period of 90 days to pass the required test. The regulation of food safety protection standards for any required training and testing of food service establishment personnel is hereby preempted to the state. The regulation and inspection of food service establishments licensed by chapter 509, Florida Statutes, and regulation of food safety protection standards for required training and testing of food service establishment personnel are preempted to the state. The ranking of food service establishments is also preempted to the state; provided, however, that any local ordinances establishing a ranking system in existence prior to the effective date of this act shall remain in effect.*

Section 2. Effective July 1, 1989, paragraph (b) of subsection (5) of section 509.013, Florida Statutes, is amended to read:

509.013 Definitions.—As used in this chapter:

(5)

(b) The following are excluded from the definition in paragraph (a):

1. Any place maintained and operated by a public or private school, college, or university either:

a. Primarily for the use of students and faculty; or

b. Temporarily to serve such events as fairs, carnivals, and athletic contests.

2. Any eating place maintained and operated by a church or a religious, fraternal, or nonprofit civic organization, either:

a. Primarily for the use of members and associates; or

b. Temporarily to serve such events as fairs, carnivals, or athletic contests.

3. Any eating place located on an airplane, train, bus, or watercraft which is a common carrier.

4. Any eating place maintained by a hospital, nursing home, sanitarium, adult congregate living facility, adult day care center, or other similar place.

5. Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters.

~~6. Any retail grocery store in which food is prepared for consumption off the premises, which food is sold as part of the retail grocery operation.~~

Section 3. This act shall take effect October 1, 1988.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 2—On page 3, between lines 21 and 22, insert:

Section 3. Paragraph (d) of subsection (6) of section 154.205, Florida Statutes, is amended to read:

154.205 Definitions.—The following terms, whenever used in this part, shall have the following meanings unless a different meaning clearly appears from the context:

(6) "Cost," as applied to a project or any portion thereof financed under the provisions of this part, embraces:

(d) Financing charges and interest prior to, during, and for a *reasonable* period ~~of 24 months~~ after, completion of such construction.

Section 4. Paragraph (d) of subsection (2) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(2) "Cost," as applied to any project, shall embrace:

(d) The cost of all machinery and equipment, financing charges, interest prior to and during construction, and~~, if deemed advisable by the local agency,~~ for a *reasonable* period ~~not exceeding 1 year~~ after completion of construction, the cost of engineering and architectural surveys, plans, and specifications; and

(Renumber subsequent section.)

Senator D. Childers moved the following amendment which was adopted:

Amendment 3—In title, on page 1, lines 1-14, strike everything before the enacting clause and insert: A bill to be entitled An act relating to public health; amending s. 381.061, F.S., relating to duties of the Department of Health and Rehabilitative Services; providing that the department shall adopt standards for training of managers of food establishments; providing for certification and testing; providing a fee; providing an effective date.

Senator Kirkpatrick moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 14, after the semicolon (;) insert: amending s. 154.205, F.S.; revising the period of time during which the financing charges and interest costs incurred in the construction of a public health facility must be guaranteed through the proceeds of the sale of revenue bonds; amending s. 159.27, F.S.; revising the period of time during which the cost of all machinery and equipment, financing charges, and interest incurred in the construction of a project financed via the Florida Industrial Development Financing Act must be guaranteed through the proceeds of the sale of revenue bonds;

On motion by Senator D. Childers, by two-thirds vote CS for SB 1255 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—W. D. Childers, Crawford

SB 649—A bill to be entitled An act relating to public health; requiring the Department of Health and Rehabilitative Services to develop a comprehensive program to disseminate information regarding the health risks associated with, and the prevention, control, and treatment of, high blood cholesterol levels; providing for distribution of literature; providing contents; providing an effective date.

—was read the second time by title.

Three amendments were adopted to SB 649 to conform the bill to HB 263.

Pending further consideration of SB 649 as amended, on motion by Senator Ros-Lehtinen, by two-thirds vote HB 263 was withdrawn from the Committees on Health and Rehabilitative Services; and Appropriations.

On motion by Senator Ros-Lehtinen—

HB 263—A bill to be entitled An act relating to public health; requiring the Department of Health and Rehabilitative Services to develop a comprehensive program to disseminate information regarding the health risks associated with, and the prevention, control, and treatment of, high blood cholesterol levels; providing for distribution of literature; providing contents; creating a Study Committee on Cholesterol Screening; providing for the purpose of the committee; providing for committee membership and administration; providing for reimbursement; providing for meetings; requiring and prescribing the contents of a study and a report; providing an effective date.

—a companion measure, was substituted for SB 649 and read the second time by title. On motion by Senator Ros-Lehtinen, by two-thirds vote HB 263 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Stuart

Senator Gordon moved that the rules be waived and HB 1182 be placed on the special order calendar.

Senator Barron moved as a substitute motion that the Senate stand in recess until 11:00 p.m. or upon call of the President. The motion was adopted.

RECESS

Pursuant to the motion by Senator Barron, the Senate recessed at 10:31 p.m. to reconvene at 11:00 p.m.

CALL TO ORDER

The Senate was called to order by the President at 11:07 p.m. A quorum present—34:

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

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 1326 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1326—A bill to be entitled An act relating to alcoholic beverages; amending s. 561.19, F.S.; providing additional criteria with respect to license issuance; amending s. 561.29, F.S.; providing additional grounds for revocation or suspension of license; amending s. 561.50; clarifying the definition of the word "sold"; amending s. 561.57, F.S.; revising language with respect to deliveries by licensees; amending s. 561.07, F.S.; providing exceptions to the prohibition in the transportation of alcoholic beverages; amending s. 563.06, F.S.; describing an additional method by which the stamp may be placed on the crown, can bottom, or can lid of malt beverages; amending the contents of the stamp thereon; amending s. 561.20, F.S.; providing an additional exception for specified counties to the limitation upon the number of beverage licenses that may be issued; providing for beverage licenses to be issued to sports arena authorities; creating s. 563.021, F.S.; requiring exclusive sales territories of malt beverage distributors; providing a severability clause; creating s. 599.012, F.S.; establishing, for a limited period, the Viticulture Trust Fund within the Department of Agriculture and Consumer Services; specifying the uses of the moneys in the trust fund; providing a continuing appropriation of the moneys in the trust fund to the department for the specified uses; amending ss. 561.12, 564.06, F.S.; providing for deposit, into the Viticulture Trust Fund during a limited period, of a specified percentage of the revenues collected from the excise taxes imposed under s. 564.06, F.S., on wines produced by Florida manufacturers; providing an effective date.

Amendment 1—On page 31, lines 20-26, strike all language.

Amendment 2—On page 10, lines 2-6, strike: *All such beverages shall also have printed or lithographed or ink jet sprayed on the crown, can bottom or can lid thereof, a clear easily decipherable notification of the freshness expiration date of said product.*

Amendment 3—On page 11, line 26, strike: *and all malt beverages*

Amendment 4—On page 1, in the title, line 17, after "thereon;" insert: amending ss. 564.06 and 565.12, F.S.; revising the excise taxes on wines, liquors and beverages and providing for import taxes; providing for collection; providing requirements with respect to beverages manufactured or distilled within the state for sale in this state; providing for rules; providing legislative intent with respect to a declaration of unconstitutionality;

Amendment 5—On page 30, line 12, strike all language and insert:

Section 13. Effective upon this act becoming a law, section 563.021, Florida Statutes, is

Amendment 7—On the line following the enacting clause, insert new Section 1:

Section 1. Subsection (6) of section 210.02, Florida Statutes, is amended to read:

210.02 Cigarette tax imposed; collection.—

(6) This tax shall be paid by the dealer to the division for deposit and distribution as hereinafter provided upon the first sale or transaction within the state, whether or not such sale or transfer be to the ultimate purchaser or consumer. The seller or dealer shall collect the tax from the purchaser or consumer, and the purchaser or consumer shall pay the tax to the seller. The seller or dealer shall be responsible for the collection of the tax and the payment of the same to the division. *All taxes are due not later than the 10th day of the month following the calendar month in which they were incurred, and thereafter shall bear interest at the rate of 1 percent per month. If the amount of tax due for a given period is assessed without allocating it to any particular month, the interest shall begin with the date of the assessment.* Whenever cigarettes are shipped from outside the state to anyone other than a distributing agent or wholesale dealer, the person receiving the cigarettes shall be responsible for the tax on said cigarettes and the payment of same to the division.

(Renumber subsequent sections.)

Amendment 8—On the line following the enacting clause, insert new Section 1:

Section 1. Section 210.11, Florida Statutes, is amended to read:

210.11 Refunds; sales of stamps and payment of tax.—Whenever any cigarettes upon which stamps have been placed, or upon which the tax has been paid by metering machine, have been sold and shipped into another state for sale or use therein, or have become unfit for use and consumption or unsalable, or have been destroyed, the dealer involved shall be entitled to a refund or credit of the actual amount of the tax paid with respect to such cigarettes less any discount allowed by the division in the sale of the stamps or payment of the tax by metering machine, upon receipt of satisfactory evidence of the dealer's right to receive such refund or credit, provided application for refund or credit is made within *9* 3 months of the date the cigarettes were shipped out of the state, became unfit, or were destroyed. Only the division shall sell, or offer for sale, any stamp or stamps issued under this part. The division may redeem unused stamps lawfully in the possession of any person. The divi-

sion may prescribe necessary rules and regulations concerning refunds, credits, sales of stamps, and redemptions under the provisions of this part. Appropriation is hereby made out of revenues collected under this part for payment of such allowances.

(Renumber subsequent sections.)

Amendment 9—On page 1, in the title, line 2, strike: "alcoholic beverages;" and insert: regulated activities; amending s. 210.11, F.S., extending the time limit to file for refunds on damaged cigarettes;

House Amendment 1 to Substitute Amendment 10—On page 5, line 11, strike "*from fresh fruit* and insert: *of produce from land inspected by Florida agricultural inspectors*

House Amendment 2 to Substitute Amendment 10—On page 5, lines 7 and 8, strike all of said lines and insert: *for sale in this state, if fortified, shall be fortified with alcohol, except for flavoring extracts, distilled above 185 proof from produce of agricultural land inspected by Florida agricultural inspectors. All*

House Amendment 3 to Substitute Amendment 10—On page 15, lines 19 and 20, strike all of said lines, and insert: *this state shall be distilled above 185 proof, except for flavoring extracts, of produce from land inspected by Florida agricultural inspectors.*

House Substitute Amendment 10—On page 11, line 3, through page 27, line 9, strike all of said lines and insert:

Section 7. Effective July 1, 1988, the Legislature finds and determines that the authorized transportation and importation into the state of alcoholic beverages described in chapters 564 and 565, Florida Statutes, require strict enforcement of state statutes regulating and administering the manufacture, distribution and sale of alcoholic beverages; the costs of regulating and administering such imported alcoholic beverages are greater than for those alcoholic beverages not imported; the production of lower quality alcoholic beverages should be discouraged; and in order to protect the health, safety, welfare and economic integrity of the state, the costs of ensuring compliance with relevant state laws should be included in the taxes imposed upon said alcoholic beverages.

Section 8. (1) Effective July 1, 1988, section 564.06, Florida Statutes, is amended to read:

564.06 Excise *and import* taxes on wines and beverages~~; exemptions.~~—

(1)*(a)* As to beverages including wines, except natural sparkling wines and malt beverages, containing 0.5 percent or more alcohol by volume and less than 17.259 percent alcohol by volume, there shall be paid by all manufacturers and distributors a tax at the rate of *$.25* ~~$2.25~~ per gallon.

(b) In addition to the tax imposed under paragraph (a), there shall be imposed upon the importation into this state of all beverages and all malt beverages including wines, except natural sparkling wines and malt beverages, containing 0.5 percent or more alcohol by volume and less than 17.259 percent alcohol by volume, an import tax in the amount of $2.00 per gallon to be paid by manufacturers and distributors.

(c) The taxes imposed under paragraphs (a) and (b) shall be paid together in order to facilitate the collection of these taxes and to ensure that these taxes will only be collected once in accordance with s. 561.50.

(2)*(a)* As to all wines, except natural sparkling wines, containing ~~0.5 percent or more alcohol by volume and less than~~ 17.259 percent *or more* alcohol by volume, *there shall be paid by manufacturers and distributors a tax at the rate of $.50 per gallon.* ~~of which the alcoholic content is manufactured exclusively from citrus fruits or varieties of the species Vitis rotundifolia, Vitis aestivalis ssp. simpsoni, Vitis aestivalis ssp. smalliana, Vitis shuttleworthii, Vitis munsoniana, or Vitis berlandieri, or from concentrates thereof, except for flavoring extracts, and upon all other such beverages, except malt beverages, containing 0.5 percent or more alcohol by volume and less than 17.259 percent alcohol by volume, of which the alcoholic content is manufactured exclusively from citrus fruits, varieties of the species Vitis rotundifolia, Vitis aestivalis ssp. simpsoni, Vitis aestivalis ssp. smalliana, Vitis shuttleworthii, Vitis munsoniana, or Vitis berlandieri, citrus products, citrus byproducts, sugarcane, or sugarcane byproducts, or from concentrates thereof, except for flavoring extracts, the tax imposed by subsection (1) shall not apply.~~

(b) In addition to the tax imposed under paragraph (a), there shall be imposed upon the importation into this state of all wines, except natural sparkling wines, containing 17.259 percent or more alcohol by volume, an import tax in the amount of $2.50 per gallon to be paid by manufacturers and distributors.

(c) The taxes imposed under paragraphs (a) and (b) shall be paid together in order to facilitate the collection of these taxes and to ensure that these taxes will only be collected once in accordance with s. 561.50.

(3)*(a)* As to ~~all wines, except~~ natural sparkling wines ~~containing 17.259 percent or more alcohol by volume~~, there shall be paid by *all* manufacturers and distributors a tax at the rate of *$1.50* ~~$3~~ per gallon~~, except that this tax shall not be required to be paid upon all wines of which the alcoholic content is manufactured exclusively from citrus fruits or varieties of the species Vitis rotundifolia, Vitis aestivalis ssp. simpsoni, Vitis aestivalis ssp. smalliana, Vitis shuttleworthii, Vitis munsoniana, or Vitis berlandieri, or from concentrates thereof, except for flavoring extracts, and containing 17.259 percent or more of alcohol by volume~~.

(b) In addition to the tax imposed under paragraph (a), there shall be imposed upon the importation into this state of natural sparkling wines an import tax in the amount of $2.00 per gallon to be paid by manufacturers and distributors.

(c) The taxes imposed under paragraphs (a) and (b) shall be paid together in order to facilitate the collection of these taxes and to ensure that these taxes will only be collected once in accordance with s. 561.50.

(4)*(a)* As to *wine coolers, which are a combination of wines containing 0.5 percent or more alcohol by volume, carbonated water, and flavors or fruit juices and preservatives and which contain 1 to 6 percent alcohol content by volume,* ~~natural sparkling wines,~~ there shall be paid by all manufacturers and distributors a tax at the rate of *$.75* ~~$3.50~~ per gallon~~, except that this tax shall not be required to be paid upon all natural sparkling wines of which the alcoholic content is manufactured exclusively from citrus fruits or varieties of the species Vitis rotundifolia, Vitis aestivalis ssp. simpsoni, Vitis aestivalis ssp. smalliana, Vitis shuttleworthii, Vitis munsoniana, or Vitis berlandieri, or from concentrates thereof, except for flavoring extracts~~.

(b) In addition to the tax imposed under paragraph (a), there shall be imposed upon the importation into this state of wine coolers as described in paragraph (a) an import tax in the amount of $1.50 per gallon to be paid by manufacturers and distributors.

(c) The taxes imposed under paragraphs (a) and (b) shall be paid together in order to facilitate the collection of these taxes and to ensure that these taxes will only be collected once in accordance with s. 561.50.

(5) Wine used by any established church as sacramental wine or in connection with religious services is hereby expressly exempted from the provisions of this section.

(6) Every distributor selling wine within the state shall pay the tax to the division monthly on or before the 10th day of the following month, less 1.9 percent of the tax due, which shall be withheld by the distributor for keeping prescribed records, furnishing bond, and properly accounting for and remitting taxes due to the state. However, no allowance shall be granted or permitted when the tax is delinquent at the time of payment.

(7) *All beverages taxed under paragraphs (1)(a), (2)(a), (3)(a), or (4)(a) and manufactured within this state for sale in this state shall be made or fortified with alcohol distilled above 185 proof except for flavoring extracts. All wines taxed under paragraphs (1)(a), (2)(a), (3)(a) or (4)(a) and manufactured within this state for sale in the state shall be made from fresh fruit.* ~~The exemption from the payment of taxes provided in subsections (2), (3), and (4) does not preclude the division from making periodic inspections necessary to carry out the provisions of this section.~~

(8) The excise *and import* taxes required to be paid by this section are not required to be paid upon any alcoholic beverage sold to a post exchange, ship service store, or base exchange located in a military, naval, or air force reservation within this state.

(9) The department is authorized to promulgate rules to effectuate the provisions of this section.

~~(9) The exemptions from payment of taxes provided in subsections (2), (3), and (4) or the tax rates set forth in subsection (10) shall not apply:~~

~~(a) To alcoholic beverages manufactured in states, territories, or countries which impose discriminatory taxes or requirements on alcoholic beverages manufactured or bottled outside of their boundaries;~~

~~(b) To alcoholic beverages manufactured or bottled in states, territories, or countries which provide agricultural price supports or other economic incentives or advantages exclusively for alcoholic beverages produced within their boundaries; or~~

~~(c) To alcoholic beverages manufactured or bottled in states, territories, or countries which provide export subsidies for agricultural products used in making said alcoholic beverages.~~

~~Funding for research purposes or retail sale of wine at licensed wineries shall not be construed as an "economic incentive or advantage" within the meaning of this subsection.~~

~~(10)(a) For the months of July and August each year the tax rate for the products specified in subsection (2), except for wine coolers which are defined below in paragraph (b), shall be $2.25 per gallon. Otherwise, the tax rate for these products, except wine coolers, will be determined as follows:~~

~~1. By the 20th of each month (hereinafter, the "time of calculation"), commencing August 20, 1985, the Department of Business Regulation shall determine the prior month's gallonage sales of the products specified in subsection (2).~~

~~2. The total of sales referred to in subparagraph 1. of this paragraph, except wine coolers, shall determine the sole tax rate applicable for all gallons sold in the month after the time of calculation according to the table set forth below:~~

~~Total gallons sold in the month prior to the time of calculation~~	~~The new per gallon tax rate for all gallons sold in the month following the time of calculation~~
~~0—10,000~~	~~0.00~~
~~10,001—20,000~~	~~0.35~~
~~20,001—30,000~~	~~0.55~~
~~30,001—40,000~~	~~0.75~~
~~40,001—50,000~~	~~0.95~~
~~50,001—60,000~~	~~1.15~~
~~60,001—70,000~~	~~1.25~~
~~70,001—80,000~~	~~1.45~~
~~80,001—90,000~~	~~1.65~~
~~90,001—100,000~~	~~1.85~~
~~100,001—110,000~~	~~2.05~~
~~Above 110,000~~	~~2.25~~

~~(b) For the months of July and August 1985, 40 cents per gallon will be the tax for wine coolers; a combination of wine, as described in subsection (2); carbonated water; and flavors or fruit juices and preservatives containing 1 to 6 percent alcohol content by volume. Thereafter, the tax rate for wine coolers will be determined as follows:~~

~~1. By the 20th of each month (hereinafter, the "time of calculation"), commencing August 20, 1985, the Department of Business Regulation shall determine the prior month's gallonage sales of wine coolers.~~

~~2. The total of sales referred to in subparagraph 1. of this paragraph shall determine the sole tax rate applicable to all gallons sold in the month after the time of calculation according to the table set forth below:~~

~~Sales of wine coolers in the month prior to the time of calculation for each month for the 6-month period of March, April, May, June, July, and August~~	~~The new per gallon tax rate for all gallons sold in the month following the time of calculation~~
~~0—250,000~~	~~0.40~~
~~250,001—275,000~~	~~0.65~~
~~275,001—300,000~~	~~0.90~~
~~300,001—325,000~~	~~1.15~~
~~325,001—350,000~~	~~1.40~~
~~350,001—375,000~~	~~1.65~~
~~375,001—400,000~~	~~1.90~~
~~Above 400,000~~	~~2.25~~

~~Sales of wine coolers in the month prior to the time of calculation for each month for the 6-month period of September, October, November, December, January, and February~~	~~The new per gallon tax rate for all gallons sold in the month following the time of calculation~~
~~0—100,000~~	~~0.40~~
~~100,001—125,000~~	~~0.65~~
~~125,001—150,000~~	~~0.90~~
~~150,001—175,000~~	~~1.15~~
~~175,001—200,000~~	~~1.40~~
~~200,001—225,000~~	~~1.65~~
~~225,001—250,000~~	~~1.90~~
~~250,001—275,000~~	~~2.15~~
~~Above 275,000~~	~~2.25~~

~~(c) For the months of July and August each year, the tax rate for the products specified in subsection (3) shall be $3 per gallon. Thereafter, the tax rate for these products will be determined as follows:~~

~~1. By the 20th of each month (hereinafter, the "time of calculation"), commencing August 20, 1985, the Department of Business Regulation shall determine the prior month's gallonage sales of these products.~~

~~2. The total of sales referred to in subparagraph 1. of this paragraph shall determine the sole tax rate applicable for all gallons sold in the month after the time of calculation according to the table set forth below:~~

~~Total gallons sold in the month prior to the time of calculation~~	~~The new per gallon tax rate for all gallons sold in the month following the time of calculation~~
~~0—12,500~~	~~1.50~~
~~Above 12,500~~	~~3.00~~

~~(d) For the months of July and August each year, the tax rate for the products specified in subsection (4) shall be $3.50 per gallon. Thereafter, the tax rate for these products will be determined as follows:~~

~~1. By the 20th of each month (hereinafter, the "time of calculation"), commencing August 20, 1985, the Department of Business Regulation shall determine the prior month's gallonage sales of these products.~~

~~2. The total of sales referred to in subparagraph 1. of this paragraph shall determine the sole tax rate applicable for all gallons sold in the month after the time of calculation according to the table set forth below:~~

~~Total gallons sold in the month prior to the time of calculation~~	~~The new per gallon tax rate for all gallons sold in the month following the time of calculation~~
~~0—3,000~~	~~1.50~~
~~3,001—4,000~~	~~2.00~~
~~4,001—6,000~~	~~2.50~~
~~6,001—8,000~~	~~3.00~~
~~Above 8,000~~	~~3.50~~

~~(c) By the 25th of each month, the Department of Business Regulation shall notify all distributors in the state of the new tax rates applicable for the following month based on preceding paragraphs (10)(a), (b), (c), and (d).~~

~~(11) Any new applicant for the tax exemptions provided in subsection (2), subsection (3), or subsection (4), or for the tax rates set forth in paragraph (10)(a), paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), shall apply for those rates between July 1 and July 31 of each year, and shall pay an annual nonrefundable application fee of $3,000. The division shall adopt appropriate rules of practice and procedure to establish a method of qualification for affected parties.~~

~~(12) Each manufacturer authorized to do business under the tax exemptions provided in subsection (2), subsection (3), or subsection (4), or for the tax rates set forth in paragraph (10)(a), paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), shall pay an annual license fee of $1,000 plus travel expenses of the Department of Business Regulation to audit the manufacturer's records. Each qualifying applicant shall report monthly the source of raw materials used to manufacture the products eligible for the tax exemptions or rates set forth in subsection (2), subsection (3), or subsection (4), or paragraph (10)(a), paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d).~~

~~(13) All revenue collected pursuant to subsections (11) and (12) shall go directly to the Department of Business Regulation to provide funds to administer the provisions contained herein.~~

(2) It is the legislative intent that if any amendatory provision of this section is held invalid by an interlocutory decree, while in effect, or final decree or order of a court of competent jurisdiction, the provisions of s. 564.06, Florida Statutes, as it existed on the day prior to the effective date of this section, shall then be revived and shall be the law of this state, except as to such provisions of s. 564.06, Florida Statutes, which have heretofore been held unconstitutional by the Florida Supreme Court, and except that any amendments to such section enacted other than by this section shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said section which expire pursuant to the provisions of this section.

Section 9. (1) Effective July 1, 1988, section 565.12, Florida Statutes, is amended to read:

565.12 Excise *and import* tax on liquors and beverages.—

(1)(a) As to beverages containing 17.259 percent or more of alcohol by volume and not more than 55.780 percent of alcohol by volume, except wines, there shall be paid by every manufacturer *and*~~,~~ distributor~~, and vendor~~ a tax at the rate of *$4.75* ~~$6.50~~ per gallon. As to beverages containing less than 17.259 percent of alcohol by volume, there shall be paid by every manufacturer *and*~~,~~ distributor~~, and vendor~~ a tax at the rate provided in chapter 564.

(b) *In addition to the tax imposed under paragraph (a), there shall be imposed upon the importation into this state of beverages containing 17.259 percent or more of alcohol by volume and not more than 55.780 percent of alcohol by volume, an import tax in the amount of $1.75 per gallon to be paid by every manufacturer and distributor.* ~~As to all such beverages of which the distilled spirits are manufactured exclusively from citrus products, citrus byproducts, sugarcane, and sugarcane byproducts, except for flavoring extracts, the tax imposed by paragraph (a) does not apply. However, in lieu thereof there shall be paid by every manufacturer and distributor a tax at the rate of $4.35 per gallon.~~

(c) *The taxes imposed under paragraphs (a) and (b) shall be paid together in order to facilitate the collection of these taxes and to ensure that these taxes will only be collected once in accordance with s. 561.50.* ~~The tax rate provided in paragraph (b) shall not apply:~~

~~1. To alcoholic beverages manufactured in states, territories, or countries which impose discriminatory taxes or requirements on alcoholic beverages manufactured or bottled outside of their boundaries;~~

~~2. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide agricultural price supports or other economic incentives or advantages exclusively for alcoholic beverages produced within their boundaries; or~~

~~3. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide export subsidies for agricultural products used in making said alcoholic beverages.~~

~~Those beverages shall be taxed at the rate set forth in paragraph (a).~~

(2)(a) As to beverages containing more than 55.780 percent of alcohol by volume, there shall be paid by every manufacturer *and*~~,~~ distributor~~, and vendor~~ a tax at the rate of *$5.95* ~~$9.53~~ per gallon.

(b) *In addition to the tax imposed under paragraph (a), there shall be imposed upon the importation into this state of beverages containing more than 55.780 percent of alcohol by volume, an import tax in the amount of $3.58 per gallon to be paid by every manufacturer and distributor.* ~~As to all such beverages of which the distilled spirits are manufactured exclusively from citrus products, citrus byproducts, sugarcane, and sugarcane byproducts, except for flavoring extracts, the tax imposed by paragraph (a) does not apply. However, in lieu thereof there shall be paid by every manufacturer and distributor a tax at the rate of $4.95 per gallon.~~

(c) *The taxes imposed under paragraphs (a) and (b) shall be paid together in order to facilitate the collection of these taxes and to ensure that these taxes will only be collected once in accordance with s. 561.50.* ~~The tax rate provided in paragraph (b) shall not apply:~~

~~1. To alcoholic beverages manufactured in states, territories, or countries which impose discriminatory taxes or requirements on alcoholic beverages manufactured or bottled outside of their boundaries;~~

~~2. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide agricultural price supports or other economic incentives or advantages exclusively for alcoholic beverages produced within their boundaries; or~~

~~3. To alcoholic beverages manufactured or bottled in states, territories, or countries which provide export subsidies for agricultural products used in making said alcoholic beverages.~~

~~Those beverages shall be taxed at the rate set forth in paragraph (a).~~

~~(3) The use of the words "and vendor" in paragraphs (1)(a) and (2)(a) shall not be construed as imposing a new excise tax based upon sale at retail, but shall only be construed as applying the increase in tax rates to vendors' inventories of stock on June 1, 1968.~~

(3)~~(4)~~ The excise *and import* taxes required to be paid by this section are not required to be paid upon any alcoholic beverage sold to a post exchange, ship service store, or base exchange located in a military, naval, or air force reservation within this state.

(4) All beverages distilled in this state for sale in this state shall be distilled above 185 proof except for flavoring extracts.

(5) The department is authorized to promulgate rules to effectuate the provisions of this section.

~~(5) For the months of July and August every year the tax rate for products specified in paragraph (1)(b) will be $6.50 per gallon and the tax rate for the products specified in (2)(b) will be $9.53 per gallon. Thereafter the tax rate for the products in paragraph (1)(b) and in paragraph (2)(b) will be determined in paragraph (6).~~

~~(6) By the 20th of each month (hereinafter, the time of calculation) commencing August 20, 1985, the Department of Business Regulation shall determine the increase or decrease in the sales of alcoholic beverage gallonage taxed at the rates provided in paragraph (1)(b) or paragraph (2)(b) for the prior month in comparison to that month of the year before. If that gallonage has increased, the percentage amount of said increase in excess of 5 percent shall be the percentage increase in the tax rates provided in paragraph (1)(b) or paragraph (2)(b) for the gallonage sales for the month following the "time of calculation." If the gallonage has decreased, the percentage amount of said decrease in excess of 5 percent shall be the percentage decrease in the tax rates provided in paragraph (1)(b) or paragraph (2)(b) for the gallonage sales for the month following "the time of calculation." However, the tax rate provided in paragraph (1)(b) shall not decrease below $4.35 per gallon or increase above $6.50 per gallon, and the tax rate provided in paragraph (2)(b) shall not decrease below $4.95 per gallon or increase above $9.53 per gallon.~~

~~(7) By the 25th of each month, the Department of Business Regulation shall notify all distributors in the state of the new tax rates applicable for the following month based on subsection (6).~~

~~(8) All revenue collected pursuant to subsections (9) and (10) shall go directly to the Department of Business Regulation to provide funds to administer the provisions contained herein.~~

~~(9) Any manufacturer or importer applying for the tax rate provided in paragraph (1)(b) or paragraph (2)(b) shall apply for that rate between July 1 and July 31 of each year and shall pay a nonrefundable application fee of $5,000. The department shall adopt appropriate rules of practice and procedure to establish a method of qualification for affected parties.~~

~~(10) Each manufacturer authorized to do business under the tax rates imposed under paragraph (1)(b) or paragraph (2)(b) shall pay an annual license fee of $3,000, plus travel expenses of the Department of Business Regulation to audit the manufacturer's records. Each qualifying applicant shall report monthly the source of raw materials used to manufacture the products eligible for the tax rates provided in paragraphs (1)(b) and (2)(b).~~

(2) It is the legislative intent that if any amendatory provision of this section is held invalid by an interlocutory decree, while in effect, or final decree or order of a court of competent jurisdiction, the provisions of s. 565.12, Florida Statutes, as it existed on the day prior to the effective date of this section, shall then be revived and shall be the law of this state, except as to such provisions of s. 565.12, Florida Statutes, which have heretofore been held unconstitutional by the Florida Supreme Court, and except that any amendments to such section enacted other than by this section shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of said section which expire pursuant to the provisions of this section.

(Renumber subsequent sections.)

Amendment 11—On page 1, in the title, line 17, after "thereon;" insert: amending ss. 564.06 and 565.12, F.S.; providing legislative findings; revising the excise taxes on wines, liquors and beverages and providing for import taxes; providing for collection; providing requirements with respect to beverages manufactured or distilled within the state for sale in this state; providing for rules; providing legislative intent with respect to severability;

Amendment 12—On page 14, lines 29 and 30, strike all of said lines and insert: *for sale in this state, if fortified, shall be fortified with alcohol, except for flavoring extracts, distilled above 185 proof from produce of agricultural land inspected by Florida agricultural inspectors. All*

Amendment 13—On page 15, line 2, after "made" strike *"from fresh fruit"* and insert: *of produce from land inspected by Florida agricultural inspectors*

Amendment 14—On page 25, lines 5 and 6, strike all of said lines and insert: *this state shall be distilled above 185 proof, except for flavoring extracts, of produce from land inspected by Florida agricultural inspectors.*

Amendment 16—On page 33, strike lines 9-11, and insert:

Section 18. Except as otherwise provided herein, this act shall take effect October 1, 1988.

Amendment 20—On page 1, in the title, between lines 2 and 3, insert: ; amending s. 210.02(6), F.S.; requiring the assessment of interest on late cigarette tax payments;

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

CS for SB 1326 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—26

Mr. President	Girardeau	Kirkpatrick	Scott
Barron	Gordon	Lehtinen	Thurman
Beard	Hair	Margolis	Weinstein
Childers, W. D.	Hill	Meek	Weinstock
Crawford	Hollingsworth	Myers	Woodson
Deratany	Jenne	Plummer	
Dudley	Johnson	Ros-Lehtinen	

Nays—3

Childers, D.	Grant	Langley

Reconsideration

On motion by Senator D. Childers, the Senate reconsidered the vote by which CS for SB 1255 as amended passed this day.

On motions by Senator D. Childers, by two-thirds vote—

CS for HB 785—A bill to be entitled An act relating to public health; amending s. 381.061, F.S., relating to duties of the Department of Health and Rehabilitative Services; providing that the department shall adopt standards for training of managers of food establishments; providing for certification and testing; providing a fee; providing an effective date.

—a companion measure, was substituted for CS for SB 1255 and by two-thirds vote read the second time by title.

Further consideration of **CS for HB 785** was deferred.

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 522 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 522—A bill to be entitled An act relating to water resources; amending s. 373.069, F.S., changing the boundaries of the Suwannee River Water Management District and the St. Johns River Water Management District; amending s. 373.073, F.S., relating to appointment of members of the governing board of the Southwest Florida Water Management District; amending s. 373.083, authorizing the governing boards to delegate certain permitting authorities to counties and municipalities and to establish criteria for such delegations; amending s. 373.4595, F.S.; revising membership of the Lake Okeechobee Technical Advisory Council; providing for replacement of members upon resignation; revising report requirements; authorizing the district to acquire certain lands by eminent domain and declaring public necessity for such acquisition; amending ss. 373.0693 and 373.073, F.S.; providing dates for commencement of terms of office of members of district governing boards and basin boards; amending s. 373.0693, F.S., abolishing the Oklawaha River Basin and the Greater St. Johns River Basin in the St. Johns River Water Management District; transferring assets and liabilities to the district; clarifying the date for millage rate certification; reviving and readopting specified provisions of chapter 373, F.S., relating to the governing boards and basin boards of water management districts; providing for future repeal and review of said provisions; providing for future repeal and review of water management district regulatory programs and consideration of the report of the Environmental Efficiency Study Commission; creating the Oklawaha River Basin Advisory Council; repealing s. 2 of chapter 85-211, Laws of Florida, relating to the scheduled repeal of a millage assessment within the St. Johns River Water Management District; creating s. 373.302, F.S.; providing legislative findings; amending s. 373.303, F.S.; revising the definition of "water well contractor"; amending s. 373.308, F.S., to delete a cross-reference; amending s. 373.323, F.S.; providing for application for licensure, examination of applicants, preparation of examination, and issuance of license with respect to water well contractors; providing for action to be taken by a water management district when unlicensed activity occurs; providing for adoption of rules; deleting provisions relating to renewal of a license, suspension, or revocation of a license, delegation of authority, and registration of drillers and drilling equipment; requiring display of contractor's license number on drilling equipment; creating s. 373.324, F.S.; providing for license renewal, adoption of rules, reversion to inactive status, and notice thereof; creating s. 373.325, F.S.; providing for renewal or reactivation of inactive license; amending s. 373.326, F.S.; providing an exemption from licensing requirements under certain circumstances; amending s. 373.329, F.S.; providing licensure fee caps as established by rule; increasing maximum fees for application for licensure and penalty fees for license renewal; amending s. 373.333, F.S.; providing for disciplinary guidelines by adoption of rules; providing grounds for disciplinary action; providing disciplinary actions, including license suspension or revocation; providing for notice; providing for reissuance of a suspended or revoked license; creating s. 373.335, F.S.; creating a statewide clearinghouse allowing water management districts to access certain information; amending s. 373.336, F.S.; providing unlawful acts and penalties; creating s. 373.337, F.S.; providing rulemaking authority of the Department of Environmental Regulation and adoption of rules by the water management districts; amending s. 373.342, F.S., to make technical changes; repealing s. 373.339, F.S., relating to preservation of existing regulations; saving ss. 373.323,

373.326, 373.329, 373.333, 373.336, and 373.342, F.S., from Sunset repeal; providing for future review and repeal; providing for the availability of funds to complete the Holey Land Project; providing an effective date.

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Effective July 1, 1990, subsection (1) of section 373.073, Florida Statutes, is amended to read:

373.073 Governing board.—

(1)(a) The governing board of each water management district shall be composed of nine members who shall reside within the district, *except that the Southwest Florida Water Management District shall be composed of eleven members who shall reside within the district.* The term of office of members of the board shall be 4 years. Members of the governing boards continued under this chapter shall be appointed from the district at large as vacancies occur on the governing boards. Such vacancies shall be filled according to the residency requirements of paragraph (b).

(b) Notwithstanding the provisions of any other general or special law to the contrary, vacancies in the governing boards of the water management districts shall be filled according to the following residency requirements, representing areas designated by the U. S. Water Resources Council in U. S. Geological Survey, River Basin and Hydrological Unit Map of Florida—1975, Map Series No. 72:

1. Northwest Florida Water Management District:

a. One member shall reside in the area generally designated as the "Perdido River Basin-Perdido Bay Coastal Area-Lower Conecuh River-Escambia River Basin" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies west of Pensacola Bay and Escambia Bay.

b. One member shall reside in the area generally designated as the "Blackwater River Basin-Yellow River Basin-Choctawhatchee Bay Coastal Area" hydrologic units and that portion of the "Escambia Bay Coastal Area" hydrologic unit which lies east of Pensacola Bay and Escambia Bay.

c. One member shall reside in the area generally designated as the "Choctawhatchee River Basin-St. Andrews Bay Coastal Area" hydrologic units.

d. One member shall reside in the area generally designated as the "Lower Chattahoochee-Apalachicola River-Chipola River Basin-Coastal Area between Ochlockonee River Apalachicola Rivers-Apalachicola Bay coastal area and offshore islands" hydrologic units.

e. One member shall reside in the area generally designated as the "Ochlockonee River Basin-St. Marks and Wakulla Rivers and coastal area between Aucilla and Ochlockonee River Basin" hydrologic units.

f. Four members shall be appointed at large, except that no county shall have more than two members on the governing board.

2. Suwannee River Water Management District:

a. One member shall reside in the area generally designated as the "Aucilla River Basin" hydrologic unit.

b. One member shall reside in the area generally designated as the "Coastal Area between Suwannee and Aucilla Rivers" hydrologic unit.

c. One member shall reside in the area generally designated as the "Withlacoochee River Basin-Alapaha River Basin-Suwannee River Basin above the Withlacoochee River" hydrologic units.

d. One member shall reside in the area generally designated as the "Suwannee River Basin below the Withlacoochee River excluding the Santa Fe River Basin" hydrologic unit.

e. One member shall reside in the area generally designated as the "Santa Fe Basin-Waccasassa River and coastal area between Withlacoochee and Suwannee River" hydrologic units.

f. Four members shall be appointed at large, except that no county shall have more than two members on the governing board.

3. St. Johns River Water Management District:

a. One member shall reside in the area generally designated as the "St. Mary River Basin-Coastal area between St. Marys and St. Johns Rivers" hydrologic units.

b. One member shall reside in the area generally designated as the "St. Johns River Basin below Oklawaha River-Coastal area between the St. Johns River and Ponce de Leon Inlet" hydrologic units.

c. One member shall reside in the area generally designated as the "Oklawaha River Basin" hydrologic unit.

d. One member shall reside in the area generally designated as the "St. Johns River Basin above the Oklawaha River" hydrologic unit.

e. One member shall reside in the area generally designated as the "Coastal area between Ponce de Leon Inlet and Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie River" hydrologic units.

f. Four members shall be appointed at large, except that no county shall have more than two members on the governing board.

4. South Florida Water Management District:

a. Two members shall reside in Dade County.

b. One member shall reside in Broward County.

c. One member shall reside in Palm Beach County.

d. One member shall reside in Collier County, Lee County, Hendry County, or Charlotte County.

e. One member shall reside in Glades County, Okeechobee County, Highlands County, Polk County, Orange County, or Osceola County.

f. Two members, appointed at large, shall reside in an area consisting of St. Lucie, Martin, Palm Beach, Broward, Dade, and Monroe Counties.

g. One member, appointed at large, shall reside in an area consisting of Collier, Lee, Charlotte, Hendry, Glades, Osceola, Okeechobee, Polk, Highlands, and Orange Counties.

h. No county shall have more than three members on the governing board.

5. Southwest Florida Water Management District:

a. *Two* ~~One~~ members shall reside in *Hillsborough County* ~~the river basin generally designated as the Withlacoochee River~~.

b. One member shall reside in the area *consisting* ~~generally comprised~~ of ~~the~~ Hillsborough *and Pinellas counties* ~~, Alafia, and Little Manatee River basins~~.

c. *Two* ~~One~~ members shall reside in *Pinellas County* ~~the river basin generally designated as the Peace River~~.

d. One member shall reside in *Sarasota County* ~~the area generally comprised of the Manatee and Myakka River basins~~.

e. One member shall reside in *Polk County* ~~the watershed basins lying north of the Anclote River basin and west of the Oklawaha River basin, excluding the Withlacoochee River~~.

f. One member shall reside in *Pasco County* ~~the watershed basins lying south of the northern limits of the Anclote River basin and west of the Hillsborough River basin, including all of Pinellas County~~.

g. *One* ~~Three~~ members shall be appointed at large *from Levy, Marion, Citrus, Sumter, Hernando, and Lake Counties.*

h. One member shall be appointed at large from Manatee, Hardee, DeSoto, Charlotte, and Highlands Counties.

i. One member shall be appointed at large from Levy, Marion, Citrus, Sumter, Hernando, Lake, Manatee, Hardee, DeSoto, Charlotte and Highlands Counties.

No county *described in g., h., or i.* shall have more than *one* ~~two~~ members on the governing board~~, and Pinellas County and Hillsborough County shall each have two members~~.

Section 2. Notwithstanding the conditions of their original appointments, the terms of all members of the governing board of the Southwest Florida Water Management District shall expire on June 30, 1990. The Governor, in accordance with s. 373.073, Florida Statutes, as amended,

shall, by July 1, 1990, appoint eleven members to the governing board of the Southwest Florida Water Management District. Three of said eleven new members shall have 4-year terms; three shall have 3-year terms; three shall have 2-year terms; and two shall have 1-year terms. The members at their first official meeting shall draw lots to determine which of said members will have the various length terms. Thereafter, the terms of the board members shall be 4 years and shall be staggered. This section shall take effect on January 1, 1990.

Section 3. Section 373.103, Florida Statutes, is amended to read:

373.103 Powers which may be vested in the governing board at the department's discretion.—In addition to the other powers and duties allowed it by law, the governing board of a water management district may be specifically authorized by the department to:

(1) Administer and enforce all provisions of this chapter, including the permit systems established in parts II, III, and IV of this chapter.

(2) Cooperate with the United States in the manner provided by Congress for flood control, reclamation, conservation, and allied purposes in protecting the inhabitants, the land, and other property within the district from the effects of a surplus or a deficiency of water when the same may be beneficial to the public health, welfare, safety, and utility.

(3) Plan, construct, operate, and maintain works of the district as defined in this chapter.

(4) Determine, establish, and control the level of waters to be maintained in all canals, lakes, rivers, channels, reservoirs, streams, or other bodies of water controlled by the district; to maintain such waters at the levels so determined and established by means of dams, locks, floodgates, dikes, and other structures; and to regulate the discharge into, or withdrawal from, the canals, lakes, rivers, channels, reservoirs, streams, or other bodies of water controlled by the district or which are a work of the district, including review of small watershed projects (Pub. L. No. 83-566).

(5) Expend, at the discretion of the governing board, for purposes of promotion, advertisement, and improvement of the program and objectives of the district, a yearly sum not to exceed 0.25 percent of the moneys collected by taxation within the district.

(6) Exercise such additional power and authority compatible with this chapter and other statutes and federal laws affecting the district as may be necessary to perform such duties and acts and to decide such matters and dispose of the same as are not specifically defined in or covered by statute.

(7) Prepare, in cooperation with the department, that part of the state water use plan applicable to the f;The governing board shall give prior notice of its

(8) Delegate to a local government, by rule or agreement, the power and duty to administer any of the statutes, rules, or regulations relating to stormwater permitting or surface water management which the district is authorized or required to administer, including those delegated by a state agency to the district, if the governing board determines that such a delegation is necessary or desirable. Such a delegation shall be made only if the governing board determines that the local government's program for administering the delegated statute, rule, or regulation:

(a) Provides by ordinance, regulation, or local law for requirements compatible with or stricter or more extensive than those imposed by the statute or the rules and regulations adopted pursuant thereto;

(b) Provides for the enforcement of such requirements by appropriate administrative and judicial processes; and

(c) Provides for administrative organization, staff, and financial and other resources necessary to effectively and efficiently enforce such requirements.

The governing board shall give prior notice of its intention to enter into an agreement described in this subsection. At a minimum, such notice shall be published in the Florida Administrative Weekly at least 21 days in advance of the governing board's action. At least once every six months, the district shall update its rules to include a list of the agreements adopted pursuant to this subsection to which the district is a party. The list shall identify the parties to, and the date and location of each agreement, and shall specify the nature of the authority delegated by the agreement.

Section 4. *The South Florida Water Management District is authorized to acquire by the exercise of the power of eminent domain, unencumbered fee simple title to the following lands:*

(1) The lands within Water Conservation Area 1 in Palm Beach County, Florida, bounded as follows: on the East by the Easterly right-of-way line of Levee 40 as shown on Drawing No. L-40-1; on the South by the Southerly right-of-way line of Levee 39 as shown on Drawing No. L-39-1; on the West by the Westerly right-of-way line of Levee 7 as shown on Drawing No. L-7-1; on the North by the Southerly right-of-way line of Levee 7 Extension as shown on Drawing No. L-7 Ext-1.

(2) The lands within Water Conservation Area 2 in Palm Beach and Broward Counties, bounded as follows: on the East by the Easterly right-of-way line of Levees 35A and 36 as shown on Drawing No. L-35A-2 and L-36-2; on the South by the Southerly right-of-way line of Levee 35 as shown on Drawing No. L-35-3; on the Southwest by the Northeasterly right-of-way line of U.S. 27; on the Northwest by the Northwesterly right-of-way line of Levee 6 as shown on Drawing No. L-6-1; on the Northeast by the Southwesterly right-of-way line of Levee 39 as shown on Drawing No. L-39-1.

(3) The lands within Water Conservation Area 3 in Broward and Dade Counties, bounded as follows: on the East by the Easterly right-of-way line of Levees 30, 33 and 37 as shown on Drawing No. L-30-1 and L-33-1 and by the Westerly right-of-way line of U.S. 27; on the South by the Southerly right-of-way line of Levee 29 as shown on Drawing No. L-29-1, 2 and 3; on the West by the Westerly right-of-way line of Levee 28 as shown on Drawing No. L-28-1; on the North by the Northerly right-of-way line of Levees 4 and 5 as shown on Drawing No. L-4-12 and L-5-1.

The drawings referred to in the above descriptions are filed in the offices of the South Florida Water Management District.

Section 5. *The Legislature hereby makes a finding of public necessity for the acquisition of the lands in Water Conservation Areas 1, 2, and 3.*

Section 6. Effective January 1, 1989, subsection (3) of section 373.0693, Florida Statutes, is amended to read:

373.0693 Basins; basin boards.—

(3) Each member of the various basin boards shall serve for a period of 3 years or until *a* ~~his~~ successor is appointed, except that the board membership of each new basin shall be divided into three groups as equally as possible, with members in such groups to be appointed for 1, 2, and 3 years, respectively. Each basin board shall choose a vice chairman and a secretary to serve for a period of 1 year. The term of office of a basin board member shall be construed to commence on *March 2* ~~July 1~~ preceding the date of ~~his~~ appointment and to terminate *March 1* ~~June 30~~ of the year of the end of *a* ~~his~~ term.

Section 7. Effective January 1, 1989, paragraph (a) of subsection (1) of section 373.073, Florida Statutes, is amended to read:

373.073 Governing board.—

(1)(a) The governing board of each water management district shall be composed of nine members who shall reside within the district. The term of office of members of the board shall be 4 years *and shall be construed to commence on March 2 preceding the date of appointment and to terminate March 1 of the year of the end of a term.* Members of the governing boards continued under this chapter shall be appointed from the district at large as vacancies occur on the governing boards. Such vacancies shall be filled according to the residency requirements of paragraph (b).

Section 8. *Effective January 1, 1989, the terms of office of members of basin boards and governing boards of water management districts holding office on January 1, 1989, shall expire on March 1 of the year of the end of the term, notwithstanding the conditions of original appointment.*

Section 9. Section 373.302, Florida Statutes, is created to read:

373.302 Legislative findings.—The Legislature recognizes that the practice of constructing, repairing, and abandoning water wells, if conducted by incompetent contractors, is potentially threatening to the health of the public and to the environment. The Legislature finds that a threat to the public and the environment exists if water resources

become contaminated as a result of wells drilled by incompetent or dishonest contractors, and that to prevent contamination it is necessary to regulate the construction, repair, and abandonment of wells, and the persons and businesses responsible therefor.

Section 10. Subsection (6) of section 373.303, Florida Statutes, is amended to read:

373.303 Definitions.—As used in this part, the term:

(6) "Water well contractor" means *a person who is responsible for the construction, repair, or abandonment of a water well and who is licensed under this part to engage* ~~any person, firm, or corporation engaged~~ in the business of *construction, repair, or abandonment of* ~~constructing~~ water wells.

Section 11. Subsection (2) of section 373.308, Florida Statutes, is amended to read:

373.308 Implementation of programs for regulating water wells.—

(2) The department shall authorize the governing board of a water management district to exercise any power authorized to be exercised by the department under ss. 373.309, 373.313, 373.316, 373.319, 373.323, ~~373.326,~~ 373.329, and 373.333 and shall encourage the district to fully exercise such powers as soon as practicable.

Section 12. Section 373.323, Florida Statutes, is amended to read:

373.323 *Licensure of* water well *contractors; application, qualifications, and examinations;* ~~contractor licenses; driller and drilling~~ equipment *identification* ~~registration.~~—

(1) ~~WATER WELL CONTRACTOR LICENSES.—~~

~~(a)~~ Every person who wishes to engage in business as a water well contractor shall obtain from the water management district a license to conduct such business.

(2) Each person desiring to be licensed as a water well contractor shall apply to take the licensure examination. Application shall be made to the water management district in which the applicant resides or in which his principal place of business is located. A resident of another state shall apply to the water management district in which most of the business of the applicant will take place. Application shall be made on forms provided by the water management district.

(3) An applicant who meets the following requirements shall be entitled to take the licensure examination to practice water well contracting:

(a) Is at least 18 years of age.

(b) Has at least 2 years' experience in constructing, repairing, or abandoning wells.

(c) Has completed the application form and remitted a nonrefundable application fee.

(4)~~(b) The department may adopt and from time to time amend rules and regulations governing applications for water well contractor licenses. The water management district shall license as a water well contractor any person properly making application therefor who is an adult for all legal purposes, has knowledge of rules and regulations adopted under this part, and has had not less than 2 years' experience in the work for which he is applying for a license.~~ The department shall prepare an examination which *shall test an applicant's knowledge of rules and regulations adopted under this part; ability to construct, repair, and abandon a well; and ability to supervise, direct, manage, and control the contracting activities of a water well contracting business* ~~each such applicant must pass in order to qualify for such license.~~ *The department shall provide each water management district, and representatives of the water well contracting industry, with meaningful opportunity to participate in the development of the examination.*

(5) The water management district shall issue a water well contracting license to any applicant who receives a passing grade on the examination, has paid the initial application fee, and has complied with the requirements of this section. A passing grade on the examination shall be as established by the department by rule. A license issued by any water management district shall be valid in every water management district in the state.

(6)~~(c)~~ *An employee of* a political subdivision *or of a governmental entity* engaged in *water* well drilling shall be licensed *pursuant to* ~~under~~ this part but shall be exempt from paying ~~the license~~ fees *required pursuant to this part* ~~for the drilling done by regular employees of, and with equipment owned by, it.~~

(7) When a water management district has probable cause to believe that any person not licensed as a water well contractor has violated any provision of this part or any statute that relates to the construction, repair, or abandonment of water wells, or any rule adopted pursuant thereto, the water management district may issue and deliver to such person a notice to cease and desist from such violation. In addition, the water management district may issue and deliver a notice to cease and desist to any person who aids and abets the unlicensed construction, repair, or abandonment of a water well by employing an unlicensed person. For the purpose of enforcing a cease and desist order, a water management district may file a proceeding in the name of the state seeking issuance of an injunction or a writ of mandamus against any person who violates any provision of such order.

(8) The department shall adopt rules which specifically provide for uniformity among all water management districts for the application process and qualifications for licensure, providing each water management district, and representatives of the water well contracting industry, with meaningful opportunity to participate in the development of the rules as they are drafted. The rules shall be adopted by each water management district.

~~(d) Licenses issued pursuant to this section are not transferable and shall expire on July 1 of each year. A license may be renewed without examination for an ensuing year by making application not later than 30 days after the expiration date and paying the applicable fee. Such application shall have the effect of extending the validity of the current license until a new license is received or the applicant is notified by the department that it has refused to renew his license. After July 31 of each year, a license will be renewed only upon application and payment of the applicable fee plus a penalty of $50.~~

~~(e) Whenever the department or water management district determines that the holder of any license issued pursuant to this section has violated any provision of this part or any rule or regulation adopted pursuant thereto, the department or water management district is authorized to suspend or revoke any such license. Any order issued pursuant to this subsection shall become effective 30 days after service thereof unless a written petition requesting hearing under the procedure provided in chapter 120 is filed sooner.~~

~~(f) No application for a license issued pursuant to this section may be made within 1 year after revocation thereof.~~

~~(g) No later than October 1, 1984, the department shall delegate to the water management districts the powers and duties relating to processing and issuing water well contractor licenses. A license issued by any water management district shall be valid anywhere in the state.~~

~~(2) DRILLER AND DRILLING EQUIPMENT REGISTRATION.—~~

~~(a) Every person who operates drilling equipment for the purpose of constructing wells shall register with each water management district in which construction activity takes place. The governing board shall, as minimum conditions of such registration, require:~~

~~1. A written recommendation from a licensed water well contractor verifying the status of the driller as an employee of the contractor.~~

~~2. Demonstration of sufficient experience and practical knowledge needed to operate drilling equipment of the type to be used in actual well construction.~~

~~3. A written examination considered appropriate by the board and designed to verify the driller's knowledge of commonly accepted drilling practices and applicable rules of the district and the department.~~

~~(b) It is the responsibility of each licensed water well contractor to annually notify the governing board of the district in which he resides or in which his principal place of business is located of all registered drillers in his employ. In addition, each licensed contractor shall notify the board in a timely manner if a registered driller ceases to be an employee.~~

(9)~~(c)~~ Each ~~licensed water well contractor shall register with the governing board each~~ piece of drilling equipment *owned, leased, or operated by a water well contractor shall have* ~~he owns, leases, or operates. Upon registration of the equipment,~~ the water well contractor's license number ~~shall be~~ prominently displayed thereon.

Section 13. Section 373.324, Florida Statutes, is created to read:

373.324 License renewal.—

(1) A water well contractor shall submit an application for renewal of a license to the water management district which issued the license.

(2) The water management district shall renew a license upon receipt of the renewal application and renewal fee.

(3) The department shall adopt rules establishing a procedure for the biennial renewal of licenses, which shall be adopted by each water management district.

(4) A license which is not renewed at the end of the biennium prescribed by the department shall automatically revert to inactive status. Such license may be reactivated only if the licensee meets the qualifications for reactivation in s. 373.325.

(5) At least 60 days prior to the automatic reversion of a license to inactive status, the water management district shall mail a notice of such reversion to the last known address of the licensee.

Section 14. Section 373.325, Florida Statutes, is created to read:

373.325 Inactive status.—A license which has become inactive pursuant to s. 373.324 may be renewed or reactivated upon application to the water management district, as follows:

(1) A license which has been inactive for 1 year or less after the end of the biennium prescribed by the department may be renewed pursuant to s. 373.324 upon application to the water management district and upon payment of the renewal and penalty fees as provided in s. 373.329. Such renewed license shall expire 2 years after the date the license automatically reverted to inactive status.

(2) A license which has been inactive for more than 1 year may be reactivated upon application to the water management district for licensure pursuant to the requirements of s. 373.323

Section 15. Section 373.326, Florida Statutes, is amended to read:

373.326 Exemptions.—

(1) When the *water management district* ~~department~~ finds that compliance with all requirements of this part would result in undue hardship, an exemption from any one or more such requirements may be granted by the *water management district* ~~department~~ to the extent necessary to ameliorate such undue hardship and to the extent such exemption can be granted without impairing the intent and purpose of this part.

(2) Nothing in this part shall prevent a person who has not obtained a license pursuant to s. 373.323 from constructing a well that is 2 inches or under in diameter, on his own or leased property, intended for use only in a single family house which is his residence, or intended for use only for farming purposes on his farm, and when the waters to be produced are not intended for use by the public or any residence other than his own~~.~~, *provided that* such *person* ~~persons~~ ~~shall~~ *complies* ~~comply~~ with all *local and state* rules and regulations *relating* ~~as~~ *to the* construction of *water* wells ~~adopted under this part.~~

Section 16. Section 373.329, Florida Statutes, is amended to read:

373.329 Fees *for licensure.—The department, by rule, shall establish fees to be paid for application for licensure, application for license renewal, and the penalty fee for renewal of a license which has been inactive for 1 year or less. The fees shall be based on the actual costs incurred by the water management districts in carrying out the responsibilities related to licensure of water well contractors as derived from estimates provided by the water management districts of the revenue required to implement this part, but shall not exceed the following amounts:*

(1) Application for initial licensure, $150.

(2) Biennial license renewal, $50.

(3) Penalty for renewal of a license which has been inactive for 1 year or less, $75.

All fees and other moneys collected by a water management district pursuant to this part shall be deposited in the general operating fund of the water management district. ~~The following fees are required:~~

~~(1) A fee of $100 shall accompany each new application for a license required under s. 373.323.~~

~~(2) A fee of $25 shall accompany each application for a renewal of license under s. 373.323.~~

Section 17. Section 373.333, Florida Statutes, is amended to read:

373.333 *Disciplinary guidelines; adoption and* enforcement*; license suspension or revocation.—*

(1) The department shall adopt, by rule, disciplinary guidelines applicable to each specific ground for disciplinary action which may be imposed by the water management districts, providing each water management district, and representatives of the water well contracting industry, with meaningful opportunity to participate in the development of the disciplinary guideline rules as they are drafted. The disciplinary guidelines shall be adopted by each water management district. The guideline rules shall be consistently applied by the water management districts and shall:

(a) Specify a meaningful range of designated penalties based upon the severity and repetition of specific offenses.

(b) Distinguish minor violations from those which endanger public health, safety, and welfare or contaminate the water resources.

(c) Inform the public of likely penalties which may be imposed for proscribed conduct.

A specific finding of mitigating or aggravating circumstances shall allow a water management district to impose a penalty other than that provided in the guidelines. Disciplinary action may be taken by any water management district, regardless of where the contractor's license was issued.

(2)~~(1)~~ Whenever the water management district has reasonable grounds for believing that there has been a violation of this part or any rule or regulation adopted pursuant hereto, it shall give written notice to the person alleged to be in violation. Such notice shall identify the provision of this part or regulation issued hereunder alleged to be violated and the facts alleged to constitute such violation.

(3)~~(2)~~ Such notice shall be served in the manner required by law for the service of process upon a person in a civil action or by registered United States mail to the last known address of the person. *The water management district shall send copies of such notice only to persons who have specifically requested such notice or to entities with which the water management district has formally agreed to provide such notice.* Notice alleging a violation of a rule setting minimum standards for the location, construction, repair, or abandonment of wells shall be accompanied by an order of the water management district requiring remedial action which, if taken within the time specified in such order, will effect compliance with the requirements of this part and regulations issued hereunder. Such order shall become final unless a request for hearing as provided in chapter 120 is made within 30 days from the date of service of such order. *Upon compliance, notice shall be served by the water management district in a timely manner upon each person and entity who received notice of a violation, stating that compliance with the order has been achieved.*

(4) The following acts constitute grounds for which disciplinary actions specified in subsection (5) may be taken by a water management district:

(a) Attempting to obtain, obtaining, or renewing a license under this part by bribery or fraudulent misrepresentation.

(b) Being convicted or found guilty, regardless of adjudication, of fraud or deceit or of gross negligence, incompetency, or misconduct in the performance of work, or of a crime in any jurisdiction which directly relates to the practice of water well contracting or the ability to practice water well contracting. A plea of nolo contendere shall create a presumption of guilt to the underlying criminal charges, and the water management district shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea.

(c) Allowing any other person to use the license.

(d) Violating or refusing to comply with any provision of this part or a rule adopted by the department or water management district, or any order of the water management district previously entered in a disciplinary hearing.

(e) Constructing, repairing, or abandoning a water well without first obtaining all applicable permits.

(f) Having had administrative or disciplinary action relating to water well construction, repair, or abandonment taken by any municipality or county or by any state agency, which action shall be reviewed by the water management district before the water management district takes any disciplinary action of its own.

(g) Practicing with a revoked, suspended, or inactive license.

(5) When the water management district finds a person guilty of any of the grounds set forth in subsection (4), it may enter an order imposing one or more of the following disciplinary actions:

(a) Denial of an application for licensure or for renewal of a license.

(b) Revocation or suspension of a license.

(c) Imposition of an administrative fine not to exceed $1,000 for each count or separate offense.

(d) Placement of the water well contractor on probation for a period of time subject to such conditions as the water management district may specify.

(e) Restriction of the licensee's authorized scope of practice.

(6) When disciplinary action is taken against a contractor which results in suspension or revocation of the contractor's license, a water management district shall notify each water management district of such action.

(7) The water management district shall reissue the license of a contractor whose license has been suspended or revoked upon determination by the water management district that the disciplined person has complied with all of the terms and conditions set forth in the final order.

Section 18. Section 373.335, Florida Statutes, is created to read:

373.335 Clearinghouse.—The department, in conjunction with the water management districts, shall establish a statewide clearinghouse which will allow each water management district to access information regarding water well contractor licensees and their license numbers, any violation by any such licensee, and any disciplinary action taken by a water management district.

Section 19. Section 373.336, Florida Statutes, is amended to read:

373.336 *Unlawful acts;* penalties.—

(1) It is unlawful for any person to:

(a) Practice water well contracting without an active license issued pursuant to this part.

(b) Construct, repair, or abandon a water well, or operate drilling equipment for such purpose, unless employed by or under the supervision of a licensed water well contractor or exempt under s. 373.326.

(c) Give false or forged evidence to obtain a license.

(d) Present as his own the license of another.

(e) Use or attempt to use a license to practice water well contracting which license has been suspended, revoked, or placed on inactive status.

(f) Engage in willful or repeated violation of this part or of any department rule or regulation or water management district or state agency rule or regulation relating to water wells which endanger the public health, safety, and welfare.

(2) It is unlawful for a business entity to engage in water well contracting or to perform any activity for which a license as a water well contractor is required unless a licensed water well contractor is responsible for supervising such activity of the business entity.

(3) Any person who violates any provision of this part or regulation or order issued hereunder shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in *s.* ~~ss.~~ 775.082, *s.* ~~and~~ 775.083, *or s. 775.084.* Continuing violation after *an order or conviction* ~~notice thereof~~ shall constitute a separate violation for each day so continued.

Section 20. Section 373.337, Florida Statutes, is created to read:

373.337 Rules.—The department shall, by July 1, 1989, adopt rules to implement the provisions of this part, providing each water management district, and representatives of the water well contracting industry, with meaningful opportunity to participate in the development of the rules as they are drafted. The rules shall be adopted by each water management district.

Section 21. Subsection (1) of section 373.342, Florida Statutes, is amended to read:

373.342 Permits.—

(1) The governing board of any water *management* ~~regulatory~~ district which, pursuant to the authority ~~of s. 373.339 or pursuant to authority~~ delegated to it by the department under s. 373.308 or s. 373.309(2), regulates water wells may in its discretion authorize its executive director to issue permits for the construction, repair, or modification of any water well.

Section 22. *Section 373.339, Florida Statutes, is hereby repealed.*

Section 23. *Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, and except as otherwise specifically provided herein, sections 373.323, 373.326, 373.329, 373.333, 373.336, and 373.342, Florida Statutes, shall not stand repealed on October 1, 1988, and shall continue in full force and effect as amended herein.*

Section 24. *Sections 373.303, 373.323, 373.324, 373.325, 373.326, 373.329, 373.333, 373.335, 373.336, and 373.337, Florida Statutes, are repealed on October 1, 1998, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

Section 25. *Notwithstanding the provisions of chapter 82-46, Laws of Florida, sections 373.0693, 373.0695, 373.073, 373.076, 373.079, 373.083, 373.084, 373.085, 373.086, 373.087, 373.089, 373.093, 373.096, 373.099, and 373.103, Florida Statutes, shall not stand repealed on October 1, 1988, as scheduled by said act, but said sections are hereby revived, readopted, and to the extent herein set forth, amended. Sections 373.0693, 373.0695, 373.073, 373.076, 373.079, 373.083, 373.084, 373.085, 373.086, 373.087, 373.089, 373.093, 373.096, 373.099, and 373.103, Florida Statutes, are repealed, effective October 1, 1989 and shall be reviewed by the Legislature pursuant to s. 11.611.*

Section 26. Except as provided herein, this act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

House Amendment 1 to House Amendment 1—On page 25, line 23, insert:

Section 26. Subsection (8) of section 373.0693, Florida Statutes, is amended to read:

373.0693 Basins; basin boards.—

(8)(a) At 11:59 p.m. on *June 30, 1988* ~~December 31, 1976~~, the area ~~being~~ transferred from the Southwest Florida Water Management District to the St. Johns River Water Management District by change of boundaries pursuant to chapter 76-243, Laws of Florida, shall *cease to* be ~~formed into~~ a subdistrict or basin of the St. Johns River Water Management District *known.* ~~Such basin shall be designated~~ as the Oklawaha River Basin~~.~~ *and said Oklawaha River Basin shall cease to exist. However, any recognition of an Oklawaha River Basin or an Oklawaha River hydrologic basin for regulatory purposes shall be unaffected. The area formerly known as the Oklawaha River Basin shall continue to be part of the St. Johns River Water Management District. There shall be established by the governing board of the St. Johns River Water Management District the Oklawaha River Basin Advisory Council to receive public input and advise the St. Johns River Water Management District's Governing Board on water management issues affecting the Oklawaha River Basin. The Oklawaha River Basin Advisory Council shall be appointed by action of the St. Johns River Water Management*

District's governing board and include one representative from each county which is wholly or partly included in the Oklawaha River Basin. The St. Johns River Water Management District's governing board member currently serving pursuant to Section 373.073(1)(b)3.c., Florida Statutes, shall serve as chairman of the Oklawaha River Basin Advisory Council. Members of the Oklawaha River Basin Advisory Council shall receive no compensation for their services but are entitled to be reimbursed for per diem and travel expenses as provided in s. 112.061, Florida Statutes. ~~The members of the governing board of the Oklawaha River Basin of the Southwest Florida Water Management District shall become the members of the governing board of the newly formed basin. The governing board of the St. Johns River Water Management District may change the boundaries, but may not abolish the basin.~~

(b)~~1.~~ *Also,* the entire area of the St. Johns River Water Management District, less those areas *formerly* in the Oklawaha Basin, shall *cease to* be ~~formed into~~ a subdistrict or basin of the St. Johns River Water Management District *known.* ~~Such area shall be designated~~ as the Greater St. Johns River Basin~~.~~ *and said Greater St. Johns River Basin shall cease to exist. The area formerly known as the Greater St. Johns River Basin shall continue to be part of the St. Johns River Water Management District.* ~~The Greater St. Johns River Basin shall have all the powers, duties, functions, and responsibilities provided and authorized for subdistricts or basins of water management districts.~~

~~2. The governing board of the St. Johns River Water Management District shall also serve as the governing board of the Greater St. Johns River Basin.~~

(c) As of 11:59 p.m. on June 30, 1988, assets and liabilities of the former Oklawaha River and Greater St. Johns River Basins shall be assets and liabilities of the St. Johns River Water Management District. Any contracts, plans, orders, or agreements of such basins shall continue to be in effect, but may be modified or repealed by the St. Johns River Water Management District in accordance with law. For all purposes for assessing and levying the millage rate authorized under section 373.503, subsequent to December 31, 1987, including the purposes of certifying the millage rate for fiscal year 1988-89, pursuant to chapter 200, said millage rate shall be levied retroactive to January 1, 1988.

(Renumber subsequent section.)

Amendment 2—Strike the title and insert: An act relating to water management districts; amending s. 373.073, F.S., relating to appointment of members of the governing board of the Southwest Florida Water Management District; amending s. 373.103, authorizing the water management districts to delegate certain permitting authorities to local governments and to establish criteria for such delegations; authorizing the South Florida Water Management District to acquire certain lands by eminent domain and declaring public necessity for such acquisition; amending ss. 373.0693 and 373.073, F.S.; providing dates for commencement of terms of office of members of district governing boards and basin boards; creating s. 373.302, F.S.; providing legislative findings; amending s. 373.303, F.S.; revising the definition of "water well contractor"; amending s. 373.308, F.S., to delete a cross-reference; amending s. 373.323, F.S.; providing for application for licensure, examination of applicants, preparation of examination, and issuance of license with respect to water well contractors; providing for action to be taken by a water management district when unlicensed activity occurs; providing for adoption of rules; deleting provisions relating to renewal of a license, suspension, or revocation of a license, delegation of authority, and registration of drillers and drilling equipment; requiring display of contractor's license number on drilling equipment; creating s. 373.324, F.S.; providing for license renewal, adoption of rules, reversion to inactive status, and notice thereof; creating s. 373.325, F.S.; providing for renewal or reactivation of inactive license; amending s. 373.326, F.S.; providing exemptions from licensing requirements under certain circumstances; amending s. 373.329, F.S.; providing licensure fee caps as established by rule; increasing maximum fees for application for licensure and penalty fees for license renewal; amending s. 373.333, F.S.; providing for disciplinary guidelines by adoption of rules; providing grounds for disciplinary action; providing disciplinary actions, including license suspension or revocation; providing for notice; providing for reissuance of a suspended or revoked license; creating s. 373.335, F.S.; creating a statewide clearinghouse allowing water management districts to access certain information; amending s. 373.336, F.S.; providing unlawful acts and penalties; creating s. 373.337, F.S.; providing rulemaking authority of the Department of Environmental Regulation and adoption of rules by the water management districts; amending s. 373.342, F.S., to make technical changes; repealing s. 373.339, F.S., relating to preservation of existing regulations; saving ss. 373.323, 373.326, 373.329, 373.333, 373.336, and 373.342, F.S., from Sunset repeal; providing for future review and repeal; reviving, readopting, and scheduling for future Sundown review and repeal specified provisions of chapter 373, F.S., relating to the governing boards and basin boards of water management districts; providing an effective date.

House Amendment 1 to House Amendment 2—On page 3, line 2, after "districts;" insert: amending s. 373.0693, F.S., abolishing the Oklawaha River Basin and the Greater St. Johns River Basin in the St. Johns River Water Management District; transferring assets and liabilities to the district and creating the Oklawaha River Basin Advisory Council;

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

CS for SB 522 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Stuart

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed with amendment CS for SB 221 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 221—A bill to be entitled An act relating to the insurance risk management trust fund; amending s. 284.31, F.S.; providing for coverage under the fund for coordinated community transportation providers; providing an effective date.

Amendment 1—On page 1, line 25, after "*vehicles,*" insert: *titled to the state, or to any department of the state,*

On motion by Senator W. D. Childers, the Senate concurred in the House amendment.

CS for SB 221 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	Kirkpatrick	Plummer
Barron	Gordon	Kiser	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Hair	Lehtinen	Thurman
Childers, D.	Hill	Malchon	Weinstein
Childers, W. D.	Hollingsworth	Margolis	Weinstock
Crawford	Jenne	McPherson	Woodson
Deratany	Jennings	Meek	
Dudley	Johnson	Myers	

Nays—None

Vote after roll call:

Yea—Stuart

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 786 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 786—A bill to be entitled An act relating to horseracing; amending s. 550.16, F.S.; providing that certain permitholders may withhold an additional percentage of the handle of certain races for capital improvements or to reduce capital improvement debts under certain circumstances; providing for an audit; providing for repeal; providing an effective date.

Amendment 1—On page 3, line 28, insert:

Section 2. Paragraph (c) is added to subsection (5) of section 550.09, Florida Statutes, to read:

550.09 Payment of daily license fees and taxes.—

(5) Surtax on additional takeout.—

(c) In addition to any other taxes levied pursuant to this chapter or chapter 551, all permitholders are subject to a surtax which shall be levied at the rate of 25 percent and be imposed upon any sums withheld pursuant to s. 550.16(2)(1).

(Renumber subsequent section.)

Amendment 2—In title, on page 1, line 8, after the semicolon (;) insert: amending s. 550.09, Florida Statutes; providing for a surtax on additional takeout;

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

CS for SB 786 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—31

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

Nays—3

Childers, D.	Grant	Langley

The Senate resumed consideration of—

SB 1207—A bill to be entitled An act relating to Dade County; providing for the relief of Maria Palacios, as personal representative of the estate of Octavio Palacios, deceased, and Maria Palacios, as natural guardian and next friend of Daisy Palacios and Jenny Palacios, minors; requiring the county to appropriate compensation to the survivors of Octavio Palacios for his death arising out of an automobile accident on January 1, 1983, at the entrance to the Key Biscayne Golf Course and Roger's on the Green restaurant in Dade County, Florida; providing an effective date.

—with pending **Amendment 1** which was withdrawn.

On motion by Senator Dudley, by two-thirds vote SB 1207 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Crawford

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has passed as amended, by the required Constitutional three-fifths vote of the membership of the House CS for CS for SJR 391 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SJR 391—A joint resolution proposing the creation of Section 17, Article VII of the State Constitution, relating to state bonds, to authorize general obligation bonds for acquiring real property for state transportation purposes or for constructing bridges.

Amendment 1—Strike everything after the resolving clause and insert:

That the creation of Section 17 of Article VII of the State Constitution set forth below is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1988, and shall take effect upon such approval:

ARTICLE VII
FINANCE AND TAXATION

SECTION 17. *Bonds for acquiring transportation right-of-way or for constructing bridges.—*

(a) When authorized by law, state bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, to finance or refinance the cost of acquiring real property or the rights to real property for state roads as defined by law, or to finance or refinance the cost of state bridge construction, and purposes incidental to such property acquisition or state bridge construction.

(b) Bonds issued under this section shall be secured by a pledge of and shall be payable primarily from motor fuel or special fuel taxes, except those defined in Section 9(c) of Article XII, as provided by law, and shall additionally be secured by the full faith and credit of the state.

(c) No bonds shall be issued under this section unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the same pledged revenues exceed ninety percent of the pledged revenues available for payment of such debt service requirements, as defined by law. For the purposes of this subsection, the term "pledged revenues" means all revenues pledged to the payment of debt service, excluding any pledge of the full faith and credit of the state.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 17

BONDS FOR ACQUISITION OF PROPERTY FOR STATE ROADS OR FOR CONSTRUCTING BRIDGES.—Proposing an amendment to the State Constitution, effective upon adoption, to authorize the Legislature to provide for issuance by the state, without a vote of the electors, of bonds pledging the full faith and credit of the state, the proceeds of which are to be used to finance or refinance the cost of acquiring real property for state roads or for constructing bridges.

Amendment 2—On page 1, strike the entire title and insert:

Senate Joint Resolution No. 391

A joint resolution proposing the creation of Section 17, Article VII of the State Constitution, relating to state bonds, to authorize general obligation bonds for acquiring real property for state roads or for constructing bridges.

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

On motion by Senator Brown, CS for CS for SJR 391 as amended was read in full as follows:

CS for CS for SJR 391—A joint resolution proposing the creation of Section 17, Article VII of the State Constitution, relating to state bonds, to authorize general obligation bonds for acquiring real property for state roads or for constructing bridges.

That the creation of Section 17 of Article VII of the State Constitution set forth below is hereby agreed to and shall be submitted to the electors of this state for approval or rejection at the general election to be held in November 1988, and shall take effect upon such approval:

ARTICLE VII
FINANCE AND TAXATION

SECTION 17. *Bonds for acquiring transportation right-of-way or for constructing bridges.—*

(a) When authorized by law, state bonds pledging the full faith and credit of the state may be issued, without a vote of the electors, to finance or refinance the cost of acquiring real property or the rights to real property for state roads as defined by law, or to finance or refinance the cost of state bridge construction, and purposes incidental to such property acquisition or state bridge construction.

(b) Bonds issued under this section shall be secured by a pledge of and shall be payable primarily from motor fuel or special fuel taxes, except those defined in Section 9(c) of Article XII, as provided by law, and shall additionally be secured by the full faith and credit of the state.

(c) No bonds shall be issued under this section unless a state fiscal agency, created by law, has made a determination that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the same pledged revenues exceed ninety percent of the pledged revenues available for payment of such debt service requirements, as defined by law. For the purposes of this subsection, the term "pledged revenues" means all revenues pledged to the payment of debt service, excluding any pledge of the full faith and credit of the state.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 17

BONDS FOR ACQUISITION OF PROPERTY FOR STATE ROADS OR FOR CONSTRUCTING BRIDGES.—Proposing an amendment to the State Constitution, effective upon adoption, to authorize the Legislature to provide for issuance by the state, without a vote of the electors, of bonds pledging the full faith and credit of the state, the proceeds of which are to be used to finance or refinance the cost of acquiring real property for state roads or for constructing bridges.

—and as amended passed by the required constitutional three-fifths vote of the membership 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	Ros-Lehtinen
Beard	Grant	Langley	Scott
Brown	Hair	Lehtinen	Thomas
Childers, D.	Hill	Malchon	Thurman
Childers, W. D.	Hollingsworth	Margolis	Weinstein
Crawford	Jenne	McPherson	Weinstock
Deratany	Jennings	Meek	Woodson
Dudley	Johnson	Myers	
Girardeau	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Barron, Stuart

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 1429 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1429—A bill to be entitled An act relating to transportation right-of-way acquisition or bridge construction; amending s. 206.46, F.S.; providing for distributing certain moneys in the State Transportation Trust Fund; amending s. 339.135, F.S.; providing an exception from certain applications for certain bonds; creating s. 215.605, F.S.; authorizing the issuance of state bonds for acquiring real property for state transportation purposes or for constructing bridges; establishing the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending s. 215.82, F.S.; providing for procedures to validate such bonds; providing an effective date.

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert:

Section 1. Section 206.46, Florida Statutes, is amended to read:

206.46 State Transportation Trust Fund.—

(1) All moneys in the State Transportation Trust Fund, which is hereby created, shall be used for transportation purposes, as provided by law, under the direction of the Department of Transportation, which department may from time to time make requisition on the Comptroller for such funds. Moneys from such fund shall be drawn by the Comptroller by warrant upon the State Treasury pursuant to vouchers and shall be paid in like manner as other state warrants are paid out of the appropriated fund against which the warrants are drawn. All sums of money necessary to provide for the payment of the warrants by the Comptroller drawn upon such fund are appropriated annually out of the fund for the purpose of making such payments from time to time.

(2) Notwithstanding any other provisions of law, from the proceeds transferred into the State Transportation Trust Fund from the Gas Tax Collection Trust Fund, $30 million in fiscal year 1988-89 and $50 million in each fiscal year thereafter shall be transferred into the Right-of-Way Acquisition and Bridge Construction Trust Fund created in s. 215.605.

Section 2. Section 215.605, Florida Statutes, is created to read:

215.605 State bonds for right-of-way acquisition or bridge construction.—

(1) The issuance of state bonds to finance or refinance the cost of acquiring real property or the rights to real property for state roads as defined by law, or to finance or refinance the cost of state bridge construction, and purposes incidental to such property acquisition or state bridge construction, is hereby authorized pursuant to s. 17, Art. VII of the State Constitution and ss. 215.57-215.83. Except for bonds issued to refinance property acquisition or bridge construction previously financed by bonds issued under this section, right-of-way or bridges financed by state bonds issued under this section shall first be authorized by the Legislature by an act relating to appropriations or by general law and shall be issued pursuant to the State Bond Act.

(2) Bonds issued pursuant to this section shall be payable primarily from motor fuel and special fuel taxes which are transferred to the Right-of-Way Acquisition and Bridge Construction Trust Fund, which fund is hereby created in the Department of Transportation, and shall additionally be secured by the full faith and credit of the state. Any moneys in the fund not needed to pay the debt service on, provide required financial coverage levels for, and fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued pursuant to this section, may be used for right-of-way acquisition or bridge construction, as provided by law.

(3) The Department of Transportation shall request the Division of Bond Finance to issue the state bonds authorized by this section pursuant to the State Bond Act. The Department of Transportation shall certify that the projects to be financed will comply with the requirements of s. 339.135(5)(a) or (f) and (7)(a).

(4) The proceeds from the sale of bonds issued pursuant to this section shall be deposited into the Right-of-way Acquisition and Bridge Construction Trust Fund.

(5) Section 339.135, except paragraph (4)(d), shall apply to the Right-of-Way Acquisition and Bridge Construction Trust Fund.

Section 3. Paragraph (d) is added to subsection (8) of section 339.135, Florida Statutes, to read:

339.135 Budgets; preparation, adoption, execution, and amendment.—

(8) EXECUTION OF THE BUDGET.—

(a) The department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves

the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The department shall require a statement from the comptroller of the department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the department which are for an amount in excess of $25,000 and which have a term for a period of more than 1 year.

(b) In the operation of the State Transportation Trust Fund, the department shall have on hand at the close of business, which closing shall not be later than the 10th calendar day of the month following the end of each quarter of the fiscal year, an available cash balance (which shall include cash on deposit with the treasury and short-term investments of the department) equivalent to not less than 5 percent of the unpaid balance of all State Transportation Trust Fund obligations at the close of such quarter. In the event that this cash position is not maintained, no further contracts or other fund commitments shall be approved, entered into, awarded, or executed until the cash balance, as defined above, has been regained.

(c) Unless otherwise provided in the General Appropriations Act, any unexpended balance remaining at the end of the fiscal year in the appropriations to the department for special categories, aid to local governments, and lump sums for projects which are part of the multiyear work program, and for which contracts have been executed or bids have been let, may be certified forward as fixed capital outlay under the provisions of s. 216.301(2), (3). The amount certified forward may include contingency allowances for asphalt and petroleum product escalation clauses and contract overages which allowances shall be separately identified in the certification detail. These contingency amounts shall be incorporated in the certification for each specific category, but when a category has an excess and another category has a deficiency, the Executive Office of the Governor is authorized to transfer the excess to the deficient account.

(d) This subsection shall not apply to any bonds issued on behalf of the department pursuant to the State Bond Act.

Section 4. Subsection (2) of section 215.82, Florida Statutes, is amended to read:

215.82 Validation; when required.—

(2) Any bonds issued pursuant to this act which are validated shall be validated in the manner provided by chapter 75. In actions to validate bonds to be issued in the name of the State Board of Education under s. 9(a) and (d), Art. XII of the State Constitution and bonds to be issued pursuant to chapter 259, the Land Conservation Act of 1972, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. *In any action to validate bonds issued pursuant to s. 215.605, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published in a newspaper of general circulation in the county where the complaint is filed and in two other newspapers of general circulation in the state, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending; provided, however, that if publication of notice pursuant to this section would require publication in more newspapers than would publication pursuant to s. 75.06, such publication shall be made pursuant to s. 75.06.*

Section 5. This act shall take effect upon the effective date of an amendment to the State Constitution which is submitted to the electors for approval at the general election to be held in November, 1988, and which provides for the issuance of the bonds authorized by this act.

Amendment 2—In title, on page 1, strike all of lines 7-11, and insert: providing an exception from certain budget requirements for certain bonds; creating s. 215.605, F.S.; authorizing the issuance of state bonds for acquiring property for state roads or for

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

CS for SB 1429 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
Beard	Grant	Langley	Ros-Lehtinen
Brown	Hair	Lehtinen	Scott
Childers, D.	Hill	Malchon	Thomas
Childers, W. D.	Hollingsworth	Margolis	Thurman
Crawford	Jenne	McPherson	Weinstein
Deratany	Jennings	Meek	Weinstock
Dudley	Johnson	Myers	Woodson
Girardeau	Kirkpatrick	Peterson	

Nays—None

Vote after roll call:

Yea—Stuart

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 392 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 392—A bill to be entitled An act relating to transportation; amending s. 127.01, F.S.; authorizing counties to exercise certain powers granted in ss. 337.27, 337.273, F.S.; amending s. 163.3164, F.S.; defining the term "transportation corridor"; amending s. 163.3177, F.S.; requiring the inclusion of designated transportation corridors in the transportation and mass transit elements of the local comprehensive plans by a specified date; requiring the development of specified policies; amending s. 163.3202, F.S.; requiring land development regulations to protect transportation rights-of-way and designated transportation corridors; amending s. 166.401, F.S.; authorizing municipalities to exercise certain powers granted in ss. 337.27, 337.273, F.S.; allowing municipalities to file maps of reservation for transportation corridors and transportation facilities; requiring notice and a public hearing; providing for building setback lines; providing for ordinances that define restrictions on certain construction; providing for challenges to the map by property owners; providing for a hearing and for appellate review; amending ss. 253.025, 253.03, F.S.; removing property for transportation facilities and transportation corridors from those state lands managed by the Board of Trustees of the Internal Improvement Trust Fund; amending s. 334.03, F.S.; amending the definition of the term "right-of-way" to include transportation facilities; defining the term "transportation corridor"; amending s. 335.02, F.S.; authorizing the Department of Transportation to locate and designate certain transportation facilities and to survey and locate lines for transportation corridors; requiring the department to consider the location of state-owned lands; amending s. 336.02, F.S.; making county maps of reservation applicable to transportation facilities or transportation corridors; providing for building setback lines; providing for ordinances that define restrictions on certain construction; authorizing the amendment or withdrawal of a map; amending s. 337.241, F.S.; making maps of reservation filed by the department applicable to transportation facilities or transportation corridors; authorizing the amendment or withdrawal of a map; amending s. 337.25, F.S.; providing for acquisition of property for securing or utilizing transportation rights-of-way for certain transportation facilities; providing for acceptance of donations of property; requiring evaluation of the department's inventory of real property; increasing the maximum value of property which may be disposed of by negotiated sale; authorizing the department to convey a leasehold interest; amending s. 337.27, F.S.; allowing the department to condemn property for certain transportation facilities, including land necessary for management of access; deleting provisions that authorize the acquisition of certain property in anticipation of future transportation needs; amending s. 337.271, F.S.; making certain provisions pertaining to negotiations for acquisitions applicable to transportation facilities or transportation corridors; allowing a fee owner to waive certain rights; creating s. 337.273, F.S.; providing legislative intent as to the need to designate, plan, protect, and acquire property in transportation corridors; providing for demonstrating public purpose and necessity; providing for designation of trans-

portation corridors; providing for transportation corridor protection and acquisition agreements; requiring periodic review of all designated corridors; amending s. 339.155, F.S.; deleting the definition of "transportation corridor"; requiring the department to designate corridors only for state facilities; requiring coordination of transportation corridor designation with certain state and local agencies; amending s. 341.303, F.S.; removing the limit on state funding participation for certain nonfederally funded projects; authorizing the department to evaluate rail corridors for transportation uses; authorizing the acquisition of rail corridors; regulating ingress to and egress from rail corridors; requiring a map of the rail system; requiring notice to the Department of Natural Resources; amending s. 337.406, F.S.; allowing the leasing of rights-of-way; repealing s. 337.272, F.S., relating to the resale of property acquired by eminent domain upon failure to devote it to the use for which it was condemned; providing an effective date.

Amendment 1—On page 36, between lines 28 and 29, insert:

(g) a reasonable estimate by the owner of the proposed facility when said facility will be constructed. The estimate shall not be binding as far as requiring construction of the facility at the specific time.

Amendment 3—On page 35, line 26, strike all of subsection (6) and insert:

(6)(a) A local government may designate a transportation corridor by including the corridor in the entity's comprehensive plan or by adoption of a local ordinance. By December 31, 1992, any such transportation corridors designated by the local government shall be included in the entity's comprehensive plan either in the mass transit element or as a major thoroughfare in the traffic circulation element. Local governments may adopt appropriate ordinances and regulations to ensure the protection of transportation rights-of-way and designated transportation corridors.

(b) The Department of Transportation may designate a corridor by establishing the corridor in conjunction with local government comprehensive plans and by including it in the Florida Transportation Plan.

(c) Local governments, the Department of Transportation, and state and local natural resource and environmental agencies shall cooperate in the review of corridors prior to designation in order to assess environmental requirements.

Amendment 4—In title, on page 1, strike all of lines 5-15, and insert: F.S.; amending s. 166.401,

Amendment 5—On pages 12 and 13, strike all of section 9, and insert:

Section 9. Subsections (16) and (19) of section 334.03, Florida Statutes, are amended, present subsections (24), (25), (26), (27) and (28) of said section are renumbered as subsections (25), (26), (27), (28) and (29), respectively, and a new subsection (24) is added to said section to read:

334.03 Definitions of words and phrases.—The following words and phrases when used in this code have, unless the context clearly indicates otherwise, the following meanings:

(16) "Right-of-way."—Land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for ~~the~~ use as a *transportation facility or other* ~~public~~ road.

(19) "State Highway System."—The State Highway System consists of the following:

(a) The interstate system;

(b) All rural arterial routes and their extensions into and through urban areas;

(c) All urban principal arterial routes; and

(d) *The* ~~These~~ urban minor arterial *mileage* ~~routes~~ on the existing *State Highway* ~~primary road~~ System as of *July 1, 1987, plus additional mileage to comply with the 2 percent requirement as described below. These urban minor arterial routes shall be selected in accordance with s. 335.04(1)(a) and (b).* ~~July 1, 1977, with the addition of segments of such routes which lie between and connect those parts of the routes previously included in the primary system and which are necessary to provide continuity to the system; except that no segment in excess of 2 miles shall be so added.~~ However, not less than 2 percent of the public road mileage of each urbanized area *on record as of June 30, 1986,* shall be included as minor arterials in the State Highway System. Urbanized areas not meeting the foregoing minimum requirement shall have transferred to the State Highway System additional minor arterials of the highest significance, in which case the total minor arterials in the State Highway System from any urbanized area shall not exceed 2.5 percent of that area's total public urban road mileage. ~~Excluding the interstate system, the State Highway System shall be limited to 11,300 miles.~~

(24) "Transportation corridor."—Any land area, designated by the state, a county, or a municipality, which is between two geographic points and which area is used or suitable for the movement of people and goods by one or more modes of transportation and may include areas necessary for management of access and securing applicable approvals and permits. Transportation corridors shall contain, but are not limited to, the following:

(a) Existing publicly owned rights-of-way;

(b) All property or property interests necessary for future transportation facilities, including rights of access, air, view, and light, whether public or private, for the purpose of securing and utilizing future transportation rights-of-way, including, but not limited to, any lands reasonably necessary now or in the future for securing applicable approvals and permits, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access could be impaired due to the construction of a future facility, and replacement rights-of-way for relocation of rail and utility facilities.

Section 10. Paragraphs (b) and (c) of subsection (1) of section 335.04, Florida Statutes, are amended to read:

335.04 Functional classification of roads; designation of state and local responsibilities.—

(1)

(b)1. Beginning July 1, 1982, the department shall evaluate and classify every public road at least once every 5 years. The functional evaluations shall consider the character of service of the roads in relation to the total public road system, including traffic volume, route length, truck volumes, mobility, land access, and other significant factors. The factors which are used in such evaluations shall include, but not be limited to, quantitative criteria and shall be adopted by rule pursuant to chapter 120. The department shall hold a public hearing in the county affected as an integral part of its evaluation procedures in order to receive public input prior to making any final determination of classification.

2. When the department determines that a public road has changed function, it shall within 30 days notify the affected governmental entities in writing. A transfer of responsibility between *local* governmental entities as the result of functional classification requirements shall be accomplished on a schedule mutually agreed upon by such governmental entities; however, such transfer shall occur no later than 3 years after the date the governmental entities are notified.

3. Any road for which responsibility is being transferred from the department to a county or municipality shall be brought to a physical condition commensurate with contemporary roads of like age and existing functional classification within that county or municipality. Any bridge for which responsibility is being transferred from the department to a county or municipality and which has a projected life expectancy, as determined by the latest department "Structural Inventory and Appraisal Report," of less than 10 years may not be transferred until rehabilitation or reconstruction of that bridge has been performed at the expense of the state to ensure a 10-year life expectancy subsequent to the date of transfer. Prior to the transfer of a road or bridge from the department to *a* ~~the~~ county or municipality, the department shall notify such county or municipality of the pending transfer by certified mail, return receipt requested. The county or municipality shall have 30 days after receipt of such notice to file an objection with the department concerning the physical condition of the road or the life expectancy of the bridge to be transferred *to a county or municipality from the state.* If no objection is received by the department, the road or bridge shall be transferred. If an objection is received and the department and the county or municipality are unable to agree on the physical condition of the road or on the life expectancy of the bridge, either party shall have the right to administrative and judicial review as provided in chapter 120. The requirement relating to the physical condition of roads at the time of transfer may be waived upon mutual consent.

4. After July 1, 1982, the department, if requested by cities or counties, shall, within a reasonable period not to exceed 1 year, perform functional evaluations of specific roads utilizing the criteria referred to in this subsection, and the transfers resulting from such evaluations shall be accomplished as provided in this subsection.

5. Each year the department shall publish a report summarizing all such classification changes in that year and shall deliver such report to the President of the Senate and the Speaker of the House of Representatives by February 1.

(c) ~~Those roads which were to be transferred from the state to the counties under the functional classification plan adopted by the department in 1977 in accordance with chapter 77-165, Laws of Florida, and which were to be resurfaced by the department prior to transfer may not be transferred from the State Highway System until the required resurfacing is completed. Prior to the department's resurfacing such roads, the governing body of the county must certify that it has the financial ability to maintain the road. If the department and county are unable to agree on the financial ability of the county, the county shall have the right to administrative and judicial review as provided in chapter 120. In determining the ability of the county to maintain the road, the hearing officer or court shall consider whether the county has imposed the taxes as provided in ss. 336.021 and 336.025, and the level of ad valorem property taxes imposed by the county for transportation purposes. In the event it is determined that the county does not have the financial ability to maintain the road, the department shall continue the maintenance of the road if it serves a significant interregional benefit to the State Highway System and the department receives a specific legislative appropriation for maintenance of such road. However, this provision does not apply to any road on the existing secondary system as of July 1, 1977.~~ All obligations of the department, a county, or a city, under any maintenance, utility, or railroad crossing agreement or other such agreement, relating to any specific road to be transferred, shall be transferred at the same time and in the same manner as jurisdictional responsibility. *Transfers of functionally classified roads to and from state jurisdiction shall be deemed to have occurred upon approval of the Secretary of the Department of Transportation, provided that the department shall have provided at least 30 business days advanced notification to the affected county or municipality, of the intended transfer.*

Section 11. Nothing in sections 9 and 10 of this act shall preclude completion of system assignment actions underway or taken on or before July 1, 1988.

(Renumber subsequent sections.)

Amendment 6—In title, on page 2, strike lines 2 and 3, and insert: include transportation facilities; redefining the term "State Highway System"; defining the term "transportation corridor"; amending s. 335.04, F.S.; providing clarifying language with respect to the functional classification of roads and the designation of state and local responsibilities; amending s.

Amendment 7—On page 4, before line 13, insert:

Section 1. Subsection (1) and paragraph (a) of subsection (2) of section 95.361, Florida Statutes, are amended to read:

95.361 Roads presumed to be dedicated.—

(1) When a road, constructed by a county, a municipality, or the *Department of Transportation* ~~Division of Road Operations~~, has been maintained or repaired continuously and uninterruptedly for 4 years by the county, municipality, or *the Department of Transportation* ~~Division of Road Operations~~, jointly or severally, the road shall be deemed to be dedicated to the public to the extent in width that has been actually maintained for the prescribed period, whether the road has been formally established as a public highway or not. The dedication shall vest all right, title, easement, and appurtenances in and to the road in:

(a) The county, if it is a county road;

(b) The municipality, if it is a municipal street or road; or

(c) The state, if it is a road in the state highway system or state park road system,

whether there is a record of a conveyance, dedication, or appropriation to the public use or not.

(2) The filing of a map in the office of the clerk of the circuit court of the county where the road is located showing the lands and reciting on it that the road has vested in the state, a county, or a municipality in accordance with subsection (1) or by any other means of acquisition, duly certified by:

(a) The secretary of the Department of Transportation, *or his designee,* if the road is a road in the state highway system or state park road system;

shall be prima facie evidence of ownership of the land by the state, county, or municipality, as the case may be.

(Renumber subsequent sections.)

Amendment 8—In title, on page 1, between lines 2 and 3, insert: 95.361, F.S.; revising outdated language with respect to road dedication; amending s.

Amendment 9—On page 17, between lines 24 and 25, insert:

Section 1. Subsection (2) of section 337.11, Florida Statutes, is amended to read:

337.11 Contracting authority of department; bids; emergency repairs, supplemental agreements, and change orders; combined design and construction contracts; progress payments; records; requirements of vehicle registration.—

(2) The department shall advertise for bids on all work at least once a week for no less than 2 consecutive weeks in some newspaper having a general circulation in the county where the proposed work is located. The first publication shall be no less than 14 days prior to the date on which bids are to be received, and the second publication shall be no less than 7 days prior to the date on which bids are to be received. No advertisement for bids shall be published until title to all necessary rights-of-way for the construction of the project covered by such advertisement has vested in *the state or a local governmental entity,* ~~the state for the use and benefit of the department~~ and all railroad crossing and utility agreements have been executed. Title to all necessary rights-of-way shall be deemed to have been vested in the State of Florida when such title has been dedicated to the public or acquired by prescription.

(Renumber subsequent section.)

Amendment 10—On page 2, line 16, after "a map;" insert: amending s. 337.11, F.S.; clarifying language with respect to vesting of rights-of-way;

Amendment 11—On page 26, between lines 10 and 11, insert:

Section 14. Subsection (1) of section 337.26, Florida Statutes, is amended to read:

337.26 Execution and effect of instruments of sale, lease, or conveyance executed by department.—

(1) An instrument of sale, lease, or conveyance executed in the name of the department, *and* signed by the *department's chief administrative officer of the district in which the property is located, when such authority has been delegated by the head of the department,*~~proper administrative official~~ with the corporate seal of the department affixed thereto~~, and certified to by the head of the department~~ is effective to pass the title or interest of the state in the property conveyed.

(Renumber subsequent sections.)

Amendment 12—In title, on page 2, between lines 30 and 31, insert: amending s. 337.26, F.S.; providing that the department's chief administrative officer in the district shall execute all instruments of sale, lease, or conveyance executed by the department;

Amendment 13—On page 27, line 2, insert: *The Secretary of the Department of Transportation may delegate the authority to execute eminent domain resolutions to the department's chief administrative officer of the district in which the property is located.*

Amendment 14—On page 3, line 3, after the semicolon (;) insert: providing that the Secretary of the Department of Transportation may delegate the authority to execute domain resolutions;

Amendment 15—On page 37, line 8, insert a new Section 17.

Section 17. Subsection (4) of section 337.401, Florida Statutes, is amended to read:

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

(4) A municipality may by ordinance enter into an agreement with any person providing telecommunication services defined in s. 203.012(7) as a condition for granting permission to occupy or use any city street, alley, viaduct, elevated roadway, bridge, or other public way. The agreement shall permit the telecommunication service provider to construct, operate, maintain, repair, rebuild, or replace a telecommunications route within a municipal right-of-way. The agreement shall provide for a fee or other consideration payable annually based on actual linear feet of any cable, fiber optic, or other pathway that makes physical use of the municipal right-of-way. *In no event shall the fee or other consideration imposed pursuant to the subsection be less than $500 per linear mile of any cable, fiber optic, or other pathway that makes plysical use of the municipal right-of-way. Any fee or other consideration imposed by this subsection in excess of $500 shall be applied in a nondiscriminatory manner and shall not exceed the sum of:*

(a) Costs directly related to the inconvenience of impairment solely caused the disturbance of the municipal right-of-way; and

(b) The reasonable cost of the regulatory activity of the municipality.

(c) The proportionate share of cost of land for such street, alley or other public way attributable to utilization of the right-of-way by a telecommunication service provider. Furthermore, no telecommunication service provider shall be required to pay more than one such fee or other consideration annually for the construction, maintenance, operation, repair, rebuilding or replacement of a parallel telecommunications route owned by it, or by a subsidiary under its direct control, which makes use of the right-of-way of any municipality enacting an ordinance pursuant to this subsection. The fee or other consideration imposed pursuant to this subsection shall not apply *in any manner* to any telecommunication service provider who provides telecommunication services as defined in s. 203.012(3) *for any services provided by such service provider.*

Any agreement entered into pursuant to the authority of this subsection prior to June 3, 1988, and the fees or fee schedule in effect on that date shall remain in full force and effect until such agreement expires. Any ordinance enacted pursuant to this subsection prior to June 3, 1988, and the fees or fee schedule in effect on that date shall remain in full force and effect unless the ordinance is repealed by the municipality. Notwithstanding the language contained herein a municipality may reenact any ordinance which has an automatic expiration date provided they do not increase the fees in effect in said ordinance in violation of this section.

(Renumber subsequent sections.)

Amendment 16—On page 3, in the title, line 20, insert after "corridors": amending s. 337.401(4), F.S.; imposing a minimum fee for the use of a municipal right-of-way by a telecommunications service provider; establishing the standards for the computation of that fee; grandfathering existing right-of-way agreements;

Amendment 17—On page 4, line 12, insert:

Section 1. Subsection (4) of section 337.401, Florida Statutes, is amended to read:

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

(4) A municipality may by ordinance enter into an agreement with any person providing telecommunication services defined in s. 203.012(7) as a condition for granting permission to occupy or use any city street, alley, viaduct, elevated roadway, bridge, or other public way. The agreement shall permit the telecommunication service provider to construct, operate, maintain, repair, rebuild, or replace a telecommunications route within a municipal right-of-way. The agreement shall provide for a fee or other consideration payable annually based on actual linear feet of any cable, fiber optic, or other pathway that makes physical use of the municipal right-of-way. *In no event shall the fee or other consideration imposed pursuant to this subsection be less than $500 per linear mile of any cable, fiber optic, or other pathway that makes physical use of the municipal right-of-way. Any fee or other consideration imposed by this subsection in excess of $500 shall be applied in a nondiscriminatory manner and shall not exceed the sum of:*

(a) Costs directly related to the inconvenience or impairment solely caused the disturbance of the municipal right-of-way; and

(b) The reasonable cost of the regulatory activity of the municipality.

(c) The proportionate share of cost of land for such street, alley or other public way attributable to utilization of the right-of-way by a telecommunication service provider. Futhermore, no telecommunication service provider shall be required to pay more than one such fee or other consideration annually for the construction, maintenance, operation, repair, rebuilding or replacement of a parallel telecommunications route owned by it, or by a subsidiary under its direct control, which makes use of the right-of-way of any municipality enacting an ordinance pursuant to this subsection. The fee or other consideration imposed pursuant to this subsection shall not apply *in any manner* to any telecommunication service provider who provides telecommunication services as defined in s. 203.012(3) *for any services provided by such service provider. Any agreement entered into purusant to the authority of this subsection prior to June 3, 1988, and the fees or fee schedule in effect on that date shall remain in full force and effect until such agreement expires. Any ordinance enacted pursuant to this subsection prior to June 3, 1988, and the fees or fee schedule in effect on that date shall remain in full force and effect unless the ordinance is repealed by the municipality. Notwithstanding the language contained herein a municipality may reenact any ordinance which has an automatic expiration date provided the ordinance does not increase the fees in effect in said ordinance in violation of this section.*

(Renumber subsequent sections.)

Amendment 18—On page 4, line 12, insert:

Section 1. *Effective upon becoming a law, transportation corporations created pursuant to the Florida Transportation Corporation Act shall not be empowered or authorized to enter into any agreement or arrangement for the purpose of facilitating the issuance of debt in any form, including without limitation certificates of participation or substitutes for debt such as lease purchase arrangements, except when the debt is authorized for issuance by the Division of Bond Finance in accordance with the State Bond Act.*

Amendment 19—In the title, on page 1, line 2, after the semicolon (;) insert: prohibiting certain transportation corporations from entering into any agreement or arrangement for the issuance of debt in any form;

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

CS for CS for SB 392 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	Gordon	Langley	Scott
Barron	Grant	Lehtinen	Stuart
Beard	Hair	Malchon	Thomas
Brown	Hill	Margolis	Thurman
Childers, D.	Hollingsworth	McPherson	Weinstein
Childers, W. D.	Jenne	Meek	Weinstock
Crawford	Jennings	Myers	Woodson
Deratany	Johnson	Peterson	
Dudley	Kirkpatrick	Plummer	
Girardeau	Kiser	Ros-Lehtinen	

Nays—None

SPECIAL ORDER, continued

The Senate resumed consideration of—

CS for HB 785—A bill to be entitled An act relating to public health; amending s. 381.061, F.S., relating to duties of the Department of Health and Rehabilitative Services; providing that the department shall adopt

standards for training of managers of food establishments; providing for certification and testing; providing a fee; providing an effective date.

On motion by Senator D. Childers, by two-thirds vote CS for HB 785 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	Lehtinen	Stuart
Brown	Hair	Malchon	Thomas
Childers, D.	Hill	Margolis	Thurman
Childers, W. D.	Hollingsworth	McPherson	Weinstein
Crawford	Jenne	Meek	Weinstock
Deratany	Jennings	Peterson	Woodson
Dudley	Johnson	Plummer	
Girardeau	Kiser	Ros-Lehtinen	

Nays—None

On motion by Senator Kirkpatrick, 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 SB 979 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 979—A bill to be entitled An act relating to bond financed facilities; amending s. 154.205, F.S.; revising the period of time during which the financing charges and interest costs incurred in the construction of a public health facility must be guaranteed through the proceeds of the sale of revenue bonds; amending s. 159.27, F.S.; revising the period of time during which the cost of all machinery and equipment, financing charges, and interest incurred in the construction of a project financed via the Florida Industrial Development Financing Act must be guaranteed through the proceeds of the sale of revenue bonds; amending s. 315.11, F.S.; specifying exemptions from taxation; providing an effective date.

Amendment 1—On page 2, line 13, through page 3, line 17, strike all of said lines and insert:

Section 3. This act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Amendment 2—On page 1, strike all of lines 15 and 16, and insert: bonds; providing an

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

CS for SB 979 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
Beard	Grant	Langley	Ros-Lehtinen
Brown	Hair	Lehtinen	Stuart
Childers, D.	Hill	Malchon	Thomas
Childers, W. D.	Hollingsworth	Margolis	Thurman
Crawford	Jenne	McPherson	Weinstein
Deratany	Jennings	Meek	Weinstock
Dudley	Johnson	Myers	Woodson
Girardeau	Kirkpatrick	Peterson	

Nays—None

SPECIAL ORDER, continued

On motions by Senator Beard, by two-thirds vote HB 1639 was withdrawn from the Committees on Transportation and Appropriations.

On motions by Senator Beard, by two-thirds vote—

HB 1639—A bill to be entitled An act relating to transportation; amending s. 125.01, F.S.; authorizing counties to use revenues from toll facilities for payment of certain costs related to any transportation facilities within the county; amending s. 338.165, F.S.; authorizing the Department of Transportation to continue to collect tolls on certain projects; providing an exception; amending s. 338.221, F.S.; providing definitions; amending ss. 338.222, 338.225, 338.229, 338.237, and 338.239, F.S., changing the term "turnpike project" to "turnpike system"; amending s. 338.223, F.S.; revising language with respect to proposed turnpike projects which are a part of the turnpike system; directing the department to develop a turnpike system plan of limited access highways; amending s. 338.227, F.S.; revising language with respect to turnpike revenue bonds; amending s. 338.228, F.S.; revising language with respect to bonds not being debts or pledges of credit of the state; amending s. 338.231, F.S.; providing that the Department of Transportation shall at all times equitably fix, adjust, charge, and collect tolls for the use of the turnpike system; providing an exception; amending s. 338.232, F.S.; revising language with respect to continuation of tolls upon provision for payment of bondholders and assumption of maintenance by department; providing reference to the turnpike system; amending s. 338.234, F.S.; authorizing certain concessions on the turnpike system; amending s. 338.235, F.S.; revising language with respect to contracts with the department for provison of services on the turnpike system; amending s. 338.241, F.S.; providing a cash reserve requirement; providing for the construction of the act with respect to certain bonds; providing an effective date.

—a companion measure, was substituted for CS for SB 1205 and by two-thirds vote read the second time by title. On motion by Senator Beard, by two-thirds vote HB 1639 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

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

Nays—None

Vote after roll call:

Yea—Crawford

On motion by Senator Gordon, 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 955 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 955—A bill to be entitled An act relating to enterprise zones; amending s. 290.0055, F.S.; authorizing application for the approval of a change in the boundary of an approved enterprise zone; amending s. 290.0065, F.S.; authorizing approval by the Department of Community Affairs of such boundary changes; providing an effective date.

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

Section 1. *This act shall be known and may be cited as the "Florida Economic Development Act of 1988."*

Section 2. *Florida International Advisory Council; creation; powers; duties; composition.—*

(1) There is created the Florida International Advisory Council, hereafter referred to as the council, created for the purpose of furthering the coordination and development of the international sector of Florida's economy through the preparation of a comprehensive strategy for international development.

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

(a) Immediately after it is organized, to review existing international programs being conducted by state agencies.

(b) As it deems appropriate, to review and make recommendations on issues including, but not limited to, the following:

1. Foreign commerce.

2. The manner in which state business is conducted in foreign marketplaces and the advisability of consolidating and enhancing state agencies' efforts and co-locating its foreign offices.

3. The methods of stimulating international trade and reverse investment.

4. International tourism.

5. Governmental incentives and disincentives to foreign trade activity in the state.

6. The effect of state tax laws on international trade activity in the state.

7. The exportability and potential exportability of Florida products.

8. Services offered by the state which encourage international activity.

9. The advisability of legislation relating to state export financing, export trading companies, and foreign sales corporations.

10. Such other subjects as the council may consider appropriate in carrying out the provisions of this section.

(c) To make recommendations to the Governor, Legislature, and state agencies involved in international activities on more efficient uses of existing resources devoted to international activities and methods to enhance the effectiveness and coordination of international activities of state agencies.

(d) As it deems appropriate, to recommend additions or amendments to the state comprehensive plan relating to international activities.

(e) To recommend to the Governor and Legislature a comprehensive strategy for international development.

(3) The council shall be composed of 21 members, consisting of:

(a) The Secretary of State, the Commissioner of Agriculture, the Secretary of Commerce, the Secretary of Transportation, the executive director of the Department of Citrus, and the executive director of the Department of Natural Resources, or their respective designees.

(b) Six members representing state international organizations, which may include representatives of the Florida Chamber of Commerce, the Florida Bankers Association, the Florida International Bankers Association, the Florida Exporters and Importers Association, the Florida Council of International Development, the Florida Ports Council, and the Florida Association of Voluntary Agencies for Caribbean Action. Of the members appointed pursuant to this paragraph, three each shall be appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(c) Three members representing seaport, airport, and shipping interests, of whom one each shall be appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(d) Three members representing international business, of whom one each shall be appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(e) Three members representing postsecondary programs of education in international business, trade finance, and international law.

(4) Any vacancy on the council shall be filled by the appointment of a person of the same classification or status as his predecessor for the balance of the unexpired term.

(5) The council shall elect a chairman and vice chairman from their number, who shall serve for 1-year terms. A majority of the council members shall constitute a quorum for the transaction of business and the carrying out of the duties of the council.

(6) Council members shall be entitled to per diem and travel expenses pursuant to s. 112.061, Florida Statutes, for the performance of duties for the council.

(7) The Secretary of State shall call the organizational meeting of the council no later than October 1, 1988. Thereafter, the council shall meet at least quarterly.

(8) The council may accept gifts, grants, donations, expenses, or other valued goods or services for carrying out its purposes and may expend such funds or assets in any legal manner according to the terms of acceptance. Such private funds shall be expended in accordance with state law. No such funds shall be commingled with funds appropriated by the state.

(9) The council may contract with any public or private entity in accomplishment of the provisions of this section.

(10) The council shall keep open for public review and inspection full, detailed, and accurate records and accounts of all proposals, acts, proceedings, orders, determinations, receipts, and disbursements made by or under the authority of the council. However, information collected by the council concerning the identity, background, finance, marketing plans, trade secrets, or other commercially sensitive information of an individual, association, or corporation is confidential unless the individual, association, or corporation consents to disclosure of the information.

(11) The council shall be placed, for administrative purposes, within the Department of State.

(12) The council shall hire an executive director, who shall be classified as a Senior Management Service employee, pursuant to chapter 110, Florida Statutes. The council may hire such other staff as may be appropriate to accomplish the provisions of this section. State agencies involved in international activities may provide staffing to carry out the purposes of this section.

(13) By March 1, 1989, the council shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives its preliminary recommendations for a comprehensive strategy for international development. This preliminary report shall include any recommendations for proposed legislation to be considered during the succeeding legislative session.

(14) By January 1, 1990, the council shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives its final recommendations for a comprehensive strategy for international development.

(15) This section shall stand repealed on June 30, 1990.

Section 3. *Florida Economic Growth Commission.—*

(1) It is the intent of the Legislature to provide a unified direction for future economic growth to ensure a stable and dynamic economic climate for the future and to attract and maintain businesses suitable to the state. As a number of agencies and organizations influence the patterns of growth and development in the state, it is in the public interest that a commission be created to provide strategic planning to accelerate economic growth at a rate which is faster than the population growth projected for the next decades.

(2) There is created a Florida Economic Growth Commission, hereafter referred to as the commission, the purpose of which is to provide strategic planning for the management and acceleration of economic growth within the state and to research, coordinate, and improve economic development efforts.

(3) The commission shall be composed of 32 members who are resident citizens of the state, each of whom is, and has been, actively engaged in the category for which he is named. The commission shall consist of the following:

(a) All members of the Cabinet, the Secretaries of the Departments of Commerce, Transportation, Community Affairs, Business Regulation, Professional Regulation, and Labor and Employment Security, or their respective designees.

(b) One member of the Florida Senate, to be appointed by the President of the Senate, and one member of the Florida House of Representatives, to be appointed by the Speaker of the House of Representatives.

(c) Six members representing information services, printing and publishing, space-related industries, banking and financial services, agriculture, environmental sciences and engineering, health care, tourist resorts and leisure services, or related industries or services.

(d) Six members representing community development corporations, private industry councils, state or local chambers of commerce, nonprofit environmental groups, downtown improvement authorities, port authorities, international trade associations, homebuilders associations, historic preservation boards, or related groups.

(e) Six members representing state agencies, cities and counties, higher education, water management districts, regional planning councils, or related agencies.

(4) The Governor, Speaker of the House of Representatives, and President of the Senate each shall appoint two members from each of the categories described in paragraphs (3)(c), (d), and (e).

(5) Members shall serve for 2-year terms. Any vacancy on the commission shall be filled by the appointment of a person of the same classification or status as the predecessor to the position, for the balance of the unexpired term. The members of the commission shall elect a chairman from their number, who shall serve as chairman for a 1-year term. A majority of the commission members shall constitute a quorum for the transaction of business and the carrying out of the duties of the commission. The commission may meet at such times and places as it may designate. The chairman or any four members may call a special meeting of the commission.

(6) Members of the commission shall receive no salary but shall receive travel and per diem as provided in s. 112.061, Florida Statutes.

(7) The commission is assigned, for administrative purposes, to the Department of Commerce. The Department of Commerce and the other state agencies shall provide assistance when requested by the commission.

(8) The commission shall have the following powers and duties:

(a) To plan for the future development and economic growth of the state.

(b) To identify and monitor statewide economic conditions and trends.

(c) To analyze the problems, opportunities, and needs associated with growth and development in this state.

(d) To employ an executive director and clerical staff to provide administrative support to the commission at salaries to be fixed by the commission.

(e) To make, publish, or encourage studies on any aspect of economic development.

(f) To make and enter into such contracts and agreements with other agencies, organizations, associations, corporations, or individuals as the commission determines necessary or incidental to the performance of its duties under this section.

(g) To recommend a plan to guide the future economic development and growth of the state for a 5-year period. The plan shall be completed prior to October 1, 1989. Copies of the plan shall be provided to the Governor, Speaker of the House of Representatives, President of the Senate, Minority Leader of the House of Representatives, and Minority Leader of the Senate. The plan shall:

1. Provide a strategic direction for economic growth in the state for the next 5 years.

2. Recommend state goals and objectives relating to economic development beyond the 5-year period.

3. Provide long-range policy guidelines for the state in coordinating economic development efforts.

4. Identify major statewide issues relating to economic development.

5. Utilize the study prepared by Project Cornerstone, sponsored by the Florida Chamber of Commerce.

6. Assess the current practices of state agencies regarding economic development and management of economic growth.

(9) The Secretary of Commerce shall call an organizational meeting of the commission no later than October 1, 1988. Thereafter, the commission shall meet at least quarterly.

(10) The commission shall maintain minutes, including a record of all votes cast, for all meetings, and shall keep open for public review full and accurate records and accounts of all transactions made by or under the authority of the commission.

(11) This section shall stand repealed on June 30, 1990.

Section 4. Section 15.185, Florida Statutes, is created to read:

15.185 Sister cities and sister state activities.—The Department of State shall develop and coordinate a program to further global understanding by encouraging and assisting sister city and sister state relationships between Florida cities and cities throughout the world and between the State of Florida and countries and provinces throughout the world. To accomplish this purpose, the department shall have the power and authority to:

(1) Disseminate information pertaining to the Sister Cities International Program and other similar programs.

(2) Plan and carry out activities designed to encourage and increase the participation of Florida cities in sister city affiliations and the State of Florida in sister state affiliations, which in turn build economic, cultural, and trade ties that are mutually beneficial.

(3) Coordinate and maximize aid available from government, public, and private agencies and other entities for such activities.

(4) Provide a system of registration of sister city and sister state affiliations between Florida cities and cities throughout the world and between the State of Florida and countries and provinces throughout the world.

(5) Maintain a current and accurate listing of all such affiliations.

Section 5. Subsections (1), (3), and (6) of section 159.445, Florida Statutes, are amended, and paragraph (o) is added to subsection (5) of said section, to read:

159.445 Florida *Seed Capital* ~~High Technology Innovation Research and Development~~ Fund.—

(1) There is established the Florida *Seed Capital* ~~High Technology Research and Development~~ Fund to provide equity financing for the research and development activities of new and existing high technology small business in the state. It is the intent of the Legislature that such financing enable such small businesses to acquire technical and management assistance and to conduct research and development activities that lead to new or improved high technology products or services.

(a) The fund shall consist of state appropriations; moneys acquired from the Federal Government, local governments and private grants; royalty receipts; and equity sales.

(b) The fund shall take an equity position in contracts executed pursuant to this section through the purchase of stock, royalty receipts, or other equity instruments.

(c) No *investment in an individual small business* ~~award~~ from the fund shall exceed $50,000 per year. *Investments* ~~Awards~~ shall be limited to businesses physically located in the state, but the *investments* ~~awards~~ shall not be limited to projects affiliated with incubator facilities established pursuant to s. 240.540.

(d) Contracts executed pursuant to this section shall include research and development agreements to ensure proper use of funds and the receipt of royalties, where appropriate.

(e) Funds received through the receipt of royalties, dividends, or the sale of equity instruments shall be deposited in the fund ~~and shall be available for new award use~~.

(f) No investments shall be made by the board in any small business whose application for funding was received by the board after July 15, 1987.

(3) There is created *within the Department of Commerce* the Florida *Seed Capital* ~~High Technology Innovation Research and Development~~ Board. The board shall administer the Florida *Seed Capital* ~~High Technology Innovation Research and Development~~ Fund. ~~In addition, the board shall provide to the Governor an annual report setting forth in appropriate detail the business transacted during the year and the financial condition of the board at the close of the year.~~

(a) The board shall consist of the Treasurer *or his designee*, the Comptroller *or his designee*, and seven members appointed by the Governor subject to confirmation by the Senate, two of whom shall represent high technology business, two of whom shall represent small business, and two of whom shall represent investment finance and business development corporations.

(b) Members appointed by the Governor shall serve terms of 4 years, except that in making the initial appointments the Governor shall appoint one member to serve for 1 year, two members to serve for terms of 2 years, two members to serve for terms of 3 years, and two members to serve for terms of 4 years.

(c) Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies.

(d) The Governor shall appoint the chairperson who shall also be a member of the board. *Beginning July 1, 1988, the board shall annually elect from among its members a chairperson who shall hold such office for 1 year. Upon election of a new chairperson, the initial chairperson shall continue to serve the remainder of his term as a member of the board.* The board shall annually elect one of its members as vice chairperson and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all print material filed with or by the board and of its official seal. A majority of the members of the board shall constitute a quorum.

(e) Members of the board shall serve without compensation, but shall be reimbursed for per diem and travel in accordance with s. 112.061.

(f) Each member of the board shall file a full and public disclosure of his financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(5) The powers and duties of the board shall include, but not be limited to, the power to:

(o) Serve as a source of expertise and information regarding the Florida Strategic Fund feasibility study.

(6) The board shall require that all applicants for awards through the Florida *Seed Capital* ~~High Technology Innovation Research and Development~~ Fund demonstrate that:

(a) The proposed investment is economically sound and will benefit the people of the state by increasing employment opportunities.

(b) The concern proposed to be assisted lacks the financial resources to compete successfully in the private sector, but that it has or will obtain necessary technical or managerial support through a small business assistance center, incubator facility, or other credible source. Determinations of potential for successful competition shall include:

1. The successful completion of, or participation in, accredited courses of study that provide financial, technical, or managerial skills related to the business concern;

2. The prior success of the owner or partner in personal, career, or business activities;

3. The amount of other financial assistance available to the concern;

4. The availability of continual technical or managerial assistance; and

5. Other factors identified by the board.

Section 6. *There is hereby appropriated to the Department of Banking and Finance $25,000 from the Florida Seed Capital Fund for the 1988-1989 fiscal year for the purpose of conducting a feasibility study on the creation of a Florida Strategic Fund. Such study may be provided by contract under the supervision of the Department of Banking and Finance. Such study shall provide information on the feasibility of establishing a Florida Strategic Fund, which fund would include the investment of state funds, on a matching basis with private funds, in professionally managed venture capital corporations or partnerships domiciled in Florida and emphasizing seed and other early stage venture investments. Such study shall be submitted to the Legislature for further appropriation by January 1, 1989.*

Section 7. *The provisions of s. 159.445, Florida Statutes, to the contrary notwithstanding, further expenditures from the Florida Seed Capital Fund shall be suspended, except for expenditures for the investments as provided in subsection (1) of said section for applications received prior to July 15, 1987, as provided in paragraph (f) of said subsection, and as provided in section 6 of this act, and except for administrative costs for the operation of the board, which shall not exceed $40,000, pending specific action by the Legislature based on the results of the study described in section 6 of this act.*

Section 8. Present subsection (9) of section 288.03, Florida Statutes, is amended and renumbered as subsection (23), subsections (10) through (26) of section 288.03, Florida Statutes, are renumbered as subsections (24) through (40), respectively, and new subsections (9) through (22) are added to said section to read:

288.03 Powers and duties of division.—The general purposes of the Division of Economic Development of the Department of Commerce shall be to guide, stimulate, and promote the coordinated, efficient, and beneficial development of the state and its regions, counties, and municipalities in accordance with present and future needs and resources and the requirements of the prosperity, convenience, comfort, health, safety, and general welfare of the people of the state. For the accomplishment of such purposes, the division shall have the power and authority to make expenditures for and to:

(9) Provide technical assistance to Florida businesses interested in international trade through seminars, publications, referrals, and counseling.

(10) Assist in coordinating the resources available to export businesses, helping those businesses to:

(a) Understand governmental rules and regulations both in the United States and abroad;

(b) Develop a step-by-step approach to trading internationally;

(c) Assist in identifying export-related support services such as transportation, financial, legal organizations, and trade associations and organizations.

(11) Organize a private sector volunteer effort to provide a network of expertise to assist in promoting Florida international trade.

(12) Conduct research and analysis of international markets, international business practices, specific skills necessary to engage in international commerce and methods of stimulating investment in the state.

(13) Establish a data bank available to Florida businesses which provides information on commercial opportunities in international trade.

(14) Represent or assist in representing the interests of Florida-based firms in foreign market transactions through regularly scheduled trade delegations, missions, and seminars.

(15) Provide Florida-based firms with customized technical and other needed assistance in international trade.

(16) Recruit foreign capital investment in Florida to be applied toward economic development and job creation.

(17) Market Florida's ports in the world marketplace and provide assistance to those ports in their marketing efforts.

(18) Promote, encourage, and advance economic prosperity and employment throughout the state by fostering the expansion of exports of manufactured goods and services to foreign purchasers.

(19) Participate in business outreach programs to encourage firms to add international trade to their business plans.

(20) Provide assistance and information to those businesses interested in the development of export trading companies and foreign sales corporations to further enhance Florida's export trade.

(21) Assist in the development of schools for international trade, which include studies in customs brokerage, international commerce and accounting, freight forwarding, and other subjects.

(22) Explore the possibility of establishing a State Honorary Commercial Attache Program, drawing from foreign national graduates and business representatives familiar with specific countries for the purpose of promoting Florida in those countries.

(23) ~~(9)~~ Study trends and developments in the industries of the state and analyze the reasons underlying such trends; study current business activities in the state, with emphasis to be placed on major changes in employment by industrial classification, changes in the number of establishments, and changes in sales volume; study employment trends by standard industrial classification and geographic distribution in manufacturing and any other industries pertinent to the economic development program of the state and monitor manufacturing companies of 100 employees or more to determine trends or patterns of changes in new establishments, establishments halting operations, and major employment expansions or layoffs; investigate significant issues pertaining to barriers to the free and advantageous flow of commerce, restrictions and burdens imposed by law or otherwise which retard or adversely affect the legitimate expansion and development of commerce and industry, and costs and other facts affecting successful operation of business within the state ~~and make an annual report by January 15 to the Governor and to the Legislature of the findings of the foregoing studies and investigations with a list of policy alternatives, when indicated.~~.

Section 9. *By January 15 of each year, the Department of Commerce shall report to the Governor, the President of the Senate, and Speaker of the House of Representatives on the impact of foreign trade on Florida's economy and make any recommendations on initiatives to increase trade as the department may deem appropriate.*

Section 10. *Notwithstanding the provisions of section 6 of chapter 83-252, Laws of Florida, subsection (2) of section 288.012, Florida Statutes, shall not stand repealed on January 1, 1989, and shall continue in full force and effect.*

Section 11. *Subsection (2) of section 288.012, Florida Statutes, is repealed on October 1, 1989, and shall be reviewed by the Legislature prior to that date.*

Section 12. Section 288.118, Florida Statutes, is created to read:

288.118 Export finance officer.—

(1) There is hereby created a position within the Department of Commerce which shall be designated the export finance officer, hereinafter referred to as the "officer." The officer shall be an individual who is or has been actively engaged in the area of international trade; is generally familiar with issues concerning export finance resources; possesses an ability to interpret and analyze rules, regulations, and statutes affecting export business; and possesses any other qualifications as determined by the department as necessary to fulfill the duties of the officer. Duties of the officer shall include, but not be limited to:

(a) Encouraging development of innovative programs that will link the needs of exporters with the wide assortment of export financing programs and options and providing technical assistance to make adequate use of existing programs.

(b) Serving as a clearinghouse of export finance information.

(c) Identifying and providing information on export financing programs and options that can facilitate entry and participation in international markets which will expand exports, encourage domestic production, and increase employment.

(d) Developing counseling services to help businesses compile the necessary information enabling such businesses to contact a financial institution in an informed fashion to secure export insurance and financing.

(e) Providing information on and assistance in accessing the programs offered by the Export-Import Bank of the United States and the Foreign Credit Insurance Association, and any other programs available for export finance.

(f) Coordinating activities with the Florida Small Business Development Centers to provide training and counseling assistance to the business community.

(2) The officer shall:

(a) Serve as a source of expertise and information on export finance.

(b) Be trained in programs offered by the Export-Import Bank of the United States and the Small Business Administration, and such other programs as shall be deemed appropriate by the department.

(c) Advise the department with respect to problems of, and matters affecting, the export finance business and make recommendations regarding needed policy changes relating to export finance.

(d) On or before September 1 of each year, submit an annual report to the Secretary of Commerce, which report shall include, but not be limited to:

1. A description of the activities of the officer, including the nature and extent of assistance provided to the international community by the officer.

2. Findings of the officer regarding export business finance.

Section 13. *Part I of chapter 288, Florida Statutes, is hereby created, is titled "Department of Commerce," and shall consist of sections 288.011 through 288.115, section 288.118, and sections 288.348, 288.385, 288.34, 288.342, and 288.347 which shall be renumbered as sections 288.116, 288.117, 288.121, 288.122, and 288.123, respectively. Part II of chapter 288, Florida Statutes, is hereby created, is titled "Division of Bond Finance," and shall consist of sections 288.13 through 288.33. Part III of chapter 288, Florida Statutes, is hereby created, is titled "Foreign Trade Zones," and shall consist of sections 288.35 through 288.38. Part IV of chapter 288, Florida Statutes, is hereby created, is titled "Florida Industrial Siting Act," and shall consist of sections 288.501 through 288.518. Part V of chapter 288, Florida Statutes, is hereby created, is titled "Small and Minority Business," and shall consist of sections 288.701 through 288.714.*

Section 14. Part VI of chapter 288, Florida Statutes, consisting of sections 288.741, 288.742, 288.743, 288.744, 288.745, 288.746, 288.747, 288.748, 288.749, 288.750, 288.751, 288.752, 288.753, 288.754, 288.755, 288.756, 288.757, and 288.758, is created to read:

Part VI
Florida Export Finance Corporation

288.741 Legislative purposes and findings.—The purposes of the corporation shall be to promote, stimulate, develop, and advance the prosperity of the export business and thereby the economic welfare of Florida and its citizens; to encourage and assist export businesses through loans, investments, guarantees, technical assistance, financial counseling services, or other export business transactions in this state; to provide maximum opportunities for employment; to improve the standard of living of the citizens of this state; to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural, and technological export trade development in this state; to promote, encourage, and assist through loans, investments, or counseling assistance in the effort to assist export business and industry; to stimulate and assist in the expansion of export trade and maintain the economic stability of the state; to provide financing; to provide export information, technical assistance, financial counseling services, loans, guarantees, and all activities incidental thereto, in assisting, encouraging, and stimulating the development of international export sales and markets by small and medium sized Florida companies and businesses in an institutionalized and, to the maximum extent possible, self-regulated fashion. The Legislature finds and declares that the accomplishment of these purposes is in the public interest and the creation and capitalization of corporations under this part will serve a public purpose.

288.742 Definitions.—As used in this part, the following words and phrases, unless differently defined or described, shall have the meanings and references as follows:

(1) "Corporation" means any Florida export finance corporation created under this part.

(2) "Financial institution" means any association, bank, credit union, industrial savings bank, trust company, international bank agency or representative office, Edge Act bank, or other institution engaged primarily in lending or investing funds.

(3) "Person" means any individual, partnership, corporation, but not including any corporation organized pursuant to this part, or joint venture residing or operating within the state.

(4) "Board of directors" means the board of directors of the corporation created under this part.

(5) "Net income" means the adjusted federal income of the corporation for the fiscal year as determined by the Internal Revenue Code of 1986, as amended.

(6) "Internal Revenue Code" means the same as in s. 220.03(1)(n).

(7) "Business" means any sole proprietorship, partnership, or corporation organized under the laws of Florida or having its principal place of business in Florida.

(8) "Export capital" means funds, financing, guarantees, loans, or investments that are used to facilitate international export sales.

(9) "International export sales" means the sale of goods or services ultimately to a person whose principal place of business is located outside the United States or any of its possessions.

(10) "Primarily doing business in Florida" means, with regard to manufactured goods, there shall be at least 51 percent of value added within this state; or, with regard to services, at least 51 percent of the total services exported represent Florida-sourced components, labor, or intellectual property.

288.743 Florida export finance corporation; creation, feasibility study.—

(1) There may be created one or more Florida export finance corporations upon a determination by the Secretary of Commerce that each such export finance corporation can operate in an economic and beneficial manner. This determination shall be based on the results of a feasibility study which shall include, but not be limited to, an objective assessment of expected additional investment, production, and employment and tax revenues as a result of the creation of the corporation. The study shall be carried out under the supervision of the secretary. The first such study shall be completed by December 31, 1988.

(2) The Department of Commerce shall contract with an independent consultant to conduct the first feasibility study to examine the needs of small and medium sized businesses in the area of export finance, including, but not limited to, the creation of an export finance corporation. Said study shall focus on, but not be limited to, identifying potential export finance corporation investment incentives and a corporate marketing, operations, and financial plan.

(3) The Secretary of Commerce shall have 30 days after receiving the results of the study conducted pursuant to subsection (1) in which to make a determination whether or not the corporation could operate in an economic and beneficial manner, that the public interest of Florida will be served by the creation of the corporation, that there will be increased opportunities for employment, and that the corporation will help strengthen the economy of the state by increasing the number of small and medium sized businesses which will benefit by having access to export finances.

288.744 Florida export finance corporation; incorporation.—

(1) Within 30 days following a determination by the Secretary of Commerce that the corporation could operate in an economic and beneficial manner as provided in s. 288.743(3), a committee shall be appointed to prepare the articles of incorporation for and the bylaws of the corporation. The committee shall consist of 13 members, 7 to be appointed by the Governor, 3 to be appointed by the President of the Senate, and 3 to be appointed by the Speaker of the House of Representatives. A chairman shall be elected by a majority of the committee. The committee shall submit the proposed articles of incorporation, bylaws, and other recommendations to the Comptroller for approval no later than 90 days following the first meeting of the committee. In reviewing the articles of incorporation and the bylaws of the corporation, as well as any other recommendation made to the Comptroller by the committee, the Comptroller shall consider whether such articles of incorporation, bylaws, and recommendations are consistent with the public interest and the efficient functioning of the corporation. The Comptroller shall approve the articles of incorporation and bylaws of the corporation based upon a finding that they describe the types of activity and transactions that the corporation will conduct, that such business activities do not violate state or federal law, that the form of the business organization of the corporation complies with statutory requirements, and that the interest of the stockholders of the corporation and its customers will be adequately protected. The Comptroller shall have 30 days within which to approve or reject the articles of incorporation and bylaws. The Comptroller shall work closely with the committee on the development of the articles of incorporation and bylaws of the corporation. The Comptroller shall have the authority to promulgate rules allowing for review of recommendations made from time to time by the committee.

(2) The corporation shall have full authority to function 60 days after its articles of incorporation and bylaws have been approved by the Comptroller and filed with the Secretary of State as provided in subsection (7). The initial board of directors of the corporation shall consist of the committee, which shall serve until the first election of the board of directors by the stockholders of the corporation, pursuant to the articles of incorporation and bylaws, and which shall expire at such time. In the event that the articles of incorporation and bylaws are disapproved by the Comptroller, the committee, in consultation with the Comptroller, shall have 60 days from the date of such disapproval within which to submit alternative articles of incorporation and bylaws. The Comptroller shall have 30 days within which to approve or reject the alternative articles of incorporation and bylaws.

(3) The articles of incorporation and bylaws of the corporation shall provide that:

(a) There be no fewer than 5 or more than 13 directors of the corporation, at least one-third of whom may not be stockholders or representatives of stockholders of the corporation.

(b) The name of the corporation include the words "Florida Export Finance Corporation" or "Export Finance Corporation of Florida."

(c) A location of the principal office of the corporation be established, but such corporation may have offices in such other places within the state as may be fixed by the board of directors.

(d) The corporation adopt rules, including, but not limited to, requirements prescribing eligibility for stockholders and the voting power, duties, and rights to participate in the conduct and management of the affairs of the corporation by the stockholders thereof, such rights and duties to include the manner and form of conducting business, financial stability requirements, dues, stockholders' fees, resolution of dispute mechanisms encouraging the use of arbitration, and all other matters necessary or appropriate to conduct any business permitted by this part.

(e) An election to the board of directors of the corporation by the stockholders of the corporation be held annually, with those persons receiving the greatest number of votes cast being elected thereto.

(f) Any provision for the regulation of the business and for the conduct of the affairs of the corporation, any provision creating, dividing, limiting, or regulating the powers of the corporation, the directors, stockholders, or any class of the stockholders, including, but not limited to, a list of the officers, and any provision governing the issuance of stock certificates to replace lost or destroyed certificates may be inserted by the stockholders, provided that there be no provision for cumulative voting for directors.

(g) The amount of authorized capital stock and the number of shares into which it is divided, the par value of each share, and the amount of capital with which it will commence business and, if there is more than one class of stock, a description of the different classes be established; and the names and post-office addresses of the subscribers of stock and the number of shares subscribed by each be listed. The aggregate of the subscription shall be the minimum amount of capital with which the corporation may commence business and shall be determined by the feasibility study but shall not be less than $5 million.

(h) The articles of incorporation contain any provision consistent with the laws of this state for the regulation of the affairs of the corporation.

(i) The corporation be organized under the provisions of this part.

(j) Any amendments to the articles of incorporation and bylaws be subject to the approval of the Comptroller.

(4) The Comptroller may by rule establish limitations on investments by stockholders of the corporation by any person or company, which limitations are consistent with the public interest and the efficient functioning of the corporation.

(5) The corporation shall reimburse the Comptroller for the actual costs incurred by the Comptroller in connection with the regulation and supervision of the corporation. The Comptroller shall adopt rules specifying the procedure for reimbursement. As used in this section, the term "actual costs" means all direct and indirect costs and expenses incurred by the Comptroller in connection with the regulation and supervision of the corporation, including general administrative costs, travel expenses, and salaries involved in the regulation and supervision of the corporation. The Comptroller may require the corporation to pay interim assessments related to estimated final assessments.

(6) The state banking and securities laws shall apply to the corporation.

(7) Whenever the articles of incorporation shall have been filed with the Secretary of State and approved by him, and all filing fees and taxes prescribed by chapter 607 have been paid, the subscribers and their successors and assigns shall constitute a corporation, and said corporation shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

(8) The Comptroller may adopt reasonable rules necessary to implement this section.

288.745 Special corporate powers.—In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by the provisions of chapter 607, the corporation shall, subject to the restrictions and limitations contained in this part, have the following powers:

(1) To elect, appoint, and employ officers, agents, and employees, and to make contracts and incur liabilities for any of the purposes of the corporation.

(2) To borrow money for any of the purposes of the corporation and to issue therefor its bonds, debentures, notes, or other evidences of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust, or other lien on its property, franchises, rights, and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder or member approval.

(3) To make export capital or guarantees available to any small or medium sized business, and to establish and regulate the terms and conditions with respect to any such export capital and the charges for interest and service connected therewith; provided, however, that the corporation shall not provide export capital to any person owning capital stock in the corporation.

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease, or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any business and to assume, undertake, or pay the obligations, debts, and liabilities of any such business.

(6) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of the stock, shares, bonds, debentures, notes, or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, except any corporation organized pursuant to this part, joint stock company, association, or trust, and while the owner or holder thereof, to exercise all the rights, powers, and privileges of ownership, including the right to vote thereon.

(7) To enter into export agreements with businesses upon such terms and on such conditions as are consistent with the purposes of this part, for the advancement of financing to such persons for the development of exports to be developed, commercialized, and produced in this state.

(8) To mortgage, pledge, or otherwise encumber any property, right, or thing of value, acquired pursuant to the powers contained in subsection (4), subsection (5), or subsection (6), as security for the payment of any part of the purchase price thereof.

(9) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as it deems desirable.

(10) To cooperate with and avail itself of the facilities of the United States Department of Commerce, the Export-Import Bank of the United States, the United States Small Business Administration, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage, organizations in the various communities of the state in the promotion, assistance, and development of the business prosperity and economic welfare of such communities or of this state or any part thereof.

(11) To make loans and guarantees to small and medium sized Florida businesses to assist them in financing their exporting activities, to provide financial counseling services, to provide funding for nonguaranteed portions of loans of the Export-Import Bank of the United States, and to provide any other type of service such as information, technical assistance, or referral to state and federal programs.

(12) To do all acts and things necessary or convenient to carry out the powers expressly granted in this part.

288.746 Uses of corporate assets; limitation.—The corporation shall utilize not less than 70 percent of the total corporate resources, including retained earnings of the corporation, to provide export capital, by making all reasonable and feasible loans and guarantees, to persons primarily doing business in Florida for use in enhancing, encouraging, and stimulating the development of international export sales and markets during the first 10 fiscal years after incorporation pursuant to s. 288.744.

288.747 Provision of export capital; prohibition.—The corporation shall not provide export capital to any person owning capital stock in the corporation or to any entity the majority of which is owned by a person owning capital stock in the corporation.

288.748 Powers of stockholders.—

(1) The stockholders of the corporation shall have the following powers of the corporation:

(a) To determine the number of and elect directors as provided in s. 288.744(3).

(b) To make, amend, and repeal bylaws.

(c) To amend its articles of incorporation as provided in s. 288.749.

(d) To dissolve the corporation as provided in s. 288.755.

(e) To exercise such other powers of the corporation consistent with this part as may be conferred on the stockholders by the bylaws.

(2) All matters requiring action by the stockholders to the corporation shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled.

(3) Each stockholder shall have one vote, in person or by proxy, for each share of capital stock held by him.

288.749 Amendments to articles of incorporation.—

(1) The articles of incorporation may be amended by vote of the stockholders of the corporation, and any such amendment shall require approval by the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled. No amendment of the articles of incorporation which is inconsistent with the general purposes expressed in this part, which authorizes any additional class of capital stock to be issued, which eliminates or curtails the right of the Department of Banking and Finance to examine the corporation, which eliminates or curtails the obligation of the corporation to make reports as required by s. 288.753, which eliminates the requirement that 70 percent of the assets of the corporation be used to provide export capital to persons primarily doing business in Florida as provided in s. 288.746, which permits the corporation to provide export capital to any person owning capital stock in the corporation as prohibited by s. 288.747, which eliminates the requirement contained in s. 288.744 that the corporation be an export finance company, or which eliminates the requirements contained in s. 288.751 shall be made.

(2) Within 30 days after any meeting at which an amendment to the articles of incorporation has been adopted, articles of amendment signed and sworn to by the president, treasurer, and a majority of the directors, setting forth such amendment and due adoption thereof, shall be submitted to the Secretary of State, who shall examine them and, if he finds that they conform to the requirements of this part, shall so certify and endorse his approval thereon. Thereupon, the articles of amendment shall be filed with the Secretary of State, and no such amendment shall take effect until such articles of amendment shall have been so filed.

288.750 Conduct of corporation business and affairs.—

(1) The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a vice president, a secretary, a treasurer, and such other officers and agents as the corporation by its bylaws shall authorize.

(2) The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director, which shall be filled as provided in subsection (4). The board of directors shall be elected in the first instance by the stockholders and thereafter at the annual meeting, which annual meeting shall be held during the month of January. If no annual meeting shall be held in the year of incorporation, the board of directors shall be elected within 90 days after the approval of the articles of incorporation at a special meeting.

(3) At each annual meeting, or at each special meeting held in lieu thereof, the stockholders shall elect the directors. The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws.

(4) Any vacancy in the office of a director shall be filled by the remaining directors.

(5) Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the willful misconduct of such directors and officers.

288.751 Corporation earnings.—

(1) The corporation shall not declare or pay any dividend to its shareholders during the 4 fiscal years immediately following incorporation pursuant to s. 288.744.

(2) Each year the corporation shall set apart as retained earnings not less than 50 percent of its net income for the preceding fiscal year until such retained earnings shall be equal in value to one-half of the amount paid in on the capital stock then outstanding. Whenever the amount of the retained earnings required herein shall become impaired, it shall be built up again to the required amount in the manner provided for its original accumulation. The retained earnings shall be used to provide export capital as authorized in this part. The amount of retained earnings shall be determined by the board of directors, after providing for such reserves as said directors deem desirable, and the determination of the directors made in good faith shall be conclusive on all persons.

288.752 Corporation depository.—The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. The corporation shall not receive money on deposit.

288.753 Periodic examinations; reports.—

(1) The corporation shall be examined at least once every 18 months by the Department of Banking and Finance or a certified public accountant agreed upon by the corporation and the department. The corporation shall make reports of its condition not less than annually to said department and more frequently upon call of the department, which in turn shall make copies of such reports available to the Governor, the Department of Commerce, and the Comptroller. The corporation shall also furnish such other information as may from time to time be required by the Department of Banking and Finance, the Department of Revenue, the Department of State, and the Department of Insurance. The corporation shall pay the actual cost of said examinations. The Department of Banking and Finance shall exercise the same power and authority over corporations organized under this part as is now exercised over banks and trust companies by the provisions of the Florida Banking Code, where such banking code is not in conflict with this part.

(2) The Department of Banking and Finance or a certified public accountant agreed upon by the corporation and the department shall, as a part of each examination, specifically determine:

(a) Whether or not the corporation has complied with the provisions of ss. 288.746, 288.747, and 288.751.

(b) Whether any person has sold any capital stock in the corporation and, if so, the name of any such person.

The findings of the certified public accountant agreed upon by the department and the corporation shall become the determination of the department when they are accepted by the department.

(3)(a) If the Department of Banking and Finance determines that the corporation has complied with ss. 288.746, 288.747, and 288.751, the department shall issue to said corporation a certificate indicating compliance with said sections.

(b) If the Department of Banking and Finance determines that the corporation has not complied with ss. 288.746, 288.747, and 288.751, the Department of Banking and Finance shall provide the Department of Revenue with a detailed written report indicating which section or sections said corporation has violated.

(4) In the event that the Department of Banking and Finance, based on its own findings or that of a certified public accountant, determines that any person has sold capital stock in the corporation during the first 10 fiscal years after incorporation of the corporation, the Department of Banking and Finance shall make a written report of the same to the Department of Revenue.

(5) The corporation shall provide such information as may be required by the Department of Revenue for purposes of s. 220.188(3) or s. 624.5106(3).

288.754 Meetings.—

(1) The first meeting of the corporation shall be called by a notice signed by eight or more of the committee members designated to prepare the articles of incorporation and bylaws, stating the time, place, and purpose of the meeting, a copy of which shall be mailed or delivered to each member at least 5 days before the day appointed for the meeting. Such meeting may be held without such notice upon agreement in writing to that effect signed by all the stockholders. There shall be recorded in the minutes of the meeting a copy of such notice or of such unanimous agreement of the members.

(2) At such first meeting, the members shall organize by the choice of a temporary clerk by ballot; by the adoption of bylaws; by the election by ballot of directors; and by action upon such other matters with the powers of the corporation as the members may see fit. The temporary clerk shall be sworn in and shall make and attest a record of the proceedings. A majority of the members shall be a quorum for the transaction of business.

288.755 Dissolution.—The corporation may, upon the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled, dissolve said corporation as provided by chapter 607, insofar as chapter 607 is not in conflict with the provisions of this part. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due creditors of the corporation have been paid in full.

288.756 Credit of state.—Under no circumstances shall the credit of Florida be pledged to any corporation organized under the provisions of this part.

288.757 Occupational license tax.—Every corporation organized and engaged in business under the provisions of this part shall pay any annual county or municipal occupational license tax as prescribed in chapter 205; provided, however, that no county or municipality shall levy any such occupational license tax in a greater amount than that prescribed in said chapter.

288.758 Fiscal year.—Corporations organized under this part shall adopt the calendar year as their fiscal year.

Section 15. Section 288.115, Florida Statutes, is amended to read:

288.115 Department of Commerce; membership dues; presentments for outstanding service.—The Department of Commerce may incur expenses for membership dues of departmental employees in associations and other organizations affiliated with commerce and for presentment of plaques, framed certificates, or other items, not exceeding $100 for such other items, expressing appreciation to persons who are not state of Florida public employees for outstanding and meritorious service to the tourist industry or economic development of the state. This section shall not delete authority of the department to make reasonable and necessary expenditures for promotional items pursuant to s. 288.03(24) or s. *288.121(1)* ~~288.34(1)~~.

Section 16. Effective July 1, 1989, and applicable to taxable years beginning on or after said date, subsection (9) of section 220.02, Florida Statutes, is renumbered as subsection (10) and amended, and a new subsection (9) is added to said section, to read:

220.02 Legislative intent.—

(9) It is the intent of the Legislature that the export finance corporation investment credit provided in s. 220.188 be applicable to those corporations, banks, and savings associations which purchase qualified investments in export finance corporations organized under part VI of chapter 288.

(10)~~(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, those enumerated in s. 220.184, ~~and~~ those enumerated in s. 220.186, *and those enumerated in s. 220.188.*

Section 17. Effective July 1, 1989, and applicable to taxable years beginning on or after said date, paragraphs (ff), (gg), and (hh) are added to subsection (1) of section 220.03, Florida Statutes, 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:

(ff) "Fiscal year," for purposes of s. 220.188, means the most recently ended fiscal year of an export finance corporation pursuant to s. 288.758. This paragraph shall expire and be void on June 30, 1999.

(gg) "Export finance corporation" means a corporation organized pursuant to part VI of chapter 288. This paragraph shall expire and be void on June 30, 1999.

(hh) "Qualified investment" means the value in dollars of stock in an export finance corporation purchased solely for cash from said export finance corporation. This paragraph shall expire and be void on June 30, 1999.

Section 18. Effective July 1, 1989, paragraph (e) of subsection (1) of section 220.181, Florida Statutes, is amended to read:

220.181 Enterprise zone jobs credit.—

(1)

(e) If this credit is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year after applying the other credits and unused credit carryovers in the order provided in s. 220.02*(10)*~~(9)~~.

Section 19. Effective July 1, 1989, paragraph (b) of subsection (1) of section 220.182, Florida Statutes, is amended to read:

220.182 Enterprise zone property tax credit.—

(1)

(b) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02*(10)*~~(9)~~. The amount of credit taken under this section in any one year, however, shall not exceed $50,000.

Section 20. Effective July 1, 1989, paragraph (e) of subsection (3) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

(3) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(e) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02*(10)*~~(9)~~.

Section 21. Effective July 1, 1989, subsection (3) of section 220.184, Florida Statutes, is amended to read:

220.184 Hazardous waste facility tax credit.—

(3) If any credit granted pursuant to this section is not fully used in the first year for which it becomes available, the unused amount may be carried forward for a period not to exceed 5 years. The carryover may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year under this section after applying the other credits and unused credit carryovers in the order provided in s. 220.02*(10)*~~(9)~~.

Section 22. Effective July 1, 1989, and applicable to taxable years beginning on or after said date, section 220.188, Florida Statutes, is created to read:

220.188 Export finance corporation investment credit.—

(1) There shall be allowed a credit against the tax imposed by this chapter to corporations, banks, and savings associations that make qualified investments in export finance corporations on or before June 30, 1992. The credit shall be computed as 20 percent of the qualified investment initially made by a taxpayer during the taxable year.

(2) The amount allowed as a credit under this section shall not exceed 50 percent of the tax imposed on a corporation, bank, or savings association for the taxable year under this chapter. In addition, no corporation, bank, or savings association shall be allowed more than $500,000 in annual credits and credit carryforwards, as provided in subsection (4), for all taxable years.

(3) The total amount of credit allowed under this section and the credit in s. 624.5106 shall not exceed $5 million for all taxpayers in all taxable years. Based on the information submitted by the export finance corporation, pursuant to s. 288.753, in the order received by the department, the department shall notify the export finance corporation within 60 days of receipt whether the limitation in this subsection has been exceeded.

(4) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 7 years. The credit carryforward may be used in a subsequent year when the tax imposed by this chapter exceeds the credit for such year after applying the other credits and unused credit amounts in the order provided in s. 220.02(10).

(5) When filing for a credit or a credit carryforward pursuant to this section in the taxable year following the purchase of a qualified investment and the 9 years thereafter, a taxpayer shall include with his return:

(a) A copy of an annual certification from the export finance corporation in which a qualified investment has been made which indicates the amount of the qualified investment made and held by the taxpayer in said export finance corporation on December 31 of each taxable year.

(b) A copy of the certificate issued by the Department of Banking and Finance pursuant to s. 288.753(3)(a) to the export finance corporation in which a taxpayer has made a qualified investment which indicates that said export finance corporation has complied with the provisions of part VI of chapter 288 for the most recently ended fiscal year.

(6) In the event a taxpayer disposes of a qualified investment in an export finance corporation within 10 years after the date in which the taxpayer acquired such qualified investment, in a transaction which gives rise to gain or loss under the Internal Revenue Code, then the tax imposed under this chapter for the taxable year in which said disposition occurs shall be increased by an amount equal to the amount allowed as a credit under this section in the year of the disposition and all prior years for the qualified investment in said export finance corporation, and any unused credit or credit carryforward amount for a qualified investment in said export finance corporation under this section shall be void.

(7) In the event any export finance corporation fails for any two consecutive periodic examinations, pursuant to s. 288.753, to comply with the provisions of s. 288.746 during the 10 fiscal years immediately following the incorporation of said export development corporation pursuant to s. 288.744, then the tax imposed under this chapter on taxpayers who made qualified investments in said export development corporation shall be increased in the first taxable year which ends after the end of said second fiscal year by an amount equal to the amount allowed as a credit under this section for said taxable year and all prior taxable years for qualified investments in said export finance corporation, and any unused credit or credit carryforward amount for a qualified investment in said export finance corporation under this section shall be void.

(8) In the event any export finance corporation dissolves pursuant to the provisions of s. 288.755 during the 10 fiscal years immediately following the incorporation of said export finance corporation pursuant to s. 288.744, then the tax imposed under this chapter on taxpayers who made qualified investments in said export finance corporation shall be increased in the first taxable year which ends after the date said export finance corporation dissolves by an amount equal to the amount allowed as a credit under this section, including any amount used as a result of credit carryforward, for said taxable year and all prior taxable years for qualified investments in said export finance corporation, and any unused credit or credit carryforward amount for a qualified investment in said export development corporation under this section shall be void. The provisions of this subsection shall not apply to an export finance corporation which dissolves as a result of bankruptcy pursuant to the Federal Bankruptcy Code.

(9) In the event any export finance corporation violates the provisions of s. 288.747 or s. 288.751, during the 10 fiscal years immediately following the incorporation of said export finance corporation pursuant to s. 288.744, then the tax imposed under this chapter on all taxpayers who made qualified investments in said export finance corporation shall be increased in the first taxable year which ends after said fiscal year by an amount equal to the amount allowed as a credit under this section for said taxable year and all prior taxable years for qualified investments in said export finance corporation.

(10) This section shall expire and be void on June 30, 1999.

Section 23. Effective July 1, 1989, section 624.5106, Florida Statutes, is created to read:

624.5106 Export finance corporation investment credit.—

(1) There shall be allowed a credit for qualified investments in export finance corporations on or before June 30, 1992, against any tax due under s. 624.509 or s. 624.510. The credit shall be computed as 20 percent of the qualified investment initially made by an insurer during the taxable year.

(2) The amount allowed as a credit under this section shall not exceed 50 percent of the tax imposed on an insurer for the calendar year under this chapter. In addition, no insurer shall be allowed more than $500,000 in annual credits and credit carryforwards, as provided in subsection (4), for all calendar years.

(3) The total amount of credit allowed under this section and the credit in s. 220.188 shall not exceed $5 million for all taxpayers in all years. Based on the information submitted by the export finance corporation, pursuant to s. 288.753, in the order received by the department, the department shall notify the export finance corporation within 60 days of receipt whether the limitation in this subsection has been exceeded.

(4) If the credit granted pursuant to this section is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 7 years. The credit carryforward may be used in a subsequent year when the tax imposed by s. 624.509 or s. 624.510 exceeds the credit under this section for such year.

(5) When filing for a credit or a credit carryforward pursuant to this section in the calendar year following the purchase of a qualified investment and the 9 years thereafter, an insurer shall include with his return:

(a) A copy of an annual certification from the export finance corporation in which a qualified investment has been made which indicates the amount of the qualified investment made and held by the insurer in said export finance corporation on December 31 of each calendar year.

(b) A copy of the certificate issued by the Department of Banking and Finance pursuant to s. 288.753(3)(a) to the export finance corporation in which an insurer has made a qualified investment which indicates that said export finance corporation has complied with the provisions of part VI of chapter 288 for the most recently ended fiscal year.

(6) In the event an insurer disposes of a qualified investment in an export finance corporation within 10 years after the date in which an insurer acquired such qualified investment, in a transaction which gives rise to gain or loss under the Internal Revenue Code, then the tax imposed under this chapter for the calendar year in which said disposition occurs shall be increased by an amount equal to the amount allowed as a credit under this section in the year of the disposition and all prior calendar years for the qualified investment in said export finance corporation, and any unused credit or credit carryforward amount for a qualified investment in said export finance corporation under this section shall be void.

(7) In the event any export finance corporation fails for any two consecutive periodic examinations, pursuant to s. 288.753, to comply with the provisions of s. 288.746 during the 10 fiscal years immediately following the incorporation of said export development corporation pursuant to s. 288.744, then the tax imposed under this chapter on insurers who made qualified investments in said export development corporation shall be increased in the first calendar year which ends after the end of said second fiscal year by an amount equal to the amount allowed as a credit under this section for said calendar year and all prior calendar years for qualified investments in said export finance corporation, and any unused credit or credit carryforward amount for a qualified investment in said export finance corporation under this section shall be void.

(8) In the event any export finance corporation dissolves pursuant to the provisions of s. 288.755 during the 10 fiscal years immediately following the incorporation of said export finance corporation pursuant to s. 288.744, then the tax imposed under this chapter on insurers who made qualified investments in said export finance corporation shall be increased in the first calendar year which ends after the date said export finance corporation dissolves by an amount equal to the amount allowed as a credit under this section, including any amount used as a result of credit carryforward, for said calendar year and all prior calendar years for qualified investments in said export finance corporation, and any unused credit or credit carryforward amount for a qualified investment in said export development corporation under this section shall be void. The provisions of this subsection shall not apply to an export finance corporation which dissolves as a result of bankruptcy pursuant to the Federal Bankruptcy Code.

(9) In the event any export finance corporation violates the provisions of s. 288.747 or s. 288.751, during the 10 fiscal years immediately following the incorporation of said export finance corporation pursuant to s. 288.744, then the tax imposed under this chapter on all insurers who made qualified investments in said export finance corporation shall be increased in the first calendar year which ends after said fiscal year by an amount equal to the amount allowed as a credit under this section for said calendar year and all prior calendar years for qualified investments in said export finance corporation.

(10) For the purposes of this section:

(a) "Fiscal year" means the most recently ended fiscal year of an export finance corporation pursuant to s. 288.758. This paragraph shall expire and be void on June 30, 1999.

(b) "Export finance corporation" means a corporation organized pursuant to part VI of chapter 288. This paragraph shall expire and be void on June 30, 1999.

(c) "Qualified investment" means the value in dollars of stock in an export finance corporation purchased solely for cash from said export finance corporation. This paragraph shall expire and be void on June 30, 1999.

(11) This section shall expire and be void on June 30, 1999.

Section 24. Subsection (9) of section 199.023, Florida Statutes, is amended to read:

199.023 Definitions.—As used in this chapter:

(9) "Banking organization" means:

(a) A bank organized and existing under the laws of this state;

(b) A national bank organized and existing pursuant to the provisions of the National Bank Act, 12 U.S.C. ss. 21 et seq., and maintaining its principal office in this state;

(c) An Edge Act corporation organized pursuant to the provisions of s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss. 611 et seq., and maintaining an office in this state;

(d) An international bank agency licensed pursuant to the laws of this state;

(e) A federal agency licensed pursuant to ss. 4 and 5 of the International Banking Act of 1978 to maintain an office in this state;

(f) A savings association organized and existing under the laws of this state; ~~or~~

(g) A federal association organized and existing pursuant to the provisions of the Home Owners' Loan Act of 1933, 12 U.S.C. ss. 1461 et seq., and maintaining its principal office in this state*; or*

(h) A Florida export finance corporation organized and existing pursuant to the provisions of part VI of chapter 288.

Section 25. *The Florida Small Business Development Centers shall, through the centers' training events, publications, and other appropriate activities, advise the small business community of the resources created by sections 12-24 of this act and shall act to make the resources of the State University System of Florida available to assist business in their export development activities.*

Section 26. Subsection (7) of section 290.0055, Florida Statutes, is renumbered as subsection (9), and new subsections (7) and (8) are added to said section to read:

290.0055 Local authorization of enterprise zones after January 1, 1986; requirements; application for state approval*; change of boundaries.*—

(7)(a) The governing body of a municipality or county, or both together, that authorized the application for an area that was approved by the secretary pursuant to s. 290.0065 on or before January 1, 1987, may apply to the department for a change in the boundary of such approved enterprise zone if, after said change is made, the enterprise zone, including any additional area and excluding any deleted area, continues to satisfy the requirements of subsections (3), (4), and (5).

(b) The governing body or bodies may make such application by adopting a resolution which:

1. States that a change in the boundaries of the approved enterprise zone is needed;

2. Finds that any area to be added to the approved enterprise zone exhibits the characteristics of an enterprise zone;

3. States with particularity the reasons for such change; and

4. Describes specifically and to the extent required by the department the boundary change to be made.

(c) This subsection shall not apply more than once for any enterprise zone.

(8) Each area for which application to be an enterprise zone is made after January 1, 1988, shall include as a part of such area a neighborhood improvement district created pursuant to part IV of chapter 163.

Section 27. Subsections (1), (2), (3), (6), and (8) of section 290.0065, Florida Statutes, are amended to read:

290.0065 State approval of areas authorized to be enterprise zones.—

(1)*(a)* Upon application of the governing body of a county or municipality, or of a county and municipality jointly, pursuant to s. 290.0055, the department shall determine which areas authorized by such governing bodies are the most appropriate for the purposes of the incentives enumerated in s. 290.007. The department is authorized to approve up to six areas within each of the categories established in *subparagraphs* ~~paragraph~~ (3)(a)*1., 2. and 3., and up to eight areas in each of the remaining categories established in paragraph (3)(a)*; however, such approval shall not be effective prior to January 1, 1987*, for the first 30 areas approved under this section.*

(b) Following a review of the effectiveness of the 30 enterprise zones approved prior to January 1, 1987, the secretary may approve 10 areas which shall not be effective prior to July 1, 1989. These 10 areas shall include the highest ranked applications received by the department. However, at least one application shall be approved in each of the categories established in paragraph (3)(a) in which areas are to be approved pursuant to paragraph (8)(b). Approval for the remaining 10 areas to be approved under this section shall not be effective prior to July 1, 1990.

(2) Each application made pursuant to s. 290.0055 shall be ranked competitively within the appropriate category established pursuant to subsection (3) based on economic, social, physical, and fiscal distress and local government participation in community redevelopment. Economic, social, physical, and fiscal distress shall be weighted 65 percent, and local government participation shall be weighted 35 percent. *Any area for which application is made after January 1, 1988, shall include, as a part of such area, a neighborhood improvement district created pursuant to part IV of chapter 163.*

(3)(a) Each area authorized to be an enterprise zone pursuant to s. 290.0055 shall be placed in one of the following *seven* ~~five~~ categories:

1. Communities consisting of census tracts in urbanized areas having a total population of 125,000 persons or more.

2. Communities consisting of census tracts in urbanized areas having a total population of *60,000* ~~50,000~~ persons or more but less than 125,000 persons.

3. Communities *consisting of census tracts in urbanized areas having a total population of 50,000 persons or more but less than 60,000 persons and communities having a population of 40,000* ~~having a population of 20,000~~ persons or more but less than 50,000 persons.

4. Communities having a population of 25,000 persons or more but less than 40,000 persons.

5. Communities having a population of 15,000 persons or more but less than 25,000 persons.

6.~~4.~~ Communities having a population of 7,500 persons or more but less than *15,000* ~~20,000~~ persons.

7.~~5.~~ Communities having a population of less than 7,500 persons.

(b) Any area authorized to be an enterprise zone by both a county and a municipality shall be placed in the appropriate category established under paragraph (a) in which an application by the municipality would have been considered if the municipality had acted alone, provided at least 60 percent of the population of the area authorized to be an enterprise zone resides within the municipality. An area authorized to be an enterprise zone by a county defined in s. 125.011(1) shall be placed in the category in which an application by the municipality in which the area is located would have been considered if the municipality had authorized such area to be an enterprise zone. An area authorized to be an enterprise zone by a county defined in s. 125.011(1), which area is located in two or more municipalities, shall be placed in the category in which an application by the municipality with the highest percentage of residents in such area would have been considered if such municipality

had authorized such area to be an enterprise zone. A county defined in s. 125.011(1) shall not be allowed more than one application in each of the categories established in paragraph (a).

(c) The department shall assign each of the 30 areas approved as enterprise zones prior to January 1, 1987, under this section to the appropriate category in paragraph (a).

(6) The department is authorized to rescind the approval of any area previously approved under this section if it determines that the county or municipality, or both, which authorized such area to be an enterprise zone pursuant to s. 290.0055 has not complied with the commitments made in the resolution required in that section *or complied with s. 290.014.* Any action taken to rescind approval for an area is subject to the provisions of chapter 120. *Such action may be initiated 90 days after prior notice of such noncompliance to such county or municipality, or both.* Such action shall not act to deny credits or exemptions previously granted or affect any bonds that have been issued. *If approval of a zone is rescinded for failure to comply with s. 290.014, the approval may be reinstated retroactively to the date of rescission upon submission of the completed report.*

(8)*(a)* No area may be approved pursuant to this section after January 1, 1987.

(b) Notwithstanding paragraph (a), the department may approve additional areas as enterprise zones pursuant to this section to the extent that there are fewer areas approved as enterprise zones in each of such categories after the assignment required in paragraph (3)(c) than is permitted by subsection (1). No area may be approved pursuant to this paragraph after July 1, 1990.

(c)1. Notwithstanding paragraph (a), the department may approve a change in the boundary of any enterprise zone which was approved pursuant to this section on or before January 1, 1987. This subsection shall not apply more than once to any such enterprise zone. No boundary change to any enterprise zone shall be approved if the level of local government participation in the enterprise zone approved prior to January 1, 1987, would be reduced. No boundary change to any such enterprise zone may be approved after January 1, 1989. The provisions of subsection (5) shall apply to any area included in a boundary change.

2. All boundary changes approved pursuant to this paragraph shall be effective January 1, 1989. Upon approval of any boundary change to an approved enterprise zone by the secretary, the department shall assign a different, unique identifying number to that enterprise zone. The department shall provide the Department of Revenue and the Department of Labor and Employment Security with a copy of each amending resolution together with the new identifying number of the enterprise zone.

Section 28. Effective October 1, 1988, paragraphs (g) and (h) of subsection (5) and subsection (15) of section 212.08, Florida Statutes, 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.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(g) Building materials used in the rehabilitation of real property located in an enterprise zone.—

1. Building materials used in the rehabilitation of real property located in an enterprise zone shall be exempt from the tax imposed by this chapter upon an affirmative showing to the satisfaction of the department that the items have been used for the rehabilitation of real property located in an enterprise zone. Except as provided in subparagraph 2., this exemption inures to the owner, lessee, or lessor of the rehabilitated real property located in an enterprise zone only through a refund of previously paid taxes. To receive a refund pursuant to this paragraph, the owner, lessee, or lessor of the rehabilitated real property located in an enterprise zone must file an application under oath which includes:

a. The name and address of the person claiming the refund.

~~b. The refund permit number assigned pursuant to s. 212.095 to such person.~~

b.~~c.~~ An address and assessment roll parcel number of the rehabilitated real property in an enterprise zone for which a refund of previously paid taxes is being sought.

c.~~d.~~ A description of the improvements made to accomplish the rehabilitation of the real property.

d.~~e.~~ A copy of the building permit issued for the rehabilitation of the real property.

e.~~f.~~ A sworn statement, under the penalty of perjury, from the general contractor licensed in this state with whom the applicant contracted to make the improvements necessary to accomplish the rehabilitation of the real property, which statement lists the building materials used in the rehabilitation of the real property, the actual cost of the building materials, and the amount of sales tax paid in this state on the building materials. In the event that a general contractor has not been used, the applicant shall provide this information in a sworn statement, under the penalty of perjury. Copies of the invoices which evidence the purchase of the building materials used in such rehabilitation and the payment of sales tax on the building materials shall be attached to the sworn statement provided by the general contractor or by the applicant. Unless the actual cost of building materials used in the rehabilitation of real property and the payment of sales taxes due thereon is documented by a general contractor or by the applicant in this manner, the cost of such building materials shall be an amount equal to 40 percent of the increase in assessed value for ad valorem tax purposes.

f.~~g.~~ Either the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the rehabilitated real property is located or such alternative proof as may be prescribed by the department, with the concurrence of the secretary of the Department of Community Affairs, that the rehabilitated real property is located in an enterprise zone.

g.~~h.~~ A certification by the property appraiser that the improvements necessary to accomplish the rehabilitation of the real property are substantially completed and that the assessed value for ad valorem tax purposes is, or on the next ad valorem tax roll will be, 30 percent or more greater than the assessed value for ad valorem tax purposes of the real property on the prior year's assessment roll.

2. This exemption inures to a city, county, or other governmental agency through a refund of previously paid taxes if the building materials used in the rehabilitation of real property located in an enterprise zone are paid for from the funds of a community development block grant or similar grant or loan program. To receive a refund pursuant to this paragraph, a city, county, or other governmental agency must file an application which includes the same information required to be provided in subparagraph 1. by an owner, lessee, or lessor of rehabilitated real property. In addition, the application must include a sworn statement signed by the chief executive officer of the city, county, or other governmental agency seeking a refund which states that the building materials for which a refund is sought were paid for from the funds of a community development block grant or similar grant or loan program.

3. The provisions of s. 212.095~~(4)~~ do not apply to any refund application made pursuant to this paragraph. No more than one exemption through a refund of previously paid taxes for the rehabilitation of real property shall be permitted for any one parcel of real property. No refund shall be granted pursuant to this paragraph unless the amount to be refunded exceeds $500. No refund granted pursuant to this paragraph shall exceed the lesser of 97 percent of *the Florida sales or use tax paid on* ~~5 percent of~~ the cost of the building materials used in the rehabilitation of the real property as determined pursuant to sub-subparagraph 1.*e.*~~f.~~ or $5,000. A refund approved pursuant to this paragraph shall be made within 30 days of formal approval by the department of the application for the refund.

4. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

5. The department shall deduct an amount equal to 10 percent of each refund granted under the provisions of this paragraph from the amount deposited in the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 218.61 for the county area in which the rehabilitated real property is located and shall transfer that amount to the General Revenue Fund.

6. For the purposes of the exemption provided in this paragraph, the term:

a. "Building materials" means tangible personal property which becomes a component part of improvements to real property.

b. "Real property" has the same meaning as provided in s. 192.001(12).

c. "Rehabilitation of real property" means the reconstruction, renovation, restoration, rehabilitation, construction, or expansion of improvements to real property such that when substantially completed the assessed value for ad valorem tax purposes is 30 percent or more greater than the assessed value for ad valorem tax purposes of the real property on the prior year's assessment roll.

d. "Substantially completed" has the same meaning as provided in s. 192.042(1).

7. The provisions of this paragraph shall expire and be void on December 31, 1994.

(h) Business property used in an enterprise zone.—

1. Business property purchased for use by businesses located in an enterprise zone which is subsequently used in an enterprise zone shall be exempt from the tax imposed by this chapter if no less than 20 percent of the employees of the business are residents of an enterprise zone, excluding temporary employees. This exemption inures to the business only through a refund of previously paid taxes. A refund shall be authorized upon an affirmative showing by the taxpayer to the satisfaction of the department that the requirements of this paragraph have been met.

2. To receive a refund, the business must file under oath, after the employment requirements of subparagraph 8. have been satisfied,an application which includes:

a. The name and address of the business claiming the refund.

~~b. The refund permit number assigned pursuant to s. 212.095 to such business.~~

b.~~e.~~ Either the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located, or such alternative proof as may be prescribed by the department, with the concurrence of the secretary of the Department of Community Affairs, that the business is located in an enterprise zone.

c.~~d.~~ A specific description of the property for which a refund is sought, including its serial number or other permanent identification number.

d.~~e.~~ The location of the property.

e.~~f.~~ The sales invoice or other proof of purchase of the property, showing the amount of sales tax paid, the date of purchase, and the name and address of the sales tax dealer from whom the property was purchased.

f.~~g.~~ The name and address of each permanent employee of the business, including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides or such alternative proof as may be prescribed by the department, with the concurrence of the secretary of the Department of Community Affairs, that the employee is a resident of an enterprise zone.

3. The provisions of s. 212.095~~(4)~~ do not apply to any refund application made pursuant to this paragraph. The amount refunded on purchases of business property under this paragraph shall be 97 percent of the sales tax paid on such business property. A refund approved pursuant to this paragraph shall be made within 30 days of formal approval by the department of the application for the refund. No refund shall be granted under this paragraph unless the amount to be refunded exceeds $100 in sales tax paid on purchases made within a 60-day time period.

4. The department shall adopt rules governing the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of qualification for exemption under this paragraph.

5. If the department determines that the business property is used outside an enterprise zone within 3 years from the date of purchase, the amount of taxes refunded to the business purchasing such business property shall immediately be due and payable to the department by the business, together with the appropriate interest and penalty, computed from the date of purchase, in the manner provided by this chapter.

6. The department shall deduct an amount equal to 10 percent of each refund granted under the provisions of this paragraph from the amount deposited in the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 218.61 for the county area in which the business property is located and shall transfer that amount to the General Revenue Fund.

7. For the purposes of this exemption, the term "business property" means new or used property defined as "recovery property" in s. 168(c) of the Internal Revenue Code of 1954, as amended, except:

a. Property classified as 3-year property under s. 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

b. Industrial machinery and equipment as defined in sub-subparagraph (b)6.a. *and eligible for exemption under paragraph (b)*; and

c. Building materials as defined in sub-subparagraph (g)6.a.

8. The employment requirements established by this paragraph shall be met during the time period beginning 90 days prior to the date of the initial purchase for which a refund is sought and ending 90 days after the date of the last purchase for which a refund is sought under this paragraph. However, if the business did not exist or was not operating in the enterprise zone 90 days prior to the date of the initial purchase, the employment requirements established by this paragraph shall be met for not less than 90 days after the date of the last purchase for which a refund is sought.

9. The provisions of this paragraph shall expire and be void on December 31, 1994.

(15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—

(a) Charges for electrical energy used by a qualified business at a fixed location in an enterprise zone in a municipality which has enacted an ordinance pursuant to s. 166.231(8) which provides for exemption of municipal utility taxes on such businesses *or in an enterprise zone jointly authorized by a county and a municipality which has enacted an ordinance pursuant to s. 166.231(8) which provides for exemption of municipal utility taxes on such businesses* shall be exempt from the tax imposed by this chapter for a period of 5 years from the billing period beginning not more than 30 days following notification to the applicable utility company by the department that an exemption has been authorized pursuant to this subsection *and s. 166.231(8)*.

(b) To receive this exemption, a business must file an application, on a form provided by the department for the purposes of this subsection and s. 166.231(8). The application shall be made under oath and shall include:

1. The name and location of the business.

2. Either the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located or such alternative proof as may be prescribed by the department, with the concurrence of the secretary of the Department of Community Affairs, that the business is located in an enterprise zone.

3. The date on which electrical service is to be first initiated to the business.

4. The name and mailing address of the entity from which electrical energy is to be purchased.

5. The date of the application.

6. The name of the city in which the business is located.

7. The name and address of each permanent employee of the business including, for each employee who is a resident of an enterprise zone, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the employee resides or such alternate proof as may be prescribed by the department, with the concurrence of the secretary of the Department of Community Affairs, that the employee is a resident of an enterprise zone.

(c) If, in a subsequent audit conducted by the department, it is determined that the business did not meet the criteria mandated in this subsection, the amount of taxes exempted shall immediately be due and payable to the department by the business, together with the appropriate

interest and penalty, computed from the due date of each bill for the electrical energy purchased as exempt under this subsection, in the manner prescribed by this chapter.

(d) The department shall adopt rules governing applications for, issuance of, and the form of applications for the exemption authorized in this subsection and provisions for recapture of taxes exempted under this subsection; and the department may establish guidelines as to qualifications for exemption.

(e) For the purpose of the exemption provided in this subsection, the term "qualified business" means a business for which not less than 20 percent of its employees are residents of an enterprise zone, excluding temporary employees, for the 5-year duration of this exemption, except as provided in paragraph (f), and which is:

1. First occupying a new structure to which electrical service, other than that used for construction purposes, has not been previously provided or furnished;

2. Newly occupying an existing, remodeled, renovated, or rehabilitated structure to which electrical service, other than that used for remodeling, renovation, or rehabilitation of the structure, has not been provided or furnished in the three preceding billing periods; or

3. Occupying a new, remodeled, rebuilt, renovated, or rehabilitated structure for which a refund has been granted pursuant to paragraph (5)(g).

(f) The employment requirements established by this subsection shall be satisfied, without exception, for the first 6 months of the exemption period authorized in this subsection. Subsequently, any qualified business which fails for a period of 30 consecutive days to maintain such employment requirements will be ineligible for the remainder of the exemption authorized in this subsection.

(g) This subsection shall expire and be void on December 31, 1994, except that:

1. Paragraph (c) shall not expire; and

2. Any qualified business which has been granted an exemption under this subsection prior to that date shall be allowed the full benefit of this exemption as if this subsection had not expired on that date.

Section 29. Effective October 1, 1988, section 212.096, Florida Statutes, is amended to read:

212.096 Sales, rental, storage, use tax; credit against tax for job creation in enterprise zones.—

(1) For the purposes of the credit provided in this section, the term:

(a) "Aid to families with dependent children" means the program authorized in s. 409.235.

(b) "Eligible business" means any sole proprietorship, firm, partnership, corporation, bank, savings association, estate, trust, business trust, receiver, syndicate, or other group or combination, or successor business, which has not claimed the credit permitted under s. 220.181 for any new business employee first beginning employment with the business after January 1, 1987.

(c) "Month" means either a calendar month or the time period from any day of any month to the corresponding day of the next succeeding month or, if there is no corresponding day in the next succeeding month, the last day of the succeeding month.

(d) "New employee" means:

1. A person residing in an enterprise zone who begins employment with an eligible business after January 1, 1987;~~.~~

2. ~~A new employee also means~~ A recipient of aid to families with dependent children for the 3 months prior to his employment if the eligible business employing such person is located in an enterprise zone and the employment begins after January 1, 1987;~~.~~

3. An economically disadvantaged person, beginning employment after October 1, 1988, at an eligible business in the state, who has participated in the Job Training Partnership Act program for the 3 months prior to his employment and who is not receiving on-the-job training assistance. An economically disadvantaged person is:

a. A person who receives, or is a member of a family that receives, cash welfare payments under a federal, state, or local welfare program;

b. A person who received a total family income for the preceding 6-month period not in excess of the higher of the poverty level as determined by the director of the U.S. Office of Management and Budget or 70 percent of the lower living standard income level;

c. A person who receives food stamps pursuant to the Food Stamp Act of 1977;

d. A person who is a foster child on whose behalf state or local government payments are made;

e. An adult handicapped person whose income meets the criteria in sub-subparagraph a. or sub-subparagraph b.; or

f. A person who receives aid to families with dependent children as authorized in s. 409 235; or

4. A recipient of aid to families with dependent children for the 3 months prior to his employment if the employment is by an eligible business and begins after October 1, 1988.

A person shall be deemed to be so employed if he performs duties in connection with the operations of the business on a regular, full-time basis, provided he is performing such duties *for an average of* at least 36 hours per week *each month*, or a part-time basis, provided he is performing such duties *for an average of* at least 20 hours per week *each month* throughout the year. ~~Except as provided in subsection (5),~~ A new employee shall not be a person who has been previously employed ~~or who was hired to replace a person who had been employed~~ within the preceding 12 months by the eligible business, or a successor eligible business, claiming the credit allowed by this section.

(2)(a) It is the legislative intent to encourage the provision of meaningful employment opportunities which will improve the quality of life of those employed and to encourage economic expansion of enterprise zones and the state. Therefore, upon an affirmative showing by a business to the satisfaction of the department that the requirements of this section have been met, the business shall be allowed a credit against the tax remitted under this chapter.

(b) The credit shall be *$100* ~~$130~~ per month of employment for each ~~new~~ full-time *new* employee or *$50* ~~$65~~ per month of employment for each ~~new~~ part-time *new* employee *hired by a business*. The credit shall be allowed for up to the following terms, beginning with the *third* ~~second~~ tax return due pursuant to s. 212.11 after the employment of the new employee:

1. Twenty-four consecutive months if the business is located in an enterprise zone; or

2. Twelve consecutive months.

(3) In order to claim this credit, an eligible business, in conjunction with its *second* ~~first~~ tax return due pursuant to s. 212.11 after the employment of a new employee, must provide under oath a statement which includes:

(a) For each new employee for whom this credit is claimed, the employee's name and place of residence on the last day of business of the reporting period for which the tax return applies.

(b) If applicable, any one of the following:

1. The identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the new employee resides.

2. A certification, which includes the identifying number, from the Department of Labor and Employment Security that the new employee is a resident of an enterprise zone.

3. Such alternative proof as may be prescribed by the department, with the concurrence of the secretary of the Department of Community Affairs and the secretary of the Department of Labor and Employment Security, that the new employee is a resident of an enterprise zone.

(c) If applicable, the identifying number assigned pursuant to s. 290.0065 to the enterprise zone in which the business is located, or such alternative proof as may be prescribed by the department, with the concurrence of the secretary of the Department of Community Affairs, that the business is located in an enterprise zone.

(d) If applicable, a certification from the Department of Health and Rehabilitative Services that the new employee was a recipient of aid to families with dependent children for the 3 months prior to his employment by an eligible business.

(e) If applicable, a certification from the Department of Labor and Employment Security that the new employee has participated in the Job Training Partnership Act program for at least the 3 months prior to his employment and is not receiving on-the-job training assistance. This certification must also include a statement verifying that the employee qualifies as an economically disadvantaged person pursuant to paragraph (1)(d).

(4) When filing for this credit a business shall annually file a form, prescribed by the department in consultation with the Department of Community Affairs, with its return which shall not identify the business and which shall include, but not be limited to, the following information about the business:

(a) The number of employees eligible for this credit.

(b) The average hourly wages paid to employees eligible for this credit.

(c) The average length of employment for employees eligible for this credit.

(d) The total number of employees employed by the business according to its most recent quarterly wage and tax report.

(e) The average employment for the business for the prior year according to its most recent quarterly wage and tax report.

The department may combine the form containing this information with any other it prescribes for claiming this credit; however, the portion of such form containing this information shall not be deemed to be a part of the tax return and shall be separable from the remainder of the return. The department shall forward said information to the Department of Community Affairs for evaluation of the enterprise zone program.

(5)~~(4)~~ In the event the application is insufficient to support the credit authorized in this section, the department shall deny the credit and notify the business of that fact prior to the time the *third* ~~second~~ tax return is due. The business may reapply for this credit.

~~(5)(a) If a new employee no longer meets the requirements for the credit prior to having been employed by an eligible business for 12 consecutive months, the business shall be allowed to employ a replacement new employee who may qualify as a new employee only for the unused portion of the original 12-consecutive-month time period of the credit. This paragraph does not apply more than once for each job. In order to claim a credit for a replacement new employee, an eligible business must supply the information required pursuant to subsection (3) with the first tax return due after employment of the replacement new employee.~~

~~(b) Notwithstanding paragraph (a), if a new employee of an eligible business located in an enterprise zone no longer meets the requirements for this credit, the business shall be allowed to employ a replacement new employee who may qualify as a new employee only for the unused portion of the original 24 consecutive months of this credit. This paragraph does not apply more than twice for each job.~~

(6) The credit provided in this section does not apply:

(a) For any new employee who is an owner, partner, or stockholder of an eligible business.

(b) For any new employee whose actual monthly wages exceed $1,500 a month. The amount paid as wages to a new employee is the compensation paid to such employee that is subject to unemployment tax.

(c) For any new employee who is employed for any period less than 3 ~~1~~ full calendar *months* ~~month~~.

(7) The credit provided in this section shall not be allowed for any month in which the tax due for such period or the tax return required pursuant to s. 212.11 for such period is delinquent.

(8) In the event an eligible business has a credit larger than the amount owed the state on the tax return for the time period in which the credit is claimed, the amount of the credit for that time period shall be the amount owed the state on that tax return.

(9) Any business which has claimed this credit shall not be allowed any credit under the provisions of s. 220.181 for any new employee beginning employment after January 1, 1987.

(10) It shall be the responsibility of each business to affirmatively demonstrate to the satisfaction of the department that it meets the requirements of this section.

~~(11) The following persons shall be deemed not to have been hired to replace a person who had been employed within the preceding 12 months by the business claiming this credit:~~

~~(a) Each person hired in excess of the average employment reported by the business for unemployment compensation tax purposes for the 4 quarters preceding the beginning of the taxable year.~~

~~(b) Each person hired who does not represent an increase in employment as calculated under paragraph (a) if one of the following is true:~~

~~1. The person is employed at a location more than 100 miles from the location at which the prior employee was employed.~~

~~2. The person is employed in a position that has a different classification for workers' compensation insurance purposes than the position of the prior employee.~~

~~3. The person performs duties substantially different from the duties of the prior employee.~~

~~4. Such other indications are present as may reasonably be deemed sufficient by the department.~~

(11)~~(12)~~ Any person who fraudulently claims this credit is liable for repayment of the credit plus a mandatory penalty of 100 percent of the credit, plus interest at the rate provided in this chapter; and such person is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12)~~(13)~~ The provisions of this section, except for subsection *(11)* ~~(12)~~, shall expire and be void on December 31, 1994.

Section 30. Effective October 1, 1988, and applicable to taxable years beginning on or after said date, paragraph (q) of subsection (1) of section 220.03, Florida Statutes, is 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:

(q) "New employee" means*:*

1. A person residing in an enterprise zone who begins employment in the operations of a business after July 1, 1980;~~.~~

2. ~~"New employee" also means a person who has been~~ A recipient of aid to families with dependent children for 3 months prior to his employment if the eligible business employing such person is located in an enterprise zone and the employment begins after July 1, 1984;~~.~~

3. An economically disadvantaged person, beginning employment after October 1, 1988, at an eligible business in the state, who has participated in the Job Training Partnership Act program for the 3 months prior to his employment and who is not receiving on-the-job training assistance. An economically disadvantaged person is:

a. A person who receives, or is a member of a family that receives, cash welfare payments under a federal, state, or local welfare program;

b. A person who received a total family income for the preceding 6-month period not in excess of the higher of the poverty level as determined by the director of the U.S. Office of Management and Budget or 70 percent of the lower living standard income level;

c. A person who receives food stamps pursuant to the Food Stamp Act of 1977;

d. A person who is a foster child on whose behalf state or local government payments are made;

e. An adult handicapped person whose income meets the criteria in sub-subparagraph a. or sub-subparagraph b.; or

f. A person who receives aid to families with dependent children as authorized in s. 409.235; or

4. A recipient of aid to families with dependent children for the 3 months prior to his employment if the employment is by an eligible business and begins after October 1, 1988.

A person shall be deemed to be employed by such a business if he performs duties in connection with the operations of the business on a full-time basis, provided he is performing such duties *for an average of* at least 36 hours per week *each month*, or a part-time basis, provided he is performing such duties *for an average of* at least 20 hours per week *each month* throughout the year. ~~Except as provided in s. 220.181(1)(c),~~ A new employee shall not be a person who has been previously employed ~~or who was hired to replace a person who had been employed~~ within the preceding 12 months by the business, or successor business, claiming the credit allowed by s. 220.181. The provisions of this paragraph shall expire and be void on June 30, 1994.

Section 31. Effective October 1, 1988, and applicable to taxable years beginning on or after said date, subsections (3) and (5) of section 220.181, Florida Statutes, are hereby repealed, subsections (1), (7), (8), (9), (10), and (11) are amended, paragraph (e) is added to subsection (2), and a new subsection (3) is added to said section, to read:

220.181 Enterprise zone jobs credit.—

(1)(a) There shall be allowed a credit against the tax imposed by this chapter to any business which *employs* ~~establishes one or more jobs to employ~~ one or more new employees ~~who are residents of an enterprise zone~~. The credit shall be computed as *15* ~~25~~ percent of the actual monthly wages paid in this state to each new employee for a period of up to 12 consecutive months.

(b) If a business eligible for the credit under paragraph (a) is located in an enterprise zone, the business shall be allowed this credit for 24 consecutive months.

~~(c)1. If a new employee ceases to meet the requirements for this credit prior to his having been employed by the business for 12 consecutive months, the business shall be allowed to employ a replacement new employee who may qualify as a new employee only for the unused portion of the original 12-consecutive-month time period of the credit. This subparagraph will not apply more than once for each job.~~

~~2. Notwithstanding subparagraph 1., if a new employee of a business located in an enterprise zone ceases to meet the requirements for this credit, the business shall be allowed to employ a replacement new employee who may qualify as a new employee only for the unused portion of the original 24-consecutive-months of the credit. This subparagraph will not apply more than twice for each job.~~

(c)~~(d)~~ This credit applies only with respect to wages subject to unemployment tax and does not apply for any new employee whose wages exceed $1,500 a month. This credit does not apply for any new employee who is employed for any period less than *3* ~~1~~ full *months* ~~month~~.

(d)~~(e)~~ If this credit is not fully used in any one year, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when the tax imposed by this chapter for such year exceeds the credit for such year after applying the other credits and unused credit carryovers in the order provided in s. 220.02(9).

(2) When filing for an enterprise zone credit, a business shall provide under oath a statement which includes:

(e) If applicable, a certification from the Department of Labor and Employment Security that the new employee has participated in the Job Training Partnership Act program for at least the 3 months prior to his employment and is not receiving on-the-job training assistance. This certification must also include a statement verifying that the employee qualifies as an economically disadvantaged person pursuant to s. 220.03(1)(q).

(3) When filing for this credit a business shall annually file a form, prescribed by the department in consultation with the Department of Community Affairs, with its return which shall not identify the business and which shall include, but not be limited to, the following information about the business:

(a) The number of employees eligible for this credit.

(b) The average hourly wages paid to employees eligible for this credit.

(c) The average length of employment for employees eligible for this credit.

(d) The total number of employees employed by the business according to its most recent quarterly wage and tax report.

(e) The average employment for the business for the prior year according to its most recent quarterly wage and tax report.

The department may combine the form containing this information with any other it prescribes for claiming this credit; however, the portion of such form containing this information shall not be deemed to be a part of the tax return and shall be separable from the remainder of the return. The department shall forward said information to the Department of Community Affairs for evaluation of the enterprise zone program.

(6)~~(7)~~ No business which files an amended return ~~pursuant to s. 220.23~~ for a taxable year shall be allowed any amount of credit or credit carryforward pursuant to this section in excess of the amount claimed by such business on its original return for the taxable year. The provisions of this subsection do not apply to increases in the amount of credit claimed under this section on an amended return due to the use of any credit amount previously carried forward for the taxable year on the original return or any eligible prior year under paragraph (1)*(d)*~~(e)~~.

(7)~~(8)~~ Any business which has claimed this credit shall not be allowed any credit under the provision of s. 212.096 for any new ~~business~~ employee beginning employment after January 1, 1987. *The provisions of this subsection shall not apply when a corporation converts to an S corporation for purposes of compliance with the Internal Revenue Code of 1986, as amended; however, no corporation shall be allowed the benefit of this credit and the credit under s. 212.096 either for the same new employee or for the same taxable year. In addition, such a corporation shall not be allowed any credit under s. 212.096 until it has filed notice of its intent to change its status for tax purposes and until its final return under this chapter for the taxable year prior to such change has been filed.*

(8)~~(9)~~(a) Any person who fraudulently claims this credit is liable for repayment of the credit, plus a mandatory penalty in the amount of 100 percent of the credit, plus interest at the rate provided in chapter 214, and is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Any person who makes an underpayment of tax as a result of a grossly overstated claim for this credit is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For purposes of this paragraph, a grossly overstated claim means a claim in an amount in excess of 100 percent of the amount of credit allowable under this section.

(10) Any new employee or replacement new employee otherwise qualified and eligible for the credit authorized in this section prior to December 1, 1986, who is a resident of an enterprise zone designated pursuant to s. 290.005 and approved by the secretary pursuant to s. 290.006 and who is not a resident of an enterprise zone approved under s. 290.0065 shall continue to be eligible for the credit authorized in this section for the full time periods prescribed in paragraphs (1)(a) and (b), notwithstanding the expiration date contained in s. 290.006(5). The provisions of paragraph (1)(c) *as it existed on December 1, 1986* shall not be applicable to such employees.

(11) The provisions of this section, except paragraph (1)*(d)*~~(e)~~ and subsection (9), shall expire and be void on June 30, 1994.

Section 32. Effective upon this act becoming a law, subsections (10) and (11) of section 220.181, Florida Statutes, are renumbered as subsections (11) and (12), respectively, and a new subsection (10) is added to said section to read:

220.181 Enterprise zone jobs credit.—

(10) For taxable years beginning on or after July 1, 1984, and before October 1, 1988, notwithstanding the requirements of ss. 220.181(1) and 220.03(1)(q), a business shall be deemed to have established one or more new jobs in this state and established that a person hired was not a person hired to replace a person who had been employed, where both of these requirements are quantitatively demonstrated using employment within 100 miles of the location at which such person was hired.

Section 33. *The Department of State shall not participate in and shall not encourage any sister city relationship with any country or nation specified in section 620(f)(1) of the Federal Foreign Assistance Act of 1961, as amended, Angola, Mozambique, Nicaragua, or South Africa.*

Section 34. Subsection (1) of section 290.008, Florida Statutes, is amended to read:

290.008 Federal enterprise zone programs; application.—

(1) Upon enactment of enterprise zone legislation by the Congress of the United States and approval by the President of the United States, the department shall prepare and submit, in a timely fashion, all information and forms necessary to permit eligible enterprise zones approved pursuant to ~~s. 290.006 or~~ s. 290.0065 to be considered as eligible areas under any similar federal program.

Section 35. Subsection (8) of section 1 of chapter 86-216, Laws of Florida, as amended by chapter 87-251, Laws of Florida, is amended to read:

Section 1.

(8) The provisions of this section shall expire on June 30, *1989* ~~1988~~.

Section 36. *(1) There is hereby created the International Banking and Trade Study Commission which shall be composed of 15 members, including the Comptroller or his designee and the Secretary of Commerce or his designee, both of whom shall serve ex officio as voting members of the commission, and the following additional members to be appointed by the Governor unless otherwise designated:*

(a) Four citizens actively engaged in the international banking industry.

(b) Two citizens actively engaged in the banking industry.

(c) One citizen actively engaged in a small business operation which is involved in international trade.

(d) One faculty member of a graduate teaching institution who is trained in international business or finance.

(e) One member of the legal profession actively involved in the practice of international banking and commerce.

(f) One member of the Florida House of Representatives, to be appointed by the Speaker of the House of Representatives.

(g) One member of the Florida Senate, to be appointed by the President of the Senate.

(h) One citizen actively engaged in customs brokering and freight forwarding.

(i) One trade specialist from the United States and Foreign Commercial Service of the United States Department of Commerce.

(2) The members of the commission shall select a chairman to serve for the life of the commission.

(3) The members of the commission shall serve without compensation, but shall be reimbursed for all necessary expenses in the performance of their duties, including travel expenses, in accordance with s. 112.061, Florida Statutes.

(4) The commission shall be appointed no later than August 1, 1988, and shall continue in existence until its duties are concluded, but no later than June 30, 1990.

(5) The Department of Banking and Finance shall supply such information, assistance, and facilities as are deemed necessary for the commission to carry out its duties under this section and shall provide such staff assistance as is necessary for the performance of required clerical and administrative functions of the commission.

(6) The commission is charged with:

(a) Analyzing current state banking laws and rules as they relate to international banking.

(b) Assessing whether economic growth in the area of international trade is being impeded by current state banking laws and rules.

(c) Assessing the particular needs of the state's small business community in relation to how international banking laws can assist in the promotion of foreign trade activities.

(d) Suggesting changes, if necessary, in state banking laws which will encourage a positive working relationship between Florida businesses and international banking operations.

(e) Ensuring that any suggested revisions protect the safety and soundness of banking operations in Florida and ascertaining how state banking operations could be changed to better meet the needs of international banking organizations while continuing to ensure safety and soundness of the institutions.

(7) The commission shall prepare and submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives:

(a) By March 1, 1989, an interim report describing its progress; and

(b) By December 31, 1989, a final report detailing its findings and making specific program, legislative, and funding recommendations and any other recommendations it deems appropriate.

Section 37. Subsections (1), (2), and (3) of section 663.06, Florida Statutes, are amended, subsections (4) through (8) are renumbered as subsections (6) through (10), respectively, and new subsections (3) and (4) are added to said section, to read:

663.06 Licenses; permissible activities.—

(1) *An international banking corporation licensed to operate an international bank agency, representative office, or administrative office* ~~When the department has issued a license to any international banking corporation to operate an international bank agency or representative office, the agency or representative office so licensed~~ may engage in the business authorized by ss. 663.01-663.14 at the office specified in such license for *such period as is provided in subsection (2) or subsection (3)* ~~a period not exceeding 1 year from the date of such license or until such license is suspended or revoked~~. No international bank agency, ~~or~~ representative office, *or administrative office* may have more than one place of doing business; but nothing in this section or elsewhere in the Florida Statutes shall be construed to prevent an international banking corporation from operating more than one international bank agency or representative office, each at a different place of business, provided each such agency or representative office is separately licensed. No license to operate an international bank agency, ~~or~~ representative office, *or administrative office* is transferable or assignable. Every such license shall be, at all times, conspicuously displayed in the place of business specified therein.

(2) *Except as provided in subsection (3), a license to operate an international bank agency, representative office, or administrative office shall be valid for a period of 1 year, unless such license is suspended or revoked sooner pursuant to subsection (5).* Such license may be renewed annually upon application to the department, upon forms available for that purpose, within 30 days prior to the expiration of the license. Such license may be renewed by the department, in its discretion, upon its determination, with or without examination, that the international banking corporation is in a safe and sound condition and has complied with all requirements of law with respect to the international bank agency, *representative office, or administrative office*; that such renewal of the license will not be detrimental to the public interest; and that the renewal has been duly authorized by proper corporate action. Each application for renewal *of an international bank agency license* shall be accompanied by an annual renewal fee of $500.

(3) Notwithstanding the provisions of subsection (2), the department may, in its discretion, issue a license for an indefinite period if it finds that the international banking corporation has satisfied the requirements for renewal of its license and has held a license for the previous 3 years. A license issued for an indefinite period shall be valid without renewal unless suspended or revoked pursuant to subsection (5). An international banking corporation that is granted a license for an indefinite period shall file with the department such annual financial statements as the department may require and shall pay an annual fee equal to the annual renewal fee for each license held by the international banking corporation. Such annual fee shall be paid in January of each year.

(4) An international banking corporation which proposes to terminate the operations of its international bank agency, representative office, or administrative office shall comply with such procedures as the department may prescribe by rule to ensure an orderly cessation of business in a manner which is not harmful to the public interest and shall surrender its license to the department.

(5)~~(3)~~ *An international bank agency, representative office, or administrative office* ~~Such~~ license may be suspended or revoked by the department, with or without examination, upon its determination that the international banking corporation does not meet all requirements for original licensing or any of the criteria established by subsection (2) for renewal of a license.

Section 38. Subsection (3) of section 290.036, Florida Statutes, is amended to read:

290.036 Community development corporation support program.—

(3) After July 1, 1984, in no case shall a community development corporation be awarded more than one administrative grant per year for up to a total of *6* ~~5~~ years; however, if an administrative grant is received by a community development corporation in a year for which the Legislature does not appropriate funds for loans under this act, that year shall not be counted for purposes of this *6-year* ~~5-year~~ limitation. The amount of any administrative grant to a community development corporation in any one year shall be any amount up to $100,000. The department may fund up to 18 community development corporations each year, as provided for in the General Appropriations Act.

Section 39. Subsection (2) of section 290.046, Florida Statutes, is amended to read:

290.046 Applications for grants; procedures; requirements.—

(2)(a) *Except as provided in paragraph (c),* each eligible local government may submit an application for a grant under either the housing program category or the neighborhood revitalization program category during each annual funding cycle.

(b) *Except as provided in paragraph (c),* each eligible local government may apply up to three times in any one annual funding cycle for a grant under the economic development program category but shall receive no more than one such grant per annual funding cycle. Applications for grants under the economic development program category may be submitted at any time during the annual funding cycle, and such grants shall be awarded no less frequently than three times per funding cycle. The department shall establish minimum criteria pertaining to the number of jobs created for persons of low or moderate income, the degree of private-sector financial commitment, and the economic feasibility of the proposed project and shall establish any other criteria the department deems appropriate. Assistance to a private, for-profit business may not be provided from a grant award unless sufficient evidence exists to demonstrate that without such public assistance the creation or retention of such jobs would not occur.

(c) Beginning with grant contracts entered into after June 30, 1988, a local government that receives a grant under any Florida Small Cities Community Development Block Grant Program category for one federal fiscal year shall be ineligible for community development block grant funding in any and all program categories the following federal fiscal year.

(d) Beginning October 1, 1988, the department shall award no grant until the department has determined, based upon a site visit, that the proposed area matches and adheres to the written description contained within the applicant's request. If, based upon a site visit, the department determines that any information provided in the application that affects scoring has been intentionally misrepresented by the applicant, the applicant's request shall be rejected by the department pursuant to s. 290.0475(4).

Section 40. Subsection (3) of section 290.047, Florida Statutes, is amended, and subsections (4) and (5) are added to said section, to read:

290.047 Establishment of grant ceilings and maximum administrative cost percentages; elimination of population bias.—

(3) The maximum percentage of block grant funds that can be spent on administrative costs by *an eligible local government* ~~grantees~~ shall be *15* ~~20~~ percent for the housing program category, *8* ~~11~~ percent for both the neighborhood and the commercial revitalization program categories, and *8* ~~10~~ percent for the economic development program category. The purpose of the ceiling is to maximize the amount of block grant funds actually going toward the redevelopment of the target area. The department will continue to encourage *eligible local governments* ~~grantees~~ to consider ways to limit the amount of block grant funds used for administrative costs, consistent with the need for prudent management and accountability in the use of public funds. This subsection shall not be construed, however, to prohibit *eligible local governments* ~~grantees~~ from contributing their own funds or making in-kind contributions to cover administrative costs which exceed the prescribed ceilings, provided that all such contributions come from local government resources other than Community Development Block Grant funds.

(4) The department shall develop by rule grant administration procurement procedures for eligible local governments. These procedures shall include, but not be limited to, the evaluation of an individual or business entity based upon past performance in the administration of community development block grants and based upon the type, number, and geographic distribution of grants to be administered.

(5) An eligible local government shall not contract with the same individual or business entity for more than one service to be performed in connection with a community development block grant, including, but not limited to, application preparation services, administration services, architectural services, engineering services, and construction services, unless it can be demonstrated by the eligible local government that such individual or business entity either is the sole source of the service or is the responsive proposer whose proposal is determined in writing, as a result of a competitive process, to be the most advantageous to the local government.

Section 41. Section 290.0475, Florida Statutes, is amended to read:

290.0475 Rejection of grant applications; penalties for failure to meet application conditions.—Applications received for funding under all program categories shall be rejected without scoring only in the event that any of the following circumstances arise:

(1) The application is not received by the department by the application deadline as stated in the administrative rule and application manuals.~~;~~

(2) The proposed project does not meet one of the three national objectives as contained in federal and state legislation.~~; or~~

(3) The proposed project is not an eligible activity as contained in the federal legislation.

(4) Any information provided in the application that affects scoring is found to have been intentionally misrepresented.

Section 42. Subsections (5) and (6) are added to section 290.048, Florida Statutes, to read:

290.048 General powers of Department of Community Affairs under ss. 290.0401-290.049.—The department has all the powers necessary or appropriate to carry out the purposes and provisions of the program, including the power to:

(5) Adopt and enforce strict requirements concerning an applicant's written description of a target area. Each such description shall contain maps which illustrate the location of the proposed target area. All such maps must be clearly legible and must:

(a) Contain a scale which is clearly marked on the map.

(b) Show the boundaries of the locality.

(c) Show the boundaries of the target area where the activities will be concentrated.

(d) Display the location of all proposed area activities.

(e) Include the names of streets, route numbers, or easily identifiable landmarks where all target activities are located.

(6) Allow local governments to utilize up to 10 percent of grant awards outside of target areas when rehabilitation and/or demolition and subsequent relocation is required for any substandard structures located outside of target areas, if:

(a) These structures are occupied by persons of low income and persons of moderate income; and

(b) Demolition and subsequent relocation occur only when rehabilitation is not economically feasible.

Section 43. *Joint interim study committee.—There is hereby created a joint interim study committee, to be known as the Joint Committee on Community Development Corporations.*

(1) MEMBERSHIP, ORGANIZATION, AND MEETINGS.—

(a) The committee shall be composed of six members, three of whom shall be members of the House of Representatives to be appointed by the Speaker of the House and three of whom shall be members of the Senate to be appointed by the President of the Senate. One member from each house shall be a member of the minority party.

(b) Upon appointment of the members, the committee shall meet and organize. Thereafter, the committee shall meet in Tallahassee and at such other locations in Florida as may be convenient.

(2) PER DIEM AND TRAVEL EXPENSES.—Members of the Joint Committee on Community Development Corporations shall be entitled to reimbursement for per diem and travel expenses, as set forth in s. 112.061, Florida Statutes, incurred in carrying out their responsibilities under this act. The committee is authorized to hire consultants to assist the committee with its responsibilities.

(3) FINANCIAL REVIEW AND ASSESSMENT OF THE COMMUNITY DEVELOPMENT DEFERRED PAYMENT LOAN PROGRAM.—The committee shall conduct a financial review of the community development deferred payment loan program established under s. 290.037, Florida Statutes. In accordance therewith, the committee shall conduct a financial review and assessment of all outstanding loans in the community development corporation loan program portfolio. Pursuant thereto, no later than October 1, 1988, each community development corporation shall provide the committee with an audit of its books and records for the 12-month period encompassing the corporation's fiscal year ending on June 30, 1988. Each audit shall be prepared by an independent certified public accountant or accountants and shall include:

(a) A copy of any summary comments or findings provided in written form to the committee of directors of the community development corporation by the certified public accountant or accountants who conducted the audit;

(b) Attached schedules providing a 5-year cash budget, with supported assumptions; and

(c) A schedule of all income-producing assets which are, or might be categorized as, nonperforming or uncollectable.

(4) PROGRAM REVIEW.—The Joint Committee on Community Development Corporations shall conduct a program review and assessment of the Community Development Corporation Support and Assistance Program administered by the Department of Community Affairs under ss. 290.0301-290.038, Florida Statutes, as follows:

(a) Independent assessment.—The committee may, in its discretion, conduct meetings, hearings, and workshops in Tallahassee and at different locations around the state, and may take evidence, testimony, and argument at such meetings, hearings, and workshops, which will enable the committee to:

1. Conduct a financial needs assessment on every community development corporation with operating-grant-support eligibility remaining, based upon the audit information supplied to the committee.

2. Examine the program's purpose, goals, and objectives and evaluate whether such purpose, goals, and objectives are presently being met.

3. Examine and evaluate the present funding mechanism for the program under ss. 290.034, 290.036, and 290.037, Florida Statutes.

4. Assess the role of the Department of Community Affairs in administering the program, in evaluating grant proposals and loan applications, in awarding grants and loans to eligible applicants, in providing training, advice, and technical assistance to community development corporations, and in carrying out its oversight and reporting responsibilities.

(b) Consideration of other findings and recommendations.—Upon completing its independent review under paragraph (a), the committee shall meet further to consider the findings and recommendations of the Auditor General of Florida as set forth in Auditor General's Report #11022, the performance audit of the Community Development Corporation Support and Assistance Program administered by the Department of Community Affairs, dated May 2, 1988.

(4) INTERIM AND FINAL REPORT; TERMINATION OF COMMITTEE.—By January 31, 1989, the committee shall submit its interim findings and recommendations in the form of a written report to the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate. The committee shall make a final report of its findings and recommendations, which may include proposed legislation, to the Speaker and Minority Leader of the House of Representatives and the President and Minority Leader of the Senate no later than March 1, 1989, upon which date the committee shall cease to exist.

Section 44. *Partial reimbursement for audit expenses.—Every community development corporation submitting an audit to the Joint Committee on Community Development Corporations shall be reimbursed for 50 percent of the cost of the audit from the assets of the Community Development Support and Assistance Trust Fund established under s. 290.034, Florida Statutes.*

Section 45. *Penalty.—Any community development corporation failing, without good cause shown, to provide an audit to the Joint Committee on Community Development Corporations as required by this act shall be subject to an automatic 5-year disqualification by the Department of Community Affairs for participation in the program.*

Section 46. *Appropriations.—*

(1) The amount of $214,027 is appropriated from the General Revenue Fund to the Department of State for the 1988-1989 fiscal year for the creation of one Senior Management position and two Career Service positions and for administrative expenses in support of the Florida International Advisory Council and the Sister Cities/Sister States program as described in this act.

(2) The amount of $350,000 is appropriated from the General Revenue Fund to the Department of Commerce for the 1988-1989 fiscal year for the performance of a feasibility study to determine the export finance needs of small and medium sized businesses and to assess the potential impacts resulting from the creation of an export finance corporation as described in this act and for the creation of two positions and for carrying out the purposes of the Florida Economic Growth Commission as described in this act.

(3) The amount of $50,693 is appropriated from the General Revenue Fund to the Department of Community Affairs for the 1988-1989 fiscal year for the creation of one Career Service position and one part-time support position and for the administration of provisions of this act relating to the Florida Enterprise Zone Program.

Section 47. Except as otherwise provided herein, this act shall take effect July 1, 1988, or upon becoming a law, whichever occurs later.

Amendment 2—On page 1, in the title, lines 2-8, strike everything after "to" and insert: economic development; creating the "Florida Economic Development Act of 1988"; creating the Florida International Advisory Council; providing functions and duties; providing membership; authorizing employment of an executive director and staff; providing for per diem and travel reimbursement; providing for reports; providing for repeal; providing legislative intent; creating the Florida Economic Growth Commission; providing for members and their duties; authorizing the employment of administrative staff; providing for travel reimbursement and per diem; providing powers and duties; providing for a strategic economic plan; providing administrative funding; providing for future repeal; creating s. 15.185, F.S., relating to sister city relationships between Florida cities and cities throughout the world and sister state relationships between the State of Florida and countries and provinces throughout the world; providing for powers; amending s. 159.445, F.S.; renaming the Florida High Technology Innovation Research and Development Fund as the Florida Seed Capital Fund; renaming and transferring the Florida High Technology Innovation Research and Development Board as the Florida Seed Capital Board and providing its powers and duties; providing for annual election of a chairperson; prohibiting certain investments; providing an appropriation; providing for a feasibility study;

providing for suspension of expenditures from the Florida Seed Capital Fund pending specified action by the Legislature; providing exceptions; amending s. 288.03, F.S.; providing additional powers and duties to the Division of Economic Development; removing the requirement for a report by the Division of Economic Development; requiring a report; saving s. 288.012(2), F.S., relating to department exemptions from specified provisions of state law in connection with the establishment, management, and operation of any of its offices in a foreign country, from scheduled repeal on January 1, 1989, and providing for future review and repeal; reorganizing chapter 288, F.S.; creating s. 288.118, F.S.; creating the position of export finance officer within the Department of Commerce; providing duties of such officer; creating part VI of chapter 288, F.S., relating to Florida export finance corporations; providing legislative purposes and findings; providing definitions; providing for a feasibility study; providing procedures for incorporation of an export finance corporation; providing for a committee to prepare articles of incorporation and bylaws; providing content of articles of incorporation and bylaws; providing special corporate powers; providing for uses of corporate assets; providing prohibition relating to export capital; providing for powers of stockholders; providing procedures for amendments to the articles of incorporation; providing for the conduct of corporate business; providing for the use of corporate earnings; requiring designation of a corporation depository for corporate funds; requiring periodic examinations of the corporation by the Department of Banking and Finance and requiring reports; providing for meetings; providing for dissolution of the corporation; providing that the credit of the state is not pledged; requiring an occupational license tax; providing a fiscal year for the corporation; amending s. 288.115, F.S.; correcting a cross-reference; amending s. 220.02, F.S., relating to the Florida corporate income tax; providing legislative intent and order of tax credits; amending s. 220.03, F.S.; providing definitions; providing for repeal; amending ss. 220.181, 220.182, 220.183, and 220.184, F.S.; correcting cross-references; creating ss. 220.188 and 624.5106, F.S.; providing for export development corporation tax credits; providing requirements and conditions to claim said credit; providing for repeal; amending s. 199.023, F.S., relating to intangible personal property taxes; revising the definition of the term "banking organization" to include a Florida export finance corporation; providing duties of the Florida Small Business Development Centers; amending s. 290.0055, F.S.; providing for change of boundaries of approved enterprise zones; requiring that certain enterprise zones include a neighborhood improvement district; amending s. 290.0065, F.S.; revising enterprise zone categories; revising provisions relating to rescinding of approval of such zones; authorizing approval of additional zones; amending s. 212.08, F.S.; revising requirements relating to qualification for the sales tax exemptions for building materials used in the rehabilitation of real property located in an enterprise zone, for business property used in an enterprise zone, and for electrical energy used in an enterprise zone; amending s. 212.096, F.S., which provides a credit against the sales tax for job creation in enterprise zones; revising the definition of the term "new employee"; revising the amount of the credit; revising requirements for qualification for the credit; revising the time period for allowing the credit; adding a provision to the required filing statement; requiring the annual filing of forms containing specified information; amending s. 220.03, F.S.; revising the definition of "new employee" under the Florida Income Tax Code; amending s. 220.181, F.S., which provides an enterprise zone jobs credit against the corporate income tax; revising the amount of the credit; revising requirements for qualification for the credit; adding a provision to the required filing statement; requiring the annual filing of forms containing specified information; providing an exception from the prohibition against a business which claims said credit also claiming the credit against the sales tax for job creation in enterprise zones; providing specified applicability; repealing s. 220.181(5), F.S., relating to certain employment qualifications for said credit; amending s. 290.008, F.S.; deleting a cross-reference with respect to enterprise zones; amending section 1 of chapter 86-216, Laws of Florida; extending the expiration date of the Florida Council on Asian Affairs; creating the International Banking and Trade Study Commission; providing for appointment of members; providing for reimbursement of expenses; providing for termination of the commission; providing for administrative support of the Department of Banking and Finance; providing duties of the commission; requiring reports to the Governor and Legislature; amending s. 663.06, F.S.; authorizing the department to extend the period for which an international banking corporation license to operate an international bank agency, representative office, or administrative office is valid; requiring annual financial statements and fees; providing for termination of operations and surrender of license; amending s. 290.036, F.S., to extend, for 1 year, the 5-year limitation on receipt of administrative grants by the same community development corporation; amending s. 290.046, F.S.; providing for alternate year eligibility for funding under the Florida Small Cities Community Development Block Grant Program; requiring a site visit; amending s. 290.047, F.S.; decreasing allowable limits on administrative expenses; directing the Department of Community Affairs to develop administration procurement procedures; providing a limitation upon service contracts; amending s. 290.0475, F.S.; providing for rejection of an application if certain information provided therein is intentionally misrepresented; amending s. 290.048, F.S.; authorizing the department to adopt requirements relating to an applicant's description of a target area; requiring maps; authorizing the department to allow use of a percentage of grant moneys outside target areas under specified conditions; creating the Joint Committee on Community Development Corporations as a joint interim study committee; providing for membership, organization, meetings, and expenses; providing for hiring of consultants; requiring financial review and assessment of the community development deferred payment loan program; requiring submission of financial audits by community development corporations; specifying required elements of such audits; providing for program review of the Community Development Corporation Support and Assistance Program; providing elements of review; providing for interim and final reports of committee findings and recommendations; providing for termination of the committee; requiring reimbursement for certain costs; providing a penalty; providing appropriations; providing effective dates.

Amendment 3—On page 1, line 16, through page 9, line 18, strike all of said language and insert:

Section 2. *Florida Economic Growth and International Development Commission.*—

(1) It is the intent of the Legislature to provide a unified direction for economic growth and international development, to ensure a stable and dynamic economic climate, to attract and maintain businesses suitable to the state, and to further the coordination and development of Florida's economy.

(2) There is created a Florida Economic Growth and International Development Commission, hereafter referred to as the commission, the purpose of which is to develop a strategy for the acceleration of economic growth and international development within the state.

(3) The commission shall be composed of 33 members who are resident citizens of the state, each of whom is, or has been, actively engaged in the category for which he is named. The commission shall consist of the following:

(a) The Secretary of State, the Commissioner of Agriculture, the Commissioner of Education, the Secretaries of the Departments of Commerce, Transportation, Labor and Employment Security, and Community Affairs, and the executive directors of the Department of Natural Resources and the Department of Citrus, or their respective designees.

(b) One member of the Florida Senate, to be appointed by the President of the Senate, and one member of the Florida House of Representatives, to be appointed by the Speaker of the House of Representatives.

(c) Five members representing information services, printing and publishing, space-related industries, banking and financial services, agriculture, environmental sciences and engineering, health care, tourist resorts and leisure services, or related industries or services, of whom three shall be appointed by the Governor, one shall be appointed by the President of the Senate, and one shall be appointed by the Speaker of the House of Representatives.

(d) Seven members representing community development corporations, private industry councils, state or local chambers of commerce, nonprofit environmental groups, downtown improvement authorities, home builders associations, historic preservation boards, local governments, water management districts, regional planning councils, or related groups, of whom three shall be appointed by the Governor, two shall be appointed by the President of the Senate, and two shall be appointed by the Speaker of the House of Representatives.

(e) Three members representing seaport, airport, and shipping interests, of whom one each shall be appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(f) Seven members representing state international organizations, which may include representatives of the Florida International Bankers Association, Florida Exporters and Importers Association, the Florida

Council of International Development, the Florida Ports Council, the Florida Association of Voluntary Agencies for Caribbean Action, and postsecondary education programs in international trade finance, international business, and international law, of whom three shall be appointed by the Governor, two shall be appointed by the President of the Senate, and two shall be appointed by the Speaker of the House of Representatives.

(4) Members shall serve for 2-year terms. Any vacancy on the commission shall be filled by the appointment of a person of the same classification or status as the predecessor to the position, for the balance of the unexpired term. The members of the commission shall elect a chairman from their number, who shall serve as chairman for a 1-year term. A majority of the commission members shall constitute a quorum for the transaction of business and the carrying out of the duties of the commission. The commission may meet at such times and places as it may designate. The chairman or any four members may call a special meeting of the commission.

(5) Members of the commission shall receive no salary but shall receive travel and per diem as provided in s. 112.061, Florida Statutes.

(6) The commission is assigned, for administrative purposes, to the Department of Commerce. The Department of Commerce and the other state agencies shall provide assistance when requested by the commission.

(7) The commission shall have the following powers and duties:

(a) Immediately after it is organized, to review existing international trade, international development, and economic development programs being conducted by state agencies.

(b) As it deems appropriate with respect to international development, to review and make recommendations on issues including, but not limited to, the following:

1. Foreign commerce.

2. The manner in which state business is conducted in foreign marketplaces and the advisability of consolidating and enhancing state agencies' efforts and co-locating its foreign offices.

3. Methods of stimulating international trade and reverse investment.

4. International tourism.

5. Governmental incentives and disincentives to foreign trade activity in the state.

6. The effect of state tax laws on international trade activity in the state.

7. The exportability and potential exportability of Florida products.

8. Services offered by the state which encourage international activity.

9. The advisability of legislation relating to state export financing, export trading companies, and foreign sales corporations.

10. Efficient uses of existing resources devoted to international activities and methods to enhance the effectiveness and coordination of international activities of state agencies.

11. Additions or amendments to the state comprehensive plan relating to international activities.

12. A comprehensive strategy for international development.

(c) As it deems appropriate with respect to economic development, to review and make recommendations on issues including, but not limited to, the following:

1. Identification of policies for the future economic development and growth of the state.

2. Methods to minimize the vulnerability of the state to seasonal, cyclical and structural economic fluctuations.

3. Methods to maximize employment in the state.

4. Policies to provide increased job opportunities by attracting suitable industries to the state, particularly to those areas of the state where employment opportunities and choices are limited.

5. Improvement of public facilities in ways that will further the economic development and growth of the state.

6. Greater utilization of education to increase statewide economic productivity including the development of methods to make required adjustments when technological developments or market trends dictate the need for change.

7. A comprehensive strategy for economic development.

(d) To analyze the problems, opportunities, and needs associated with economic growth and international development in this state.

(e) To recommend methods of analyzing and to conduct analyses of the patterns of economic growth in the state to ascertain the level of increase or decrease, on a per capita basis, of the income and wealth produced by Florida's economy.

(f) To utilize the study prepared by Project Cornerstone, sponsored by the Florida Chamber of Commerce.

(g) To assess the current practices of state agencies regarding international trade, international development, economic development and management of economic growth.

(h) To make and enter into such contracts and agreements with other agencies, organizations, associations, corporations, or individuals as the commission determines necessary or incidental to the performance of its duties under this section.

(i) To recommend a strategy to guide the future economic development, international development and economic growth of the state. A preliminary report of the commission shall be completed prior to March 1, 1989, and shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives. A final report containing the recommendations of the commission shall be completed prior to January 1, 1990, and shall be provided to the persons named in this paragraph. Reports containing the recommendations of the commission shall be subject to the approval of a three-fifths vote of the members of the commission. A member or members of the commission may submit minority reports which shall be included with the report of the commission.

(8) The Department of Commerce shall employ an executive director, who shall be classified as a Senior Management Service employee, pursuant to chapter 110, Florida Statutes. The department may hire such other staff as may be appropriate to accomplish the provisions of this section.

(9) The Secretary of Commerce shall call an organizational meeting of the commission no later than October 1, 1988. Thereafter, the commission shall meet at least quarterly.

(10) The commission shall maintain minutes, including a record of all votes cast, for all meetings, and shall keep open for public review full and accurate records and accounts of all transactions made by or under the authority of the commission.

(11) The commission may establish advisory committees as it deems necessary to assist the commission in fulfilling its purpose. The commission shall clearly define the purpose for each committee established pursuant to this subsection. The duties assigned to each committee shall be consistent with the statutory duties of the commission. The commission may appoint non-commission members to serve on the advisory committees. Any non-commission member appointed shall serve on a voluntary basis, and shall be entitled to travel and per diem reimbursement. Any committee created by the commission shall serve the commission in a strictly advisory capacity.

(12) This section shall stand repealed on June 30, 1990.

(Renumber subsequent sections.)

Amendment 4—On page 14, line 19, and page 14, line 23, strike "6" and insert: 5

Amendment 5—On page 92, line 20, through page 93, line 4, strike all of said lines and insert:

(1) The amount of $18,958 is appropriated from the General Revenue Fund to the Department of State for the 1988-1989 fiscal year for the creation of one Career Service position and for administrative expenses in support of the Sister Cities/Sister State program as described in this act.

(2) The amount of $350,000 is appropriated from the General Revenue Fund to the Department of Commerce for the 1988-1989 fiscal year for the performance of a feasibility study to determine the export finance needs of small and medium sized businesses and to assess the potential impacts resulting from the creation of an export finance corporation as described in this act, and for the creation of one Senior Management position and one Career Service position and for carrying out the purposes of the Florida Economic Growth and International Development Commission as described in this act.

Amendment 6—On page 78, lines 12-26, strike all of Section 32 and renumber subsequent sections.

Amendment 7—On page 1, in the title, line 15, after the semicolon through line 24, strike all of said lines and insert: creating the Florida Economic Growth and International Development Commission; providing legislative intent; providing for members; providing powers and duties; authorizing the employment of an executive director and staff; providing for travel reimbursement and per diem; providing for appointment of committees; providing for reports; providing

Amendment 8—On page 85, line 28, after "categories", insert: with the exception of the economic development category

Amendment 9—On page 92, between lines 18 and 19, insert:

Section 46. Subsection (3) of section 288.063, Florida Statutes, is amended to read:

288.063 Contracts for transportation projects.—

(3) With respect to any contract executed pursuant to this section, the term "transportation project" means a transportation facility as defined in s. 334.03(24) which is necessary in the judgment of the Division of Economic Development to facilitate the economic development and growth of the state. *Except for applications received prior to July 1, 1988, such transportation projects shall be approved only as a consideration to attract new employment opportunities to the state or expand employment in existing companies operating within the state. Funding for approved transportation projects may include any expenses other than administrative costs and equipment purchases specified in the contract, necessary for new, or improvement to existing, transportation facilities.*

Section 47. Paragraph (f) is added to subsection (2) and subsection (3) of section 339.08, Florida Statutes, is amended to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(2) Such rules shall provide that the use of such moneys be restricted to the following purposes:

(f) To pay the cost of economic development transportation projects in accordance with s. 288.063.

Notwithstanding any other provision of law, the department may match any federal-aid highway funds allocated for any other transportation purpose.

(3)~~(a)~~ After June 30, 1985, no moneys in the State Transportation Trust Fund may be used~~:~~

~~1. To pay any costs related to economic development road projects under s. 288.063; or~~

~~2.~~ to fund the operational or capital outlay cost for any correctional facility of the Department of Corrections. The department shall, however, enter into contractual arrangements with the Department of Corrections for those specific maintenance functions which can be performed effectively by prison inmates under the supervision of Department of Corrections personnel with technical assistance being provided by the department. The cost of such contracts shall not exceed the cost that would be incurred by the department if such functions were to be performed by its personnel or by contract with another entity, unless, notwithstanding cost, the department can clearly demonstrate that for reasons of expediency or efficiency it is in the best interests of the department to contract with the Department of Corrections.

~~(b) Funds appropriated from the State Transportation Trust Fund for economic development projects before July 1, 1985, may be used by the Department of Commerce for any project authorized by s. 288.063, the provisions of subsection (2) to the contrary notwithstanding.~~

(Renumber subsequent sections.)

Amendment 10—On page 6, in the title, line 3, after "penalty;" insert: amending s. 288.063, F.S.; providing that certain transportation projects to facilitate the economic growth and development of the state shall be approved only as a consideration to attract new employment opportunities to the state or to expand employment in existing companies; amending s. 339.08, F.S.; authorizing the use of State Transportation Trust Fund moneys for economic development transportation projects;

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

SB 955 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—36

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

Nays—None

Consideration of Resolution

On motion by Senator Barron, by unanimous consent—

By Senator Vogt—

SR 1434—A resolution honoring the staff of the Florida Senate.

WHEREAS, staff is essential to the efficient operation of any public body, and

WHEREAS, a state policy-making body such as the Florida Senate could not operate without the support of good staff, and

WHEREAS, a staff and its services are too often overlooked and too seldom praised, and

WHEREAS, the Florida Senate is fortunate to have the most outstanding, loyal, and dedicated staff of any public body in the country, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That we, the members of the Florida Senate, do formally recognize, appreciate, and pay tribute to the members of the staff of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Barron, SR 1434 was read the second time in full and unanimously adopted.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State CS for SB 472 and CS for CS for SB 556 which he approved on June 7, 1988, and Senate Bills 493, 514, 652, 878, 1177, 1189, 1231, and CS for CS for SB 292 which became law without his signature on June 7.

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 34, 83, 657, 721, 847, 1029 and 1182, CS for SB 150, Senate Bills 168, 198, CS for SB 479, CS for SB 925, SB 927, CS for SB 1124, SB 1207, CS for SB 1218, Senate Bills 1342 and 1433.

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 amendments to House Amendments 2 and 3 and passed CS for CS for SB 534, as further amended.

John B. Phelps, Clerk

The Honorable John W. Vogt, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments to House Amendments 2, 3 and 4 and passed CS for SB 854, as further amended.

John B. Phelps, Clerk

The bills contained in the foregoing messages 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 627, CS for HB 1673, CS for HB 7, CS for HB 823, CS for HB 836, CS for HB 1202, HB 1409, CS for HB 1502, HB 1626, CS for HB 74, HB 467, CS for HB's 614, 103, CS for HB's 220 and 85, CS for HB 549, CS for HB 1435, HB's 1515, 1518, 1545 and 1546, CS for HB 632, CS for HB 717, CS for CS for HB 777, House Bills 888, 915, 963, CS for HB's 1216, 1188, 552, 882 and 883, CS for HB 1312, HB 1329, CS for HB 1433, House Bills 1450, 1473, CS for HB 1497, CS for HB 1576, House Bills 1671 and 1717.

John B. Phelps, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 6 was corrected and approved.

The Journal of June 3 was corrected and approved as follows:

Page 890, column 1, line 18 from bottom, between "any" and "fac-" insert: *prison, jail,*

CO-INTRODUCERS

Senator Grant—SB 537

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 890 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 890—A bill to be entitled An act relating to education; amending ss. 228.074, 228.075, 228.076, F.S.; conforming terminology; providing requirements for lay member nominees to the regional coordinating councils established within each vocational education planning region; requiring a council chairman to notify the Commissioner of Education rather than the Governor of the absence of certain council members; providing additional duties for the councils; requiring the Department of Education to summarize regional vocational education plans prepared by the councils; deleting the requirement that school districts and community colleges submit annual budgets to the appropriate regional coordinating council for review; providing an effective date.

Senator Peterson moved that the Senate concur in the House amendments.

ADJOURNMENT

With the motion by Senator Peterson pending, the hour of 12:00 midnight arrived and the Senate in extended session adjourned sine die.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 1273, 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 Twentieth Regular Session of the Legislature convened under the Constitution as Revised in 1968, held from April 5 through June 7, 1988. 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 7, 1988