Journal of the Senate

Number 24 **Friday, June 2, 1989**

CALL TO ORDER

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

Mr. President	Dudley	Langley	Souto
Bankhead	Forman	Malchon	Stuart
Beard	Gardner	Margolis	Thomas
Brown	Girardeau	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Scott	

Excused: Senators Deratany, Kirkpatrick, periodically; Senator Jennings at 8:00 p.m.

PRAYER

The following prayer was offered by the Rev. William Steele III, Pastor, Myrtle Grove Baptist Church, Pensacola:

Almighty God, as we come before you this day, we give you thanks. Thank you for the opportunity to stand in your presence as we humbly seek your face.

We thank you for America, a land where everyone has the right to be heard, a land where freedom is the norm, and not the exception, a land where men and women can make a difference no matter who they are. Thank you for freedom, and thank you for the men and women who were willing to die that we might have this freedom.

During this day as decisions and policies that will affect the lives of everyone in the State of Florida are being made, we ask you for godly counsel and wisdom. Give these men and women assembled here the wisdom to be able to make the choices that will better our home and our land. Help them to understand that all good gifts come from you, and wisdom is a gift that we must all seek if you are to be honored and the people of this state are to be served. Help us all to remember that we are servants first of all. We must be willing to be a servant to those without, and to those who are different, to truly find favor in your eyes.

Father, it is so easy to get caught up in the hustle and bustle of everyday life and to forget those little things that make life so enjoyable. Help us to make time to stop, be still and know that you and you alone are God. It is in this stillness that we are able to hear what it is you have to say to us, and as we listen to you, then we can make wise decisions every day.

These assembled in this room are dedicated to service. Lord, anoint them for all the tasks you have set before them.

Thank you for these servants and thank you for the grace, peace and contentment that comes from following you. And, Father, thank you for life. In your blessed and holy name we pray. Amen.

Consideration of Resolutions

On motion by Senator Thomas, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senators Thomas and Meek—

SR 1574—A resolution commending the Florida A & M University "Marching 100" Band on its selection as the official band representing the United States of America at the French Revolution Bicentennial celebration.

WHEREAS, the Florida A & M University "Marching 100" Band has been selected as the only band from the United States to participate in the Bastille Day Parade in Paris as a part of the French Revolution Bicentennial celebration, and

WHEREAS, the "Marching 100" Band has achieved a standard of excellence under the direction of its founder and current director, Dr. William P. Foster, during the 43 years since its beginning in 1946, that is unequaled among the colleges and universities of this state and country, and

WHEREAS, the "Marching 100" Band has consistently demonstrated the highest of musical standards and innovative marching routines as attested by its selection in 1985 as the winner of the John Philip Sousa Foundation's Sudler Trophy, the Heisman Trophy of marching band awards, and

WHEREAS, the "Marching 100" Band has been dubbed "the most televised band in America," as it has appeared on more than 30 television programs, including ABC's "20/20," CBS's "60 Minutes," and on NBC, PBS, and cable television, and

WHEREAS, the "Marching 100" Band has lived up to Dr. Foster's challenging, guiding principles, principles of the highest quality of character, achievement in academics, attainment in leadership, perfection of musicianship, precision in marching and dedication to service, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the Florida A & M University "Marching 100" Band for its selection as the band to represent the United States at the French Revolution Bicentennial celebration.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Florida A & M University "Marching 100" Band and to Dr. William P. Foster, its director, as a tangible token of the sentiments of the Florida Senate.

On motion by Senator Thomas, SR 1574 was read the second time in full and adopted.

Senator Thomas introduced the following special guests: Dr. Richard Hogg, Vice President of Academic Affairs, FAMU; Dr. William P. Foster, director of FAMU Marching Band and Mrs. Foster; and Dr. Julian White, assistant band director. At the direction of the President, the guests were escorted to the rostrum where they were presented a copy of the resolution.

On motion by Senator Ros-Lehtinen, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Ros-Lehtinen—

SR 1575—A resolution marking the 50th anniversary of the Day of the St. Louis Survivors on June 4, 1989.

WHEREAS, on June 3, 1939, the United States joined Cuba in denying entry to more than 900 Jewish refugees who had fled Nazi-Germany aboard the S.S. St. Louis, and

WHEREAS, these refugees were forced to return to Germany where most were sent to concentration camps to face extreme cruelty and, in many cases, death, and

WHEREAS, the survivors of this tragedy are worthy of admiration due to their strength of spirit and determination, and

WHEREAS, on June 4, 1989, a ceremony will take place on the shores of Miami Beach which reenacts the "Voyage of the Damned" that occurred half a century before, and

WHEREAS, it is fitting that the members of this body honor the survivors of that voyage by joining in marking the "Day of the St. Louis Survivors" on June 4, 1989, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of this body join with others in this state in marking the 50th anniversary of the "Day of the St. Louis Survivors" on June 4, 1989.

On motion by Senator Ros-Lehtinen, SR 1575 was read the second time in full and adopted.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Friday, June 2, 1989: CS for SB 1020, CS for SB's 93 and 982, CS for SB's 1378 and 461, CS for SB 786, SB 946, CS for SB 48, SB 403, SB 189, SB 393, CS for SB 71, SB 849, CS for SB 220, SB 734, SM 735, SB 1535, SB 678, CS for SB 499, CS for SB 1462, SB 536, CS for SB 1103, SB 881, SB 871, CS for SB 1422, CS for CS for SB's 1408 and 511, CS for CS for HB 300, CS for SB 268, SB 756, SB 869, CS for SB 1025, CS for SB's 1193 and 386, CS for SB 374, CS for HB 838, CS for SB 208, CS for SB 193, CS for CS for SB 389, SB 692, SB 671, CS for SB's 1195 and 1331

Respectfully submitted,
James A. Scott, Chairman

The Committee on Rules and Calendar submits the following Claims Calendar for Friday, June 2, 1989: SB 16, SB 180, SB 181, SB 1034, SB 1479, HB 179, HB 632, HB 1092

Respectfully submitted,
James A. Scott, Chairman

The Committee on Rules and Calendar submits the following Local Bill Calendar for Friday, June 2, 1989: SB 1526, SB 1566, SB 1569, SB 1571, SB 1572, SB 1573, HB 505, HB 509, HB 511, HB 602, HB 603, HB 772, HB 789, HB 832, HB 1620, HB 1666, HB 1698, HB 1771, HB 1779

Respectfully submitted,
James A. Scott, Chairman

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote SB 338, CS for CS for SB 649 and CS for SB 719 were withdrawn from the Committee on Appropriations.

On motions by Senator Scott, by two-thirds vote CS for SJR 43 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar; by two-thirds vote CS for CS for HB 497 was withdrawn from the Committee on Finance, Taxation and Claims and by two-thirds vote placed on the special order calendar; by two-thirds vote CS for SB 831 was withdrawn from the Committees on Rules and Calendar and Appropriations and by two-thirds vote placed on the special order calendar; and by two-thirds vote CS for HB 775 was withdrawn from the Committee on Natural Resources and Conservation.

On motions by Senator Scott, by two-thirds vote SB 1250, SB 892, SM 778, CS for SB 1458 and CS for SB 226 were placed on the special order calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed House Bills 505, 509, 511, 656, CS for HB 767, House Bills 772, 791, CS for HB's 1460 and 1273, House Bills 1546, 1666, 1676, 1698, CS for HB 1737, House Bills 1779, 1811; has passed as amended HB 192, CS for CS for HB 339, CS for HB's 387 and 1255, CS for HB's 494 and 1084, House Bills 508, 602, 603, CS for HB 622, CS for CS for HB 710, HB 789, CS for CS for HB 823, HB 832, CS for HB 940, HB 984, CS for HB 990, HB 1093, CS for HB 1119, House Bills 1145, 1209, CS for HB 1346, CS for HB 1356, CS for CS for CS for HB 1502, CS for CS for HB 1529, CS for HB 1590, CS for CS for HB 1615, HB 1620, CS for HB 1656, House Bills 1675, 1771, 1803; has adopted HM 1609 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Hawkins—

HB 505—A bill to be entitled An act relating to the Big Corkscrew Island Fire Control and Rescue District, Collier County; adding section 20 to chapter 77-535, Laws of Florida, as amended, to include authorization of the use and imposition of impact fees for capital improvement on new construction within the district; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Hawkins—

HB 509—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; adding section 7 to Article VI of chapter 84-416, Laws of Florida, to include authorization of the use and imposition of impact fees for capital improvement on new construction within the district; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Hawkins—

HB 511—A bill to be entitled An act relating to the Marco Island Fire Control District, Collier County; adding section 5 to chapter 65-1413, Laws of Florida, as amended, to include authorization of the use and imposition of impact fees for capital improvement on new construction within the district; providing for a referendum.

—was referred to the Committee on Rules and Calendar.

By Representative Arnold—

HB 656—A bill to be entitled An act relating to Lee County; providing for liens in favor of any nonprofit corporation operating a charitable hospital, as defined, in said county upon causes of actions, suits, claims, counterclaims, and demands accruing to patients therein, or their legal representatives, and upon amounts due or payable under hospital insurance or the like, and upon judgments, settlements, and settlement agreements, related to illness or injuries to such patients, for all reasonable charges for hospital care, treatment, and maintenance necessitated by such illness or injuries, and upon amounts due under hospitalization, public liability, and other indemnity policies; providing for method of perfecting and enforcing such liens; providing for recovery of costs, attorney's fees, and expenses; requiring claims for liens to be recorded; providing for fees for recording; providing for method of satisfaction of such liens; providing that a release or satisfaction is not valid as against such a lien unless the lienholder joins therein or executes a release; providing that acceptance of a release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment, or any settlement in absence of release or satisfaction of lien, prima facie constitutes impairment of such lien; giving the lienholder a right of action at law for damages on account of such impairment; providing for recovery from one accepting a release or satisfaction or making settlement; exempting from provisions of this act matters within the purview of the Worker's Compensation Law of this state; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By the Committee on Rules and Calendar; and Representative Deutsch—

CS for HB 767—A bill to be entitled An act relating to motor vehicle personal injury protection benefits; amending s. 627.736, F.S.; providing maximum reimbursement allowance for certain procedures; providing an effective date.

—was referred to the Committee on Insurance.

By Representative Healey—

HB 772—A bill to be entitled An act relating to the Palm Beach County Law Library; amending chapter 24775, Laws of Florida, 1947, as amended, removing all restrictions on the amount of filing fees which could be levied by the board of county commissioners in civil actions commenced in the Fifteenth Judicial Circuit and in the County Court for Palm Beach County for the use of the law library; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Banjanin—

HB 791—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 21483, Laws of Florida, 1941, as amended, providing for refund of contributions to the Firefighters Relief and Pension Trust; amending chapter 57-1713, Laws of Florida, as amended, providing for repayment of withdrawals from the Firefighters Relief and Pension Trust; providing for supersedure of existing law relating thereto; providing an effective date.

(Taken up by unanimous consent and passed this day.)

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

CS for HB's 1460 and 1273—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; modifying conditions for preliminary development agreements; providing for consistency with the State Comprehensive Plan for certain developments; modifying provision relating to credits against local impact fees; modifying provisions relating to proposed changes which create a substantial deviation from an approved development; authorizing regional planning agencies to collect fees for the conduct of development-of-regional-impact and Florida Quality Development review; providing for uniform criteria for and limitations on fees; providing an exemption; authorizing the state land planning agency to establish a local government process relating to the abandonment of a development of regional impact by a developer; amending s. 380.061, F.S.; modifying procedure for review and issuance of development orders under the Florida Quality Developments program; providing for appeal of development orders; amending s. 380.0651, F.S.; modifying an exemption from development-of-regional-impact review for certain port facilities; amending s. 944.095, F.S.; providing an exemption for the siting of state correctional facilities; providing an effective date.

(Substituted for CS for SB's 699 and 838 on the special order calendar this day.)

By Representative Simone—

HB 1546—A bill to be entitled An act relating to Manatee County; providing for the inclusion of certain unincorporated land in Manatee County into the North River Fire District; providing for a board of fire commissioners; providing authority to levy special assessments; providing for deposit of funds; providing for use of funds; providing borrowing power of the district; providing authority and power to acquire certain property; providing duties of board of commissioners; providing authority to employ qualified personnel; providing for financial reporting; providing for existence of the district; providing definitions; providing for impact fees; providing a schedule of special assessments; providing consolidation; repealing chapter 84-475, Laws of Florida, as amended, relating to the Palmetto Fire Control District; repealing chapter 85-452, Laws of Florida, as amended, relating to the Ellenton Fire Control District; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By Representative Drage and others—

HB 1666—A bill to be entitled An act relating to Orange County; providing career service status for certain members of the Orange County Sheriff's Office; specifying rights of members; providing promotional procedures and career service positions; specifying a disciplinary policy and providing procedures of appeal and complaint handling; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative R. C. Johnson and others—

HB 1676—A bill to be entitled An act relating to Panama City, Bay County; amending chapter 74-571, Laws of Florida; defining the St. Andrews Central Business District; limiting expenditure of all taxes and other funds received from or on behalf of St. Andrews Central Business District; providing that such funds be segregated from all other funds of the downtown improvement board; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By Representative Crady—

HB 1698—A bill to be entitled An act relating to Nassau County; transferring all assets, property, equipment, obligations, liabilities, and responsibilities of the Nassau County Recreation Commission to the Board of County Commissioners of Nassau County; providing for allocation of racetrack funds; repealing chapter 61-1202, Laws of Florida, as amended, relating to the creation of the Nassau County Recreation Commission; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Rules and Calendar; and Small Business and Economic Development; and Representative Logan—

CS for HB 1737—A bill to be entitled An act relating to neighborhood improvement districts; amending s. 163.503, F.S.; providing that, for purposes of the "Safe Neighborhoods Act," "department" shall mean the Department of Legal Affairs; amending s. 163.504, F.S.; providing that safe neighborhood improvement districts shall be eligible for technical assistance grants from the Department of Legal Affairs; amending ss. 163.506, 163.508, and 163.511, F.S.; authorizing local government neighborhood improvement districts, property owners' association neighborhood improvement districts, and special neighborhood improvement districts to receive technical assistance grants from the department; requiring notification of the establishment of such districts; creating s. 163.5055, F.S.; requiring neighborhood improvement districts to register with both the Department of Community Affairs and the Department of Legal Affairs; requiring notification of dissolution of a district; creating s. 163.512, F.S.; authorizing the creation of community redevelopment neighborhood improvement districts; authorizing use of the community redevelopment trust fund to implement safe neighborhood plans; providing duties of the advisory council; providing for dissolution of the districts; amending s. 163.513, F.S.; providing that districts may not restrict access to or lawful use of public facilities; amending s. 163.514, F.S.; authorizing neighborhood improvement districts to make and collect special assessments; amending s. 163.517, F.S.; revising the number and amount of planning grants provided under the Safe Neighborhoods Trust Fund; requiring audit after expiration of a district's contract; creating s. 163.5175, F.S.; providing for awards of technical assistance grants under certain conditions and criteria; repealing s. 163.518, F.S., relating to the crime prevention through environmental design program; amending s. 163.519, F.S.; changing administrative duties from the Department of Community Affairs to the Department of Legal Affairs and adding duties, including certain reporting duties; creating s. 163.5201, F.S.; providing for evaluation of the safe neighborhoods program; amending s. 163.521, F.S., relating to overlap with enterprise zones; requiring completion of a plan prior to expenditure of funds; requiring that capital improvement funding requests be related to crime prevention through environmental design; creating s. 163.5215, F.S.; providing for effect of the Safe Neighborhoods Act on existing laws; amending s. 163.522, F.S.; encouraging the creation of neighborhood improvement districts within community redevelopment areas; transferring the Safe Neighborhoods Trust Fund from the Department of Community Affairs to the Department of Legal Affairs, and transferring certain positions and funding; providing an effective date.

(Substituted for CS for SB 1422 on the special order calendar this day.)

By Representative Mitchell—

HB 1779—A bill to be entitled An act relating to Bay County; creating the Gulf Coast Criminal Justice Assessment Center at Gulf Coast Community College; setting forth the purpose, powers, duties, structure, and organization of the center; providing that the center shall establish and undertake standardized screening, testing, examination, and investigation of applicants for law enforcement positions in law enforcement agencies in Bay County; providing for funding of the center through the assessment of an additional court cost of $2 against every person convicted of a violation of a criminal statute, ordinance, or traffic offense in Bay County; providing for additional funding of the center through user fees, donations, and grants; providing that activities of the center shall not generate state funding; providing for budgeting requirements; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Arnold—

HB 1811—A bill to be entitled An act relating to the North Fort Myers Fire Control District, Lee County; removing certain described lands from said district which are within the boundaries of the City of Cape Coral; providing for a referendum; providing effective dates.

(Taken up by unanimous consent and passed this day.)

By Representative Hawkins—

HB 192—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; adding section 3 to article III of chapter 84-416, Laws of Florida; excluding property annexed by the City of Naples; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By the Committees on Rules and Calendar; and Insurance; and Representatives Davis and Ireland—

CS for CS for HB 339—A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.303, F.S.; expanding the exclusiveness of remedy under the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.305, F.S.; clarifying the time of response by the Florida Birth-Related Neurological Injury Compensation Association to the filing of claims and providing for settlement; amending s. 766.308, F.S.; changing the composition of the medical advisory panel; amending s. 766.309, F.S.; providing evidentiary considerations and expanding the birth-related injury determination to include labor and post-delivery resuscitation and providing for participation by a certified nurse midwife in a teaching hospital; amending s. 766.31, F.S.; clarifying the deputy commissioner's authority for awarding compensation for birth-related neurological injuries and deleting a custodial care alternative; providing factors for attorney's fee award determination; amending s. 766.314, F.S.; clarifying requirements for assessments and authorizing installment payments in certain circumstances; excluding teaching hospitals, retired physicians, physicians who hold a limited license, physicians who practice exclusively in Veterans' Administration hospitals, and physicians who are members of the Armed Forces from assessment provisions; defining supervision; revising payment date for additional assessments; authorizing the association to enforce collection of assessments by obtaining judgment in county court, including an award of attorney's fees, costs, and interest, and providing for venue; prohibiting license issuance or renewal to physicians who have an unsatisfied judgment; requiring an actuarial study from the Birth-Related Neurological Injury Compensation Association; requiring hospitals to release certain records and information to the association; providing for a claims driven sunset; amending s. 766.315, F.S.; authorizing the use of the state seal; amending s. 766.316, F.S.; clarifying the notice requirement; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By the Committee on Public Transportation and Representative Hargrett and others—

CS for HB's 387 and 1255—A bill to be entitled An act relating to public transit; amending s. 339.135, F.S.; providing for allocation of public transit block grant funds; amending s. 339.175, F.S.; revising language with respect to transportation planning organizations; relating to membership on the M.P.O.; amending s. 341.031, F.S.; revising definitions for purposes of the Florida Public Transit Act; amending s. 341.041, F.S.; requiring the Department of Transportation to develop and administer state measures concerning public transit systems and including productivity in such measures; revising the measures for certain responsibilities of the department relating to operation of transit systems; amending s. 341.051, F.S.; requiring the department to develop and implement a capital investment policy; creating s. 341.052, F.S.; establishing a public transit block grant program; providing uses for which block grant funds may be expended; providing limitations on use of funds; providing for distribution of funds; providing for review of the distribution of funds by the Coordinating Council on the Transportation Disadvantaged and for recommendations to legislative transportation committees; creating s. 341.071, F.S.; requiring eligible public transit providers to establish productivity and performance measures; requiring certain reports and publication with respect thereto; amending s. 119.07, F.S.; correcting a reference; amending s. 212.69, F.S.; revising provisions relating to use of proceeds of the tax on the sale of fuels for public transit and rail projects; correcting a reference; providing an effective date.

(Substituted for CS for SB's 1195 and 1331 on the special order calendar this day.)

By the Committee on Health Care and Representative Tobin and others—

CS for HB's 494 and 1084—A bill to be entitled An act relating to life-prolonging procedures; amending s. 765.03, F.S.; revising the definition of the term "life-prolonging procedure" as used in ss. 765.01-765.15, F.S., the Life-Prolonging Procedure Act of Florida, which act provides a procedure for permitting life-prolonging procedures to be withheld or withdrawn from a patient in a terminal condition under certain circumstances; amending s. 765.05, F.S.; revising the suggested form of declaration; creating s. 765.075, F.S.; requiring certain determinations and documentation to be made by certain physicians before nutrition or hydration may be withheld or withdrawn; creating s. 765.17, F.S.; providing for recognition of declarations executed in other states; providing an effective date.

(Substituted for CS for SB 392 on the special order calendar this day.)

By Representative Hawkins—

HB 508—A bill to be entitled An act relating to the East Naples Fire Control and Rescue District, Collier County; adding section 25 to chapter 61-2034, Laws of Florida, as amended, to include authorization of the use and imposition of impact fees for capital improvement on new construction within the district; providing for a referendum.

(Taken up by unanimous consent and passed this day.)

By Representative Saunders—

HB 602—A bill to be entitled An act relating to Monroe County; providing job tenure rights for members of the Monroe County Sheriff's Office; authorizing a disciplinary review board; providing said board's powers and duties and qualifications and compensation of board members; providing legislative intent; providing for probationary and regular appointment; providing grounds for discipline; providing a procedure for review of disciplinary actions; providing for applicability of the act; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Lewis—

HB 603—A bill to be entitled An act relating to Northern Palm Beach County Water Control District, Palm Beach County; amending section 1 of chapter 59-994, Laws of Florida, as amended, to exclude a parcel of land from the territorial limits of the district; providing for additional powers of the district to require permits, to construct and operate parks and park facilities, to construct and finance water and sewer facilities as a part of the water management plan, to acquire capital improvements for the operation of the district and finance same, to include as components parts of roads, bridges, parkways, and other elements, to include in a water management plan off-site facilities and to include in a water management plan all or one of the various powers of the district, to provide for the assessment of land on the basis of parcels or acreage; amending section 8 of chapter 59-994, Laws of Florida; to delete certain out-of-date phrases and to provide in the maintenance tax provisions for capital improvements; providing for the issuance of refunding bonds, and providing for the issuance of said bonds under the provisions of chapter 59-994, Laws of Florida, in lieu of the provisions of chapter 298, F.S.; providing for alternate methods of amending water management plans in addition to the provisions of chapter 298, F.S., eliminating the requirement of bond holders' consent to amend a plan; providing that changes in a previously approved water management plan shall be consistent with specified governmental requirements; providing roads for the exclusive use and benefit of a unit of development and its owners and residents; providing that bond validation is not required; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Health and Rehabilitative Services; and Representative Bloom and others—

CS for HB 622—A bill to be entitled An act relating to developmental disabilities; amending s. 27.51, F.S., relating to duties of public

defenders with respect to involuntary placement of persons with developmental disabilities; amending ss. 381.702, 381.715, 393.0675, 393.0678, 393.115, 393.21, 402.22, 948.031, F.S.; modifying language with respect to retardation and developmental disabilities; amending s. 393.001, F.S.; locating the Florida Developmental Disabilities Planning Council within the Department of Health and Rehabilitative Services for administrative purposes; providing for the council to be a separate budget entity for purposes of ch. 216, F.S.; modifying the powers and duties of the council; correcting cross references; providing for funding the council; authorizing the council to contract for certain services; requiring the council to negotiate certain agreements with the department; amending s. 393.061, F.S.; changing title of the "Retardation Prevention and Community Services Act"; amending s. 393.062, F.S.; providing legislative intent; amending s. 393.063, F.S.; modifying definitions and providing new definitions; amending ss. 393.064 and 393.20, F.S.; providing for planning and implementation of programs for prevention, amelioration, correction, or cure of developmental disabilities; requiring certain prevention services; creating s. 393.0641, F.S.; establishing a program for the prevention and treatment of severe self-injurious behavior; creating s. 393.0651, F.S.; providing for habilitation plans; providing for integration with the individual education plan; providing for case management and client advocates; providing placement preferences; providing for review and appeal of plans; amending s. 393.066, F.S.; requiring consistent availability and eligibility for community-based services; revising content of such services; deleting language relating to certain Department of Health and Rehabilitative Services responsibility for services; amending s. 393.067, F.S.; providing for standards, inspection, and review of licensed residential facilities and comprehensive transitional education programs; prohibiting unlicensed facilities and programs from receiving state funds; providing for nonrenewal of the license for a facility or program with certain outstanding fines; providing additional requirements and conditions for licensure of certain intermediate care facilities for the mentally retarded or developmentally disabled; amending s. 393.068, F.S.; establishing a family care program; providing program contents; deleting provisions relating to a demonstration project; creating s. 393.125, F.S.; providing rights to a hearing on certain decisions; amending s. 393.13, F.S.; providing rights of persons with developmental disabilities; modifying client rights; providing for a system for the oversight of behavioral programs; requiring quarterly district reports; providing liability for violations; amending s. 393.14, F.S.; providing for biennial reports to the Legislature regarding the department's multiyear implementation plan; modifying plan contents; amending s. 393.15, F.S.; providing for community-based foster home, group home, developmental training, and supported employment programs; changing name of the "Group-Living Home Trust Fund"; authorizing inclusion of certain staff training in costs of development; authorizing certain department grants for firesafety renovation; providing for rules for certain allocation of funds; amending s. 393.16, F.S.; modifying capacity of residential intermediate care facilities; creating s. 393.17, F.S.; providing for certification of persons to oversee behavioral programs for developmentally disabled persons; providing for fees; renumbering s. 413.502, F.S.; amending and renumbering ss. 413.50 and 413.503, F.S.; providing for an extended employment program; providing eligibility; amending ss. 760.22 and 943.058, F.S.; correcting cross references; repealing ss. 413.501 and 413.504, F.S., relating to rehabilitation workshop facilities for developmentally disabled persons; providing effective dates.

(Substituted for CS for SB 226 on the special order calendar this day.)

By the Committees on Finance and Taxation; and Environmental Regulation; and Representative Smith and others—

CS for CS for HB 710—A bill to be entitled An act relating to taxes on fuel and other pollutants; amending s. 206.9925, F.S.; redefining "petroleum product," "pollutants," and "storage facility" for purposes of such taxes and defining "solvents," "solvent mixture," and "consume"; amending s. 206.9935, F.S.; revising the rates of the tax for water quality on solvents and motor oil or other lubricants and providing a rate for solvent mixtures; revising provisions which allow certain credit for such tax paid on motor gasoline and gasohol and providing for repeal thereof; providing requirements with respect to identification of solvent mixtures and certain products; providing for repeal of the tax on lead-acid batteries; amending s. 206.9941, F.S.; revising the exemption for certain petroleum products from the tax for inland protection and providing that said exemption also applies to the tax for water quality; providing an exemption from the tax for water quality for certain pollutants which are exported and for solvents and solvent mixtures consumed in the production of materials which are not pollutants; providing an exemption from the taxes for coastal protection and inland protection for solvents, solvent mixtures, motor oil, and lubricants; providing an exemption from the taxes for water quality and inland protection for petroleum products bunkered into marine vessels engaged in interstate or foreign commerce; amending s. 206.9942, F.S.; providing that the refund or credit allowed with respect to the tax for inland protection for petroleum products which are exported also applies to the tax for water quality, and providing that said exemption also applies to petroleum products bunkered into marine vessels engaged in interstate or foreign commerce; providing for refunds or credits for certain persons with respect to the tax for water quality for pollutants which are exported, for solvents and solvent mixtures which are consumed in the production of a product which is not a pollutant, for solvents and solvent mixtures blended into solvent mixtures or used to produce other pollutants, and for lead-acid batteries which are exported; creating s. 206.9943, F.S.; requiring persons not otherwise licensed pursuant to chapter 206, F.S., to obtain a pollutant tax license; providing a fee; amending s. 403.717, F.S.; defining "lead-acid battery"; amending s. 403.718, F.S.; specifying that the waste tire fee is subject to all applicable sales taxes imposed by part I of chapter 212, F.S.; creating s. 403.7185, F.S.; imposing a fee on the retail sale of new or remanufactured lead-acid batteries; providing exemptions and providing for certain credits; providing for administration, collection, and enforcement by the Department of Revenue; amending s. 376.307, F.S.; providing for deposit in the Water Quality Assurance Trust Fund; amending s. 72.011, F.S., which provides procedures for the contest of specific taxes by taxpayers, to include waste tire and lead-acid battery fees; amending s. 213.05, F.S., which provides for the responsibilities of the Department of Revenue regarding specified revenue laws, to include said fees; amending s. 213.21, F.S.; authorizing the compromise of taxes levied pursuant to part IV of chapter 206, F.S.; amending s. 9, ch. 88-393, Laws of Florida; revising the membership of the Water Quality Assurance Trust Fund Study Commission; revising requirements relating to its recommendations; extending the date for submission of a report to the Legislature; providing emergency rule making authority to the Department of Revenue; providing for retroactive application; providing effective dates.

(Substituted for CS for CS for SB's 1408 and 511 on the special order calendar this day.)

By Representative Banjanin and others—

HB 789—A bill to be entitled An act relating to the Escambia County Utilities Authority; amending chapter 81-376, Laws of Florida, as amended; revising the manner of filling vacancies occurring during a term of office and establishing a residence requirement for appointees; providing for the establishment and enforcement of penalties for the violation of certain rules and regulations of the authority; providing for the disposition of fines, forfeitures, and penalties imposed for such violations; revising the criteria for selection of the executive director; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committees on Rules and Calendar; and Appropriations; and Representative Lawson and others—

CS for CS for HB 823—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; including developmental research schools within the definition of public schools; creating s. 228.053, F.S.; establishing developmental research schools; providing mission; providing admission criteria; providing for fees; providing for supplemental support organizations; providing for personnel; creating an advisory board; providing duties; providing for funding; creating a Developmental Research School Educational Facility Trust Fund and a Developmental Research School Trust Fund, and providing purposes thereof; providing 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; creating the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; providing for review and repeal; known as the Sidney Martin Developmental Research School Act; providing an effective date.

(Substituted for CS for SB 571 on the special order calendar this day.)

By Representative Healey—

HB 832—A bill to be entitled An act relating to the West Palm Beach water catchment area, Palm Beach County; amending chapter 67-2169, Laws of Florida, to delete the requirement of referendum approval of amendments to chapter 67-2169, Laws of Florida; to provide that trespassing in the West Palm Beach water catchment area is a misdemeanor; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Community Affairs and Representatives Rehm and Burke—

CS for HB 940—A bill to be entitled An act relating to the Fair Housing Act; amending s. 760.22, F.S.; providing definitions; amending s. 760.23, F.S.; prohibiting discrimination in the sale or rental of housing because of a person's familial status; prohibiting such discrimination because of a handicap of the buyer or renter or a person residing with or associated with a buyer or renter; requiring that certain modifications to dwellings be permitted and accommodations in policies be made; requiring certain dwellings to be constructed to allow additional accessibility for handicapped persons; amending ss. 760.24 and 760.25, F.S.; prohibiting discrimination in the provision of brokerage services or in the financing of housing because of familial status; prohibiting discrimination in certain transactions relating to residential real estate; limiting liability under certain circumstances; amending s. 760.29, F.S.; exempting housing for older persons from certain provisions of the act; providing for application of the act; amending s. 760.31, F.S.; directing the Florida Commission on Human Relations to adopt certain rules; amending ss. 760.34 and 760.35, F.S.; revising time limitations relating to the filing and investigation of complaints and commencement of civil actions under the act; requiring the Attorney General to enforce compliance with the act under certain circumstances; authorizing the commission to file civil actions to enforce the act; authorizing certain local agencies to file civil actions to enforce local fair housing laws; providing penalties; providing for relief, damages, and attorney's fees and costs; authorizing enforcement of the act under ch. 120, F.S.; amending s. 760.37, F.S.; authorizing administrative enforcement of prohibition against interference with the exercise of rights under the Fair Housing Act; amending s. 553.48, F.S.; specifying that covered multifamily dwellings must meet the requirements of chapter 760, F.S.; amending s. 553.77, F.S.; directing the Board of Building Codes and Standards to make recommendations to the Florida Commission on Human Relations regarding rules relating to handicapped accessibility; providing an effective date.

(Substituted for CS for SB 208 on the special order calendar this day.)

By Representatives Banjanin and Tobiassen—

HB 984—A bill to be entitled An act relating to the City of Pensacola and Escambia County; providing for an Economic Development Authority of Pensacola and Escambia County; providing for a minimum appropriation from both the City of Pensacola and the County of Escambia; providing authority to sponsor, develop, operate, and maintain activities and developments relating to business, industry, tourism, and commerce; providing for bonding authority; providing for composition of membership and appointment thereto; providing for authority to create and define the geographic boundaries of special economic development districts within Escambia County; repealing chapters 67-1365, 76-366, 79-462, 80-579, 83-501, 85-487, 86-448, 86-449, and 86-459, Laws of Florida; abolishing the Pensacola-Escambia Promotion and Development Commission and transferring assets and liabilities thereof to the authority; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By the Committee on Environmental Regulation and Representatives Drage and Bainter—

CS for HB 990—A bill to be entitled An act relating to environmental regulation; amending s. 253.01, F.S.; authorizing the Trustees of the Internal Improvement Trust Fund to spend certain revenue to assist the cleanup and protection of certain areas; amending s. 403.813, F.S.; providing exception to permitting requirments for specified activities; amending s. 403.812, F.S.; directing the Department of Environmental Regulation to prepare a report regarding dredge and fill delegation; amending s. 403.813, F.S.; revising provisions relating to issuance of certain dredge and fill permits by district centers; providing exceptions to permitting requirements for specified activities; amending 403.914, F.S.; extending period during which a declaratory statement of the dredge and fill jurisdiction of the department is binding; amending ss. 403.816 and 403.921, F.S.; correcting cross references; creating s. 403.064, F.S.; requiring certain applicants for wastewater treatment facilities to evaluate the costs and benefits of reuse of reclaimed water; providing for local reuse programs; authorizing allocation and recovery of costs; requiring consideration of the local reuse program as a condition for a comsumptive use permit; requiring developer compliance with the local reuse program as a condition for obtaining a local government development order; amending s. 403.161, F.S.; providing clarification with respect to certain violations of chapter 403, F.S.; authorizing the Department of Environmental Regulation to require certification of certain activities by a professional engineer or regulated professional; providing for costs; amending s. 403.852, F.S.; providing a definition; amending s. 403.853, F.S.; providing for additional standards for nontransient noncommunity water systems; eliminating testing for contaminants for community water supply systems; amending s. 403.862, F.S.; requiring certain county health departments to approve or disapprove the construction or modification of a public water system; amending s. 381.112, F.S.; providing an administrative fine for violations relating to construction, installation, or operation of onsite sewage disposal systems, or septic tank contracting; amending s. 381.272, F.S.; prohibiting construction permits for such systems in certain areas; providing condition for issuance of certain occupational licenses in such areas; requiring approval of the Department of Health and Rehabilitative Services; requiring annual operating permits for certain businesses; requiring notice of change of ownership or tenancy; providing for evaluation of the continued use of systems; providing for enforcemnt actions if toxic, hazardous, or industrial wastes are found; creating s. 252.90, F.S.; prescribing duties of the State Hazardous Materials Emergency Response Commission; amending s. 403.718, F.S.; providing that the fee on new tires has to be stated separately; subjecting new tires to the fee which come with new motor vehicles; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By Representative Banjanin and others—

HB 1093—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 15425, Laws of Florida, 1931, as amended; amending method for qualifying candidates for election for whom filing fee is undue burden; providing for severability; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By the Committee on Public Transportation and Representative Hargrett and others—

CS for HB 1119—A bill to be entitled An act relating to airports; amending s. 332.004, F.S.; providing definitions; amending s. 332.006, F.S.; providing for separate identification of development projects and discretionary capacity improvement projects in the statewide aviation system plan; permitting expenditure of funds on road and rail transportation systems which are on airport property; amending s. 332.007, F.S.; providing funding priority for specified airport development projects; authorizing expenditure of funds for projects which provide for construction of an automatic weather observation station; authorizing retroactive reimbursement for the nonfederal share of certain land acquisition projects; authorizing participation by the Department of Transportation in the capital cost of eligible public airport and aviation discretionary capacity improvement projects; authorizing expenditure of funds for projects which provide public rail transit access; limiting the amount of discretionary capacity improvement project funds that a single airport may receive; allowing the department to transfer funds for discretionary capacity improvement projects within the discretionary capacity improvements program; setting the rate of participation by the department in the costs of eligible discretionary capacity improvement projects, including land acquisition projects; amending s. 332.01, F.S.; revising the definition of "airport" to include access to airport facilities; amending s. 334.046, F.S.; revising department program objectives to include meeting capacity needs of the airport and aviation system; amending s. 339.08, F.S.; authorizing the use of moneys in the State Transportation Trust Fund to pay for aviation projects; amending s. 333.01, F.S.; providing definitions; amending s. 333.02, F.S.; providing for regulation of land uses in the vicinity of airports; amending s. 333.03, F.S.; providing for adoption of zoning regulations for runway clear zones and airport land use compat-

ibility; creating s. 333.031, F.S.; providing for a study commission; amending s. 333.05, F.S.; providing for adoption of zoning regulations in runway clear zones; amending s. 333.06, F.S.; providing for zoning requirements; amending s. 333.07, F.S.; providing for variance requirements; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By Representatives Tobin and Shelley—

HB 1145—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2636, F.S.; increasing the amount of tax credits applicable to the Breeders' Crown Meet permitholder; providing for the disposition of certain earned credits; providing an effective date.

(Substituted for SB 403 on the special order calendar this day.)

By Representative Ostrau—

HB 1209—A bill to be entitled An act relating to motor vehicles; amending ss. 316.008, 316.1955, 316.1956, 316.1958, 316.1964, 320.0805, 320.084, 320.0842, 320.0843, 320.0845, and 320.0848, F.S.; correcting a cross reference; authorizing persons who have been issued specified license plates to park in spaces designated for disabled persons; authorizing a law enforcement officer to request to see an identification card issued by the Department of Highway Safety and Motor Vehicles to disabled persons; providing for the department to issue identification cards to certain disabled persons; redesignating the internationally accepted wheelchair symbol as the international symbol of accessibility; deleting provisions relating to press license plates; providing for the design and issuance of press license plates; deleting the provision relating to 5-year residency requirement; deleting reference to Veterans Administration and making reference to United States Department of Veterans Affairs; providing for the renewal of license plates for certain disabled persons; providing for the renewal of parking permits for disabled persons; providing for the display of such permit; providing for the transfer of a parking permit for a disabled person to another vehicle; revising language with respect to license plates for members of Paralyzed Veterans of America; providing an effective date.

(Substituted for CS for SB 1193 on the special order calendar this day.)

By the Committee on Criminal Justice and Representative Silver—

CS for HB 1346—A bill to be entitled An act relating to interception of wire, oral, or electronic communications; amending s. 934.02, F.S.; revising definitions relating to interception of wire, oral, or electronic communications; amending s. 934.03, F.S.; authorizing certain persons to provide technical assistance under specified circumstances to persons authorized to intercept communications; prohibiting the disclosure of such interception; amending s. 934.06, F.S.; providing an exception to the prohibition of use as evidence of intercepted wire or oral communications; amending s. 934.07, F.S.; providing for the Statewide Prosecutor to authorize an application for approval of the interception of communications; authorizing the interception of communications for violations of certain additional crimes; amending s. 934.08, F.S.; authorizing the disclosure of intercepted communications to attorneys representing the State of Florida or its political subdivisions; providing for use of intercepted communications in certain proceedings and investigations; providing that certain intercepted communications are not privileged; providing for the disclosure and use of intercepted communications other than those specified in an order; amending s. 934.09, F.S.; authorizing a court to order the use of a mobile interception device; providing for obligations of communication service providers and costs related thereto; specifying time limits for communication interception; authorizing a judge's successor to enter orders relative to authorized interceptions; providing for emergency interception of communications; providing for exceptions to the description of the location of intercepted communications; providing time limitations for certain intercept orders; amending ss. 934.10 and 934.27, F.S.; providing additional defenses to certain civil or criminal actions; providing a limitation period for certain civil actions; amending s. 934.33, F.S.; limiting requirements for authorization for a pen register or trap and trace device; amending s. 934.34, F.S.; providing obligations for service providers of electronic communication services; creating s. 934.41, F.S.; providing an alternative penalty for violation of ch. 934, F.S.; creating s. 934.42, F.S.; providing for authorization for mobile tracking devices; creating s. 934.43, F.S.; providing penalties for disclosure of subpoenas, orders, or authorizations for intercepted communications; amending ss. 934.04, 934.21, 934.23, and 934.31, F.S.; providing technical amendments; providing an effective date.

(Substituted for CS for SB 182 on the special order calendar this day.)

By the Committee on Judiciary and Representative Cosgrove—

CS for HB 1356—A bill to be entitled An act relating to civil traffic infraction hearing officers; providing legislative intent; establishing a pilot program to study the feasibility of establishing a statewide program; authorizing counties to establish such programs using their own funds under specified conditions; providing for jurisdiction, appeals, qualifications, term of office, code of conduct, and funding; providing for nonseverability; providing an effective date.

(Substituted for SB 756 on the special order calendar this day.)

By the Committees on Rules and Calendar; Appropriations; and Higher Education; and Representatives Young and Kelly—

CS for CS for CS for HB 1502—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.011, F.S.; providing intent; amending s. 246.013, F.S.; revising provisions relating to participation in the common course designation and numbering system; amending s. 246.021, F.S., and repealing subsection (6) thereof, relating to definition of "diploma"; revising definitions; amending s. 246.031, F.S.; revising membership of the State Board of Independent Colleges and Universities; revising grounds for removal from the board; amending s. 246.041, F.S.; revising powers and duties of the board; amending s. 246.081, F.S.; requiring certain licensure of nonpublic colleges conducting diploma programs; amending s. 246.085, F.S.; revising provisions relating to exemption from licensing requirements; amending s. 246.087, F.S.; revising minimum standards for the licensing of agents; amending s. 246.091, F.S.; providing application requirements; amending s. 246.095, F.S.; deleting provision for suspension of a license and providing for denial with respect to provisions relating to disclosure to prospective students; amending s. 246.101, F.S.; revising fees; amending s. 246.111, F.S.; deleting provision for suspension of a license; requiring board rules for denial, probation, and revocation of exemption from licensure and providing for certain disciplinary action; amending s. 246.121, F.S.; revising provisions relating to use of the title "college" or "university"; repealing s. 246.125, F.S.; relating to repository for current information and data; amending s. 246.203, F.S.; revising definitions; amending s. 246.205, F.S.; revising membership of the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; revising grounds for removal from the board; amending s. 246.207, F.S.; revising powers and duties of the board; amending s. 246.213, F.S.; requiring basic skills testing of students; requiring certain information; requiring recommendations for certain placement standards; revising minimum requirements for the licensing of agents; requiring the adoption of criteria for educational credentials; amending s. 246.215, F.S.; requiring school licensure by the board and prohibiting certain activities until licensure is obtained; amending s. 246.217, F.S.; revising provisions relating to license period and renewal; providing for a license to remain in effect under certain circumstances; providing for amended licensure; amending s. 246.219, F.S.; revising license fees; providing for board rules; creating s. 246.224, F.S.; creating the Institutional Assessment Trust Fund; providing for use of funds; providing for fund administration; amending s. 246.226, F.S.; revising provisions relating to disciplinary proceedings; providing procedures for investigations by the board; providing that certain actions shall not be considered disciplinary; creating s. 246.2265, F.S.; providing for cease and desist orders while disciplinary proceedings are pending; amending s. 246.227, F.S.; revising provisions relating to unlicensed operation of a school; amending s. 246.228, F.S.; revising grounds for disciplinary action; revising administrative fines; reenacting s. 246.231, F.S.; providing penalties; amending s. 476.114, F.S.; revising examination prerequisites to practice barbering as they relate to licensure of barbering schools; amending s. 476.155, F.S.; deleting reference to barbering instructor's license; repealing ss. 476.034(2) and 476.158, F.S., relating to licensing of barbering instructors; amending s. 476.178, F.S., and repealing subsections (1) and (3)-(11) thereof, relating to licensure, operation, and requirements of barbering schools; requiring certain barbering schools to be licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; amending s. 476.192, F.S.; deleting reference to barbering schools and barbering instructors; amending s. 476.204, F.S.; conforming penalties; repealing s. 477.013(4), F.S.; deleting the definition of cosmetology instructor; amending s. 477.014, F.S.; deleting reference to cosmetology instructors; amending s. 477.019, F.S.; revising examination prerequisites to practice cosmetology as they relate to licensure of schools of cosmetology; repealing s. 477.021, F.S., relating to licensing of cosmetology instructors; amending s. 477.0212, F.S.; deleting reference to cosmetology instructor's license;

amending s. 447.022, F.S., and repealing subsection (4) thereof, relating to licensing of cosmetology instructors; conforming provisions; amending s. 477.023, F.S., and repealing subsections (2)-(10) thereof, relating to licensure, operation, and requisites of schools of cosmetology; requiring certain schools of cosmetology to be licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; repealing s. 477.024, F.S., relating to the adoption of rules governing enrollment at schools of cosmetology and records to be kept by such schools; amending s. 477.026, F.S.; deleting reference to schools of cosmetology and cosmetology instructors; amending s. 477.028, F.S.; conforming disciplinary proceedings; amending s. 477.029, F.S., conforming penalties; amending s. 488.01, F.S.; requiring commercial truck driving schools to be licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; providing for review and repeal; providing for transfer of licensure and certain proceedings; providing an appropriation; providing effective dates.

(Substituted for CS for SB 1458 on the special order calendar this day.)

By the Committees on Rules and Calendar; and Ethics and Elections; and Representative Guber and others—

CS for CS for HB 1529—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing duties of the Secretary of State; amending s. 97.021, F.S.; providing definitions; creating s. 101.015, F.S.; requiring the Department of State to adopt rules; amending s. 101.292, F.S.; revising the definition of the term "voting equipment"; amending s. 101.293, F.S., relating to the purchase of voting equipment; amending s. 101.31, F.S.; providing for experimental use of voting systems; amending s. 101.5603, F.S.; providing definitions; amending s. 101.5605, F.S.; providing for additional testing of a voting system by the department; amending s. 101.5606, F.S.; providing an additional requirement for the approval of voting systems by the department; amending s. 101.5607, F.S.; requiring a supervisor of elections to file voting system software with the department; authorizing the department to review county voting systems; authorizing the department to prepare software for voting systems; amending s. 101.5609, F.S.; requiring the department to adopt standards for certain ballots; amending s. 101.5615, F.S., relating to recounts and election contests; creating s. 101.591, F.S.; requiring the department to audit county voting systems; amending s. 102.166, F.S.; providing requirements for elections canvassing boards; providing procedures for manual recounts by such boards; creating the Bureau of Voting Systems Certification within the Division of Elections of the department; providing an appropriation; providing effective dates.

(Substituted for CS for SB 499 on the special order calendar this day.)

By the Committee on Health Care and Representative Frankel and others—

CS for HB 1590—A bill to be entitled An act relating to acquired immune deficiency syndrome; amending s. 63.13, F.S.; providing guidance to the court in certain cases involving custody and support of children; amending s. 119.07, F.S.; excluding medical information from certain public records; amending s. 230.2319, F.S.; requiring plans for education on certain subjects in grades 6-8; amending s. 233.0672, F.S.; providing certain requirements for instruction in acquired immune deficiency syndrome; amending s. 381.042, F.S.; extending time allowed for completion of AIDS education requirement by certain current licensees; amending s. 381.609, F.S.; providing legislative intent; providing definitions; clarifying informed consent requirement for minors; prescribing circumstances in which HIV test results may be disclosed; authorizing agents of the Department of Health and Rehabilitative Services to provide anonymous HIV tests; providing penalties for facilities under certain circumstances; providing for fees; prohibiting the requirement of an HIV test as a condition of receiving treatment; amending s. 381.6105, F.S.; clarifying informed consent requirement for HIV testing for certain minors; providing an additional exception to informed consent requirements for HIV testing; prescribing circumstances in which confirmatory testing is not required; prescribing circumstances in which certain test results can be shared with a treating physician; amending s. 384.25, F.S.; authorizing county public health units to receive certain reports of human immunodeficiency virus infection for certain purposes; requiring periodic reports to the State Health Officer; requiring adoption of rules; amending s. 384.27, F.S., to make terminology consistent; amending s. 455.2226, F.S.; requiring physical therapists to receive certain education within the current licensing cycle; authorizing certain required continuing education hours to count toward licensing requirement; postponing the expiration of certain provisions; creating s. 455.2228, F.S.; requiring AIDS education for certain regulated professions; amending s. 455.2416, F.S.; authorizing disclosure of otherwise confidential information by medical practitioners under specified circumstances; amending s. 627.429, F.S.; changing the word "indemnify" to the word "underwrite"; amending s. 760.50, F.S.; providing findings; clarifying existing discrimination provisions; prohibiting discrimination in employment against health care workers who provide patient care to persons infected with human immunodeficiency virus; providing for the confidentiality of certain employee medical records; requiring interagency agreements and reports; repealing s. 455.2227, F.S.; providing an appropriation; providing an effective date.

(Substituted for CS for SB's 1378 and 461 on the special order calendar this day.)

By the Committees on Rules and Calendar; and Highway Safety and Construction; and Representative Wallace—

CS for CS for HB 1615—A bill to be entitled An act relating to motor vehicles; amending s. 320.02, F.S.; repealing a provision that requires a person to register his motor vehicle in the county in which he resides; revising cross-references; amending s. 325.203, F.S.; specifying a date for inspecting certain motor vehicles; providing that a person who provides false information on a motor vehicle registration application to avoid inspection requirements is guilty of a first-degree misdemeanor; providing a penalty; providing for temporary exemptions from motor vehicle inspection requirements; requiring certain state agencies to file annual reports of the results of certain motor vehicle inspections with the Department of Highway Safety and Motor Vehicles; amending s. 325.207, F.S.; revising a requirement that a contract between the department and a contractor for the operation of inspection stations contain a provision for the calculation of damages upon termination of the contract; requiring reasonable access to contractor records; creating exemptions from the public records law for certain information; providing for future legislative review and repeal of such exemptions; amending s. 325.209, F.S.; specifying a maximum period of time for which the department may waive inspection requirements; authorizing a motor vehicle owner to repair or adjust his motor vehicle to meet criteria to receive such a waiver; providing a procedure for a motor vehicle owner to appeal a denial of such a waiver by the department; amending s. 316.2935, F.S.; revising provisions relating to the tampering with air pollution control equipment; revising penalties; amending s. 318.18, F.S.; providing a civil penalty for violations relating to air pollution control equipment and tampering; amending s. 325.206, F.S.; revising provisions relating to exhaust emissions inspection; providing an effective date.

(Substituted for CS for CS for SB 697 on the special order calendar this day.)

By Representative Rehm and others—

HB 1620—A bill to be entitled An act relating to Pinellas County; amending parts II and III of Chapter 75-489, Laws of Florida, as amended; providing intent; providing definitions; providing for the appointment of members of the Pinellas County Construction Licensing Board to include one roofing or sheet metal contractor, one swimming pool, aluminum or veneer specialty contractor, one consumer member who is a resident and citizen of the county, one building director from the North County and one building director from the South County; providing for adoption of rules and regulations and conduct of hearings in accordance with chapter 120, Florida Statutes; authorizing the board to issue cease and desist orders; authorizing the board to employ investigators or inspectors to enforce the act and to issue citations for violation of the act; providing for the employment of persons to enforce the act, and providing for the adoption of rules and regulations for a citation program and the training of investigators; revising provisions relating to examination committees; providing for the registration of state-certified contractors; requiring a code compliance bond not to exceed $5,000 as a prerequisite to registration; requiring a code compliance bond not to exceed $5,000 as a prerequisite to certification; providing for testing by an independent testing agency; revising provisions relating to requirements for board-certified contractors to contract within municipalities and requirements for state-certified contractors to register with the board; revising provisions relating to fees; requiring all examinations to be retained for 2 years; revising provisions relating to prohibited activities and penalties; providing that a violation shall constitute a misdemeanor of the first degree; providing for revocation or suspension of a certificate or registration; providing actions constituting cause for disciplinary action; authorizing an administrative fine or penalty not to exceed $1,000

to be imposed for disciplinary action; revising provisions relating to exemptions; revising provisions relating to adoption of codes; providing for the filing and availability for inspection of applicable codes, appendices and amendments or variations thereto; providing for the adoption of code editions and appendices; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By the Committee on Public Transportation and Representative Geller and others—

CS for HB 1656—A bill to be entitled An act relating to public transit; creating chapter 343, F.S.; creating the "Tri-County Commuter Rail Authority Act"; providing definitions; creating the Tri-County Commuter Rail Authority; providing for membership; establishing terms of members; providing for filling vacancies; providing powers and duties of the authority; providing for interagency cooperation and contracts; providing for public and private funding; authorizing issuance of revenue bonds; directing that bonds are not debts or pledges of credit of the state; requiring the authority to develop an annual operating plan; providing for annual review of plan; providing for pledge to bondholders; creating the "Central Florida Commuter Rail Authority Act"; providing definitions; creating the Central Florida Commuter Rail Authority; providing for membership; establishing terms of members; providing for filling vacancies; providing powers and duties of the authority; providing for interagency cooperation and contracts; providing for public and private funding; authorizing issuance of revenue bonds; directing that bonds are not debts or pledges of credit of the state; providing for pledge to bondholders; amending s. 341.303, F.S.; providing that a tri-county commuter rail must have an operating ratio of 40 percent or more in the second year and limiting funding to 5 years; providing an effective date.

(Substituted for SB 946 on the special order calendar this day.)

By Representative Crady and others—

HB 1675—A bill to be entitled An act relating to the City of Jacksonville; creating the Jacksonville Sports Development Authority; providing for membership and powers of the Authority; providing for the issuance of bonds by the Authority; establishing certain requirements; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By Representative Goode—

HB 1771—A bill to be entitled An act relating to Brevard County; amending chapter 87-423, Laws of Florida, as amended; providing for the additional court cost assessed by the circuit and county court against each person convicted or having adjudication withheld for a violation of a state criminal statute or municipal or county ordinance or traffic offense in Brevard County, to be used to fund the Brevard Police Testing and Certification Center at Brevard Community College; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Representative Irvine—

HB 1803—A bill to be entitled An act relating to Clay County; providing permanent status for certain employees of the Clay County Sheriff; specifying rights of such employees; providing procedures for appeal of disciplinary actions and complaints against employees of the sheriff; providing for the appointment of boards to hear appeals and procedures with respect thereto; providing an effective date.

(Taken up by unanimous consent and passed this day.)

By Representative Trammell and others—

HM 1609—A memorial to the Florida delegation to the United States Congress, urging the Florida delegation to oppose the imposition of a federal tax on motor fuels.

(Substituted for SM 778 on the special order calendar this day.)

The Senate resumed consideration of the House Message containing—

CS for CS for SB's 9, 1 and 248—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.01, F.S.; defining the term "marine fish"; creating s. 370.0605, F.S.; providing for saltwater fishing licenses; providing fees; providing duties of tax collectors and the Department of Natural Resources; providing for the department to charge a tax collector the fees for lost licenses that exceed a limit specified by the department; prohibiting certain unlawful uses of a saltwater fishing license; amending s. 370.111, F.S.; providing for a snook stamp; amending s. 370.14, F.S.; providing for a crawfish stamp; creating s. 370.0606, F.S.; providing for the appointment of subagents for the issuance and sale of saltwater fishing licenses; providing bonding requirements for such subagents; providing for a marine information system; providing for the disposition of license fees; creating a Marine Resources Conservation Trust Fund; specifying level of general revenue funding for certain activities and programs; providing for the allocation of certain federal moneys to the department and the Game and Fresh Water Fish Commission; creating additional positions and providing appropriations; providing an effective date.

—with the pending motion by Senator McPherson that the Senate concur in the House amendments to CS for CS for SB's 9, 1 and 248. The Senate concurred in the House amendments. The vote was:

Yeas—20

Mr. President	Dudley	Jennings	McPherson
Beard	Forman	Johnson	Souto
Brown	Gordon	Kiser	Thomas
Casas	Grant	Malchon	Weinstock
Davis	Grizzle	Margolis	Woodson-Howard

Nays—16

Bankhead	Deratany	Myers	Scott
Bruner	Gardner	Peterson	Stuart
Childers, D.	Girardeau	Plummer	Thurman
Childers, W. D.	Langley	Ros-Lehtinen	Weinstein

Vote after roll call:

Nay—Walker

Nay to Yea—Scott

Senator Thomas moved that the Senate reconsider the vote by which the Senate concurred in the House amendments. The motion failed.

Senator Thomas changed his vote from yea to nay on the motion to concur.

Point of Order

Senator Bruner restated his point of order made June 1 that pursuant to Rule 4.8, CS for CS for SB's 9, 1 and 248 as amended should be referred to the Committee on Appropriations.

Ruling on Point of Order

The President ruled the point well taken and the bill was referred to the Committee on Appropriations.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 212 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 212—A bill to be entitled An act relating to saltwater fishing; amending s. 370.102, F.S.; providing that a local government is not prohibited, by the state preemption of the power to prohibit the taking or possession of saltwater fish, from regulating, in certain instances, saltwater fishing from real property owned by it; amending s. 125.01, F.S.; providing that a county is not prohibited, by the provision that prohibits a county from prohibiting the taking or possession of saltwater fish with respect to certain matters, from regulating, in certain instances, saltwater fishing from real property owned by it; providing an effective date.

Amendment 1—On page 2, line 10, insert a new section:

Section 3. *Land-based commercial and recreational fishing activities; legislative findings and purpose; definitions; legal protection; local ordinances; prohibited activity.—*

(1) LEGISLATIVE FINDINGS AND PURPOSE.—The Legislature finds that commercial and recreational fishing constitutes activities of statewide importance and that the continuation of commercial and recreational fishing will benefit the health and welfare of the people of this state. The Legislature further finds that commercial and recreational fishing operations conducted in developing and urbanizing areas are potentially subject to curtailment as a result of local government zoning and nuisance ordinances which may unreasonably force the closure of productive commercial and recreational fishing operations. It is the purpose of this act to prevent the curtailment or abolishment of commercial and recreational fishing operations solely because the area in which they are located has changed in character or the operations are displeasing to neighboring residents.

(2) DEFINITIONS.—As used in this act, "commercial fishing operation" means any type of activity conducted on land, requiring the location or storage of commercial fishing equipment such as fishing vessels, fishing gear, docks, piers, loading areas, landing areas, and cold storage facilities, including any activity necessary to prepare finfish or shellfish for refrigeration. This definition does not include operations with the sole or primary function of processing seafood.

(3) LEGAL PROTECTION OF COMMERCIAL AND RECREATIONAL FISHING OPERATIONS.—No commercial or recreational fishing operation shall be declared a public or private nuisance solely because of a change in ownership or a change in the character of the property in or around the locality of the operation.

(4) LOCAL ORDINANCE.—No local governing authority shall adopt any ordinance that declares any commercial or recreational fishing operation to be a nuisance solely because it is a commercial or recreational fishing operation, or any zoning ordinance that unreasonably forces the closure of any commercial or recreational fishing operation. Nothing in this act shall prevent a local government from regulating commercial and recreational fishing operations, including by requiring the use of methods, structures, or appliances where such use will prevent, ameliorate, or remove conditions which create or may create a nuisance or, pursuant to the applicable local zoning code, by declaring a commercial or recreational fishing operation to be a nonconforming use.

(5) WHEN EXPANSION OF OPERATION NOT PERMITTED.—This act shall not be construed to permit an existing commercial or recreational fishing operation to change to a larger operation with regard to emitting more noise or odor, where such change violates local ordinances or regulations or creates a nuisance.

(6) This section shall take effect October 1, 1989.

(Renumber subsequent sections.)

Amendment 2—On page 2, lines 10 and 11, strike "This act shall take effect upon becoming a law." and insert: Except as otherwise provided herein, this act shall take effect upon becoming a law.

Amendment 3—On page 1, line 15, after the semicolon (;) insert: providing legislative findings and purpose; providing definitions; providing legal protection for commercial and recreational fishing operations; prohibiting certain local ordinances; prohibiting expansion of commercial and recreational fishing operations under certain circumstances;

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

SB 212 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Bruner	Crenshaw	Forman
Bankhead	Casas	Davis	Gardner
Beard	Childers, D.	Deratany	Girardeau
Brown	Childers, W. D.	Dudley	Gordon
Grant	Margolis	Ros-Lehtinen	Walker
Grizzle	McPherson	Scott	Weinstein
Johnson	Meek	Souto	Weinstock
Kiser	Myers	Stuart	Woodson-Howard
Langley	Peterson	Thomas	
Malchon	Plummer	Thurman	

Nays—None

Vote after roll call:

Yea—Jennings, Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 302 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 302—A bill to be entitled An act relating to the acquisition of public lands; amending s. 253.023, F.S.; providing for management plans to include activities of conservation organizations consistent with proper management of the land; amending s. 253.025, F.S.; deleting provisions governing the selection of fee appraisers; directing the Division of State Lands to adopt rules governing the selection of fee appraisers; directing the board of trustees to adopt criteria for appraisal reports; deleting provisions governing information to be transmitted to fee appraisers; authorizing disclosure of appraisal information to local governments and nonprofit organizations; authorizing the division to use appraisals obtained by local governments or nonprofit organizations; requiring appraisers to consider the number of dwelling units in a development under certain circumstances; deleting provisions governing appraisal techniques and appraisal reports; authorizing the Board of Trustees of the Internal Improvement Trust Fund to use appraisals obtained by the Federal Government when acquiring land for the Federal Government; directing the board of trustees to adopt by rule a method for determining the value of land for state acquisition; deleting the provisions allowing the state to pay in excess of the appraised amount for land; deleting certain restrictions with respect to joint purchases; deleting the provision allowing the state to pay for certain historical properties; amending ss. 375.031, 380.08, F.S.; providing clarifying language; providing effective dates.

Amendment 1—On page 6, line 21, through page 7, line 22, strike all of said lines and insert:

(d) Appraisal reports are confidential and exempt from the provisions of *s. 119.07(1)* ~~chapter 119~~, for use by the agency and the board of trustees, until an option contract is executed or, if no option contract is executed, until 2 weeks before a contract or agreement for purchase is considered for approval by the board of trustees. *However, the Division of State Lands may disclose appraisal information to local governments or nonprofit organizations that agree to maintain the confidentiality of the reports or information when joint acquisition of property is contemplated, or when a local government or nonprofit organization enters into an informal agreement with the division to purchase and hold property for subsequent resale to the divison. In addition, the division may use, as its own, appraisals obtained by a local government or nonprofit organization, provided the appraiser is selected from the division's list of appraisers and the appraisal is reviewed and approved by the division. For the purposes of this paragraph, "nonprofit organization" means an organization whose purpose is the preservation of wildlife or land, and which is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code.* The agency may release an appraisal report when the passage of time has rendered the conclusions of value in the report invalid. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. Appraisers retained or used by the department to determine the value of property for state acquisition shall be instructed to consider the number of dwelling units approved for development in a development order pursuant to s. 380.06 that has been affirmed by a decision of the Florida Supreme Court or any appropriate federal court, regardless of the location of the jurisdictional line of any state or regional agency.*

Amendment 2—On page 11, lines 2-4, strike all of said lines and insert: determined pursuant to *the highest appraisal obtained or the value determined pursuant to the rules of the board of trustees, whichever value is less* ~~a single appraisal, the average of two appraisals if two are obtained, or the average of the two closest appraisals if more than two are obtained~~, except under

Amendment 3—On page 1, lines 29-31, and on page 2, lines 1-4, strike all of said lines and insert: value of land for state acquisition; revising the method by which state offers for land are determined; amending ss. 375.031,

Amendment 4—On page 12, between lines 6 and 7, insert:

(12) The board of trustees, by unanimous vote of all of its members, voting at a regularly scheduled and advertised meeting, may direct the department to exercise the power of eminent domain pursuant to the provisions of chapters 73 and 74 to acquire any of the properties on the acquisition list established by the land acquisition selection committee and approved by the board of trustees. However, the board of trustees may only make such a vote under the following circumstances:

(a) The state has made at least two bona fide offers to purchase the land through negotiation and, notwithstanding those offers, an impasse between the state and land owner was reached; and

(b) The land is of special importance to the state because of one or more of the following reasons:

1. It involves an endangered or natural resource and is in imminent danger of development;

2. It is of unique value to the state and the failure to acquire it will result in irreparable loss to the state; or

3. The failure of the state to acquire it will seriously impair the state's ability to manage other state-owned lands.

Pursuant to this subsection, the department may exercise condemnation authority directly or by contracting with the Department of Transportation or a water management district to provide that service. If the Department of Transportation or a water management district enters such a contract with the department, the Department of Transportation or a water management district may use statutorily approved methods and procedures ordinarily used by the agency for condemnation purposes.

Amendment 5—On page 2, line 4, after the semicolon (;) insert: authorizing the board of trustees to direct the Department of Natural Resources to use eminent domain under certain circumstances;

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

CS for SB 302 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Langley	Souto
Bankhead	Forman	Malchon	Stuart
Beard	Gardner	Margolis	Thomas
Brown	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 485 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 485—A bill to be entitled An act relating to health care; providing legislative findings and intent; requiring the Health Care Cost Containment Board to conduct a study of public-sector purchasing of health care coverage; requiring a report; requiring the Health Care Cost Containment Board to convene a statewide conference of public-sector health care purchasers; requiring the Health Care Cost Containment Board to contract with the State University System to conduct the conference; establishing the Florida Task Force on Private Sector Health Care Responsibility; requiring reports and recommendations; providing for membership, duties, powers, and compensation; providing for subpoenas, audits, and investigations; providing confidentiality; requiring cooperation of state agencies; establishing the Florida Task Force on Government Financed Health Care; providing for policy recommendations; providing for resource groups for the task force; providing for membership; providing for staff; providing for per diem and travel expenses; requiring the Health Care Cost Containment Board to conduct a special study on the impact of joint ventures on health care; providing for appointment of a panel; requiring reports to the Governor and the Legislature; providing definitions; providing appropriations; providing an effective date.

Amendment 1—On page 9, line 9, strike "$90,000" and insert: $75,000

Amendment 2—On page 9, lines 14 and 15, strike "$50,000 is appropriated from the General Revenue Fund" and insert: $25,000 is appropriated from the Health Care Cost Containment Trust Fund

Amendment 3—On page 14, between lines 18 and 19, insert:

Section 9. The sum of $175,000 is hereby appropriated from the Health Care Cost Containment Trust Fund to the Health Care Cost Containment Board to conduct the study on joint ventures.

(Renumber subsequent section.)

Amendment 4—On page 13, line 25, insert:

(h) Evaluation of the proprietary activities of non-profit hospitals including, but not limited to, self-promotional advertising programs, compensation arrangements with health care providers, including purchase of physicians' practices, and relationships of non-profit hospitals to for-profit entities owned or controlled by non-profit hospitals, and the impact of such activities on access to health care, quality of health care, and the costs to the health care system.

Senator Malchon moved the following amendment to House Amendment 3 which was adopted:

Amendment 1—On page 1, line 12, strike "$175,000" and insert: $150,000

On motions by Senator Malchon, the Senate concurred in House Amendment 3 as amended and the House was requested to concur in the Senate amendment to the House amendment; concurred in House Amendments 1 and 2; and refused to concur in House Amendment 4 and the House was requested to recede.

SB 485 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Deratany	Kirkpatrick	Stuart
Bankhead	Dudley	Kiser	Thurman
Beard	Forman	Langley	Walker
Brown	Gardner	Malchon	Weinstein
Bruner	Gordon	Margolis	Weinstock
Casas	Grant	McPherson	Woodson-Howard
Childers, D.	Grizzle	Meek	
Childers, W. D.	Jennings	Peterson	
Davis	Johnson	Ros-Lehtinen	

Nays—1

Myers

Vote after roll call:

Yea—Souto

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 787 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 787—A bill to be entitled An act relating to financial matters; amending s. 18.10, F.S.; authorizing the Treasurer to invest in bankers' acceptances issued by banks that are not members of the Federal Reserve System and in certain obligations of state and local governments; revising provisions relating to investment in intermediate-term corporate notes and authorizing investment in corporate master notes; clarifying the types of investments authorized to be made by the Treasurer under certain conditions; amending s. 697.203, F.S.; removing duties of the State Board of Administration in administering the Home Equity Conversion Mortgage Guaranty Fund; providing legislative purpose and intent; amending s. 215.58, F.S.; defining the term "governmental agency"; amending s. 215.64, F.S.; providing the division has the authority to direct agencies to comply with federal arbitrage laws; providing the division with powers related to conducting investigations or proceedings; amending s. 215.65, F.S.; allowing the division to adopt by resolution a schedule of fees and expenses; deleting the requirement that the State Board of Administration must approve such schedule and revisions thereto; creating s. 215.655, F.S.; creating the Arbitrage Compliance Trust Fund to pay certain expenses of the division; providing for fees to reimburse the trust fund; amending s. 215.76, F.S.; providing that the division is responsible for ensuring compliance with federal arbitrage law; providing that governmental agencies are subject to the direction of the division, as specified; amending s. 215.83, F.S.; providing that the federal arbitrage compliance functions of the department supersede any inconsistent provisions of other laws; providing for an appropriation; providing for a transfer of funds from the Bond Fee Trust Fund to the Arbitrage Compliance Trust Fund; providing an effective date.

Amendment 1—On page 2, lines 26-30, strike all of said lines and insert:

(h) Time drafts or bills of exchange drawn on and accepted by a commercial bank, otherwise known as "bankers acceptances", which are accepted by a member bank of the Federal Reserve System having total deposits of not less than $400 million *or which are accepted by a commercial bank which is not a member of the Federal Reserve System with deposits of not less than $400 million and which is licensed by a state government or the Federal government, and whose senior debt issues are rated in one of the two highest rating categories by a nationally recognized rating service and which are held in custody by a domestic bank which is a member of the Federal Reserve System.*

Amendment 2—On page 1, lines 4-6, strike "in bankers' acceptances issued by banks that are not members of the Federal Reserve System and"

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

CS for SB 787 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Langley	Souto
Bankhead	Forman	Malchon	Stuart
Beard	Gardner	Margolis	Thomas
Brown	Girardeau	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstock
Childers, D.	Grizzle	Peterson	Woodson-Howard
Childers, W. D.	Jennings	Plummer	
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kiser	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1333 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1333—A bill to be entitled An act relating to periodic legislative review of regulatory functions and advisory bodies, commissions, and boards of trustees adjunct to executive agencies; repealing the following regulatory laws and providing for review of such laws pursuant to s. 11.61, F.S., the Regulatory Sunset Act, in advance of their respective dates of repeal: s. 240.5337, F.S., part IX of ch. 468, F.S., relating to regulation of athlete agents; s. 381.061(9), F.S., relating to regulation of food service establishments; ss. 395.0141, 395.0142, 395.0146, 395.102, F.S., relating to hospital licensing and regulation; s. 395.63, F.S., relating to duties of the Health Care Cost Containment Board; s. 402.3025, F.S., relating to child care facilities; s. 458.3295, F.S., relating to medical practice; s. 459.0145, F.S., relating to osteopathy; ss. 466.0275, 466.0283, F.S., relating to the practice of dentistry; ss. 487.170, 487.171, 487.172, 487.173, F.S., relating to antifouling paint dealers and applicators; s. 496.042, F.S., relating to solicitation of funds; ss. 499.024, 499.039, F.S., relating to drugs and cosmetics; s. 517.1205, F.S., relating to regulation of persons dealing in securities; s. 624.4425, F.S., relating to insurance premiums, contributions, and assessments; s. 627.6736, F.S., relating to group Medicare supplement insurance; ss. 627.7275, 627.7295, F.S., relating to motor vehicle insurance policies; s. 629.5011, F.S., relating to taxation of reciprocal premiums; s. 637.406, F.S., relating to taxation of dental service plan premiums, contributions, and assessments; s. 651.027, F.S., relating to taxation of entrance fees under continuing care contracts; s. 655.55, F.S., relating to financial institutions; repealing the following laws relating to bodies adjunct to executive agencies and providing for review of such laws pursuant to s. 11.611, F.S., the Sundown Act, in advance of their respective dates of repeal: s. 20.19(4)(c), F.S., relating to the Advisory Council on Health; s. 222 22, F.S., relating to the Prepaid Postsecondary Education Expense Program; s. 288.1161, F.S., relating to the Sports Advisory Council; ss. 341.401, 341.402, 341.403, 341.404, 341.405, 341.406, 341.407, 341.408, 341.409, 341.411, 341.412, 341.413, 341.414, 341.415, 341.416, 341.417, 341.418, 341.419, 341.421, 341.422, F.S., relating to magnetic levitation and the Florida High-Speed Rail Transportation Commission; s. 381.703(2), F.S., relating to the Statewide Health Council; ss. 403.4131(3), (4), F.S., relating to the Clean Florida Commission; and ss. 411.1072(6), (7), (8), (9), (10), and (13), relating to the community resource mother or father advisory committee; amending s. 407.50, F.S.; deleting the requirement that the review of provisions relating to the exemption of hospitals from budget review by the Health Care Cost Containment Board be conducted in accordance with s. 11.61, F.S.; amending s. 14, ch. 88-159, Laws of Florida, to eliminate redundancy of Sunset reviews in accordance with s. 11.61, F.S.; ss. 499.017, 499.018, 499.041, 499.067, F.S., relating to drugs and cosmetics; amending s. 5, ch. 88-338, Laws of Florida, to change the date on which s. 627.6745, F.S., relating to Medicare supplement policies, shall be repealed; amending s. 2, ch. 88-363, Laws of Florida, to change the date on which s. 559.927, F.S., relating to regulation of sellers of travel, shall be repealed; providing an effective date.

Amendment 1—On page 3, lines 28-30, and on page 4, lines 1-2, strike all of said lines

(Renumber subsequent subsections.)

Amendment 2—On page 5, lines 16-20, strike all of said lines

(Renumber subsequent subsections.)

Amendment 3—On page 5, lines 30-31, and on page 6, lines 1-12, strike all of said lines

(Renumber subsequent subsections.)

Amendment 4—On page 1, lines 11-13, strike all of said lines and insert: regulation of athlete agents; ss. 395.0141, 395.0142,

Amendment 5—On page 1, lines 28-31, and on page 2, lines 1-8, strike all of said lines and insert: persons dealing in securities; s. 627.6736, F.S., relating to group Medicare supplement insurance; ss. 627.7275, 627.7295, F.S., relating to motor vehicle insurance policies; s. 655.55,

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

SB 1333 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kiser	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motions by Senator Crenshaw, by unanimous consent—

HB 1675—A bill to be entitled An act relating to the City of Jacksonville; creating the Jacksonville Sports Development Authority; providing for membership and powers of the Authority; providing for the issuance of bonds by the Authority; establishing certain requirements; providing an effective date.

—was taken up out of order and by two-thirds vote read the second time by title. On motion by Senator Crenshaw, by two-thirds vote HB 1675 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Kiser	Stuart
Bankhead	Forman	Langley	Thomas
Beard	Gardner	Malchon	Thurman
Brown	Girardeau	Margolis	Walker
Bruner	Gordon	McPherson	Weinstein
Casas	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Souto	

Nays—None

The Honorable Bob Crawford, 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 817 and requests the Senate to recede.

John B. Phelps, Clerk

HB 817—A bill to be entitled An act relating to the Florida Security for Public Deposits Act; amending s. 280.16, F.S., which provides an exemption from public records requirements for certain reports required of public depositories and financial institutions under said act; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

On motions by Senator W. D. Childers, the Senate receded from the Senate amendments.

HB 817 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 599 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 599—A bill to be entitled An act relating to the Englewood Water District in Charlotte and Sarasota Counties; amending section 5 of chapter 59-931, Laws of Florida; deleting the limitation of 6 percent per annum on the interest rate for revenue bonds issued by the district; providing that such bonds shall bear interest at a rate not exceeding the maximum rate authorized by general law; providing an effective date.

Amendment 1—On page 2, line 14, after the word "facsimile" insert: on such bonds and shall be attested by the manual or facsimile

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

SB 599 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	Davis	Johnson	Myers
Bankhead	Deratany	Kirkpatrick	Scott
Beard	Dudley	Kiser	Souto
Brown	Gardner	Langley	Thurman
Bruner	Gordon	Malchon	Walker
Casas	Grant	Margolis	Weinstein
Childers, W. D.	Grizzle	McPherson	Weinstock
Crenshaw	Jennings	Meek	

Nays—1

Ros-Lehtinen

Vote after roll call:

Yea—Woodson-Howard

Nay to Yea—Ros-Lehtinen

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 1 and 3; has amended Senate Amendments 2 and 4, concurred in same as amended and passed HB 1380, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1380—A bill to be entitled An act relating to developmental disabilities; amending s. 393.063, F.S.; providing a definition; creating s. 393.0651, F.S.; providing procedures with respect to application for services and habilitation plans; providing for case management and client advocates; specifying placement preferences; providing for review and revision of habilitation plans; providing the right to challenge decisions; providing an effective date.

Amendment 1 to Senate Amendment 2—On page 1, line 12, through page 4, line 2, strike all of said lines and insert:

Section 3. Subsections (3) through (26) of section 393.063, Florida Statutes, 1988 Supplement, are renumbered as subsections (4) through (27), respectively, and a new subsection (3) is added to said section to read:

393.063 Definitions.—For the purposes of this chapter:

(3) "Comprehensive transitional education program" means a group of jointly operating centers or units, the collective purpose of which is to provide a sequential series of educational care, training, treatment, habilitation, and rehabilitation services to persons who have developmental disabilities, as defined in subsection (11), and who have severe or moderate maladaptive behaviors. However, nothing in this subsection shall require comprehensive transitional education programs to provide services only to persons with developmental disabilities, as defined in subsection (11). All such services shall be temporary in nature and delivered in a structured residential setting with the primary goal of incorporating the normalization principle to establish permanent residence for persons with maladaptive behaviors in facilities not associated with the comprehensive transitional education program. The staff shall include licensed psychologists and teachers, and such staff personnel shall be available to provide services in each component center or unit of the program.

(a) Comprehensive transitional education programs shall include a minimum of two component centers or units, as defined in this paragraph, one of which shall be either an intensive treatment and educational center or a transitional training and educational center, which provide services to persons with maladaptive behaviors in the following sequential order:

1. Intensive treatment and educational center. This component is a self-contained residential unit providing intensive psychological and educational programming for persons with severe maladaptive behaviors, whose behaviors preclude placement in a less restrictive environment due to the threat of danger or injury to themselves or others.

2. Transitional training and educational center. This component is a residential unit for persons with moderate maladaptive behaviors, providing concentrated psychological and educational programming emphasizing a transition toward a less restrictive environment.

3. Community transition residence. This component is a residential center providing educational programs and such support services, training, and care as are needed to assist persons with maladaptive behaviors to avoid regression to more restrictive environments while preparing them for more independent living. Continuous-shift staff shall be required for this component.

4. Alternative living center. This component is a residential unit providing an educational and family living environment for persons with maladaptive behaviors, in a moderately unrestricted setting. Residential staff shall be required for this component.

5. Independent living education center. This component is a facility providing a family living environment for persons with maladaptive behaviors, in a largely unrestricted setting which includes education and monitoring appropriate to support the development of independent living skills by the students.

(b) Centers or units that are components of a comprehensive transitional education program are subject to the license issued to the comprehensive transitional education program and may be located on either single or multiple sites.

(c) Comprehensive transitional education programs shall develop individual education plans for each person with maladaptive behaviors who receives services therein. Such individual education plans shall be developed in accordance with the criteria included in Pub. L. No. 94-142, Title 20 U.S.C. s. 401 et seq., and 34 C.F.R. Part 300.

(d) In no instance shall the total number of persons with maladaptive behaviors being provided services in a comprehensive transitional education program exceed 120.

(e) This subsection shall authorize licensure for comprehensive transitional education programs which by July 1, 1989:

1. Are in actual operation; or

2. Own a fee simple interest in real property for which a county or city government has approved zoning allowing for the placement of the facilities described in this subsection, and have registered an intent with the department to operate a comprehensive transitional education program.

Section 4. Section 393.067, Florida Statutes, is amended to read:

393.067 Licensure of residential facilities *and comprehensive transitional education programs.*—

(1) The department shall provide through its licensing authority a system of provider qualifications, standards, training criteria for meeting standards, and monitoring for residential facilities and comprehensive transitional education programs.

(2) The department shall conduct inspections and reviews of residential facilities and comprehensive transitional education programs annually.

(3)~~(1)~~ An application for a license for a residential facility *or a comprehensive transitional education program* shall be made to the Department of Health and Rehabilitative Services on a form furnished by it and shall be accompanied by the appropriate license fee.

(4)~~(2)~~ The application shall be under oath and shall contain the following:

(a) The name and address of the applicant, if *an applicant is* an individual; if the applicant is a firm, partnership, or association, the name and address of each member thereof; if the applicant is a corporation, its name and address and the name and address of each director and each officer thereof; and the name by which the facility *or program* is to be known.

(b) The location of the facility *or program* for which a license is sought.

(c) The name of the person or persons under whose management or supervision the facility *or program* will be conducted.

(d) The number and type of residents *or clients* for which maintenance, care, *education,* or treatment is to be provided by the facility *or program.*

(e) The number and location of the component centers or units which will compose the comprehensive transitional education program.

(f)~~(e)~~ A description of the types of services and treatment to be provided by the facility *or program.*

(g)~~(f)~~ Information relating to the number, experience, and training of the employees of the facility *or program.*

(h)~~(g)~~ Such other information as the department determines is necessary to carry out the provisions of this chapter.

(5)~~(3)~~ The applicant shall submit evidence which establishes the good moral character of the manager or supervisor of the facility *or program* and the caretakers in the facility *or program and its component centers or units.* A license may be issued if all the screening materials have been timely submitted; however, a license may not be issued or renewed if any of the caretakers have failed the screening required by s. 393.0655.

(a)1. A licensed residential facility *or comprehensive transitional education program* which applies for renewal of its license shall submit to the department a list of caretakers who have worked on a continuous basis at the applicant facility *or program* since submitting fingerprints to the department, identifying those caretakers for whom a written assurance of compliance was provided by the department and identifying those caretakers who have recently begun working at the facility *or program* and are awaiting the results of the required fingerprint check along with the date of the submission of those fingerprints for processing. The department shall by rule determine the frequency of requests to the Department of Law Enforcement to run state criminal records checks for such caretakers except for those caretakers awaiting the results of initial fingerprint checks for employment at the applicant facility *or program.* The department shall review the records of the caretakers at the applicant facility *or program* with respect to the crimes contained in s. 393.0655 and shall notify the facility *or program* of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department. Failure to supply the missing information within 30 days or to show reasonable efforts to obtain such information shall result in automatic disqualification.

2. The applicant shall sign an affidavit under penalty of perjury stating that all new caretakers have been fingerprinted and that the facility's *or program's* remaining caretakers have worked at the applicant facility *or program* on a continuous basis since being initially screened at that facility *or program* or have a written assurance of compliance from the department.

(b) As a prerequisite for issuance of the initial license to a residential facility *or comprehensive transitional education program:*

1. The applicant shall submit to the department a complete set of fingerprints, taken by an authorized law enforcement agency or an employee of the department who is trained to take fingerprints, for the manager, ~~or~~ supervisor, *or caretakers* of the facility *or program;*

2. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and for federal processing by the Federal Bureau of Investigation; and

3. The department shall review the record of the manager or supervisor with respect to the crimes contained in s. 393.0655(1) and shall notify the applicant of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the manager or supervi-

sor, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department. Failure to supply the missing information within 30 days or to show reasonable efforts to obtain such information shall result in automatic disqualification.

(6)~~(4)~~ The applicant shall furnish satisfactory proof of financial ability to operate and conduct the facility *or program* in accordance with the requirements of this chapter and all rules promulgated hereunder.

(7)~~(5)~~ The department shall promulgate rules establishing minimum standards for licensure *of* ~~for~~ residential facilities *and comprehensive transitional education programs*, including minimum standards of quality and adequacy of care and uniform firesafety standards established by the State Fire Marshal which are appropriate to the size of the facility *or of the component centers or units of the program.*

(8)~~(6)~~ The department may conduct unannounced inspections to determine compliance by residential facilities *and comprehensive transitional education programs* with the *applicable* provisions of this chapter and the rules adopted pursuant hereto. The facility *or program* shall make copies of inspection reports available to the public upon request.

(9)~~(7)~~ Each residential facility *or comprehensive transitional education program* licensed by the department shall forward annually to the department a true and accurate sworn statement of its costs of providing care *to clients funded by the department.*

(10)~~(8)~~ The department may audit the records of any residential facility *or comprehensive transitional education program* which it has reason to believe may not be in full compliance with the provisions of this section*; provided that, any financial audit of such facility or program shall be limited to the records of clients funded by the department.*

(11)~~(9)~~ The department shall establish, for the purpose of control of *licensure* costs, a uniform management information system and a uniform reporting system with uniform definitions and reporting categories.

(12) The department shall develop a plan by March 15, 1991, to phase out all of the unlicensed beds in developmental services institutions by December 30, 1995, and, contingent upon appropriations, ensure that all beds operating after that date are licensed. This plan must address among other issues the transfer of funds from developmental services institutions to the community.

(13) In addition to the requirements in subsection (4), the initial license application for an intermediate care facility for the mentally retarded or developmentally disabled of six beds or less shall also include:

(a) The provider's proposal on forms provided by the department, including a proforma budget which shall also serve as the basis for establishing an initial interim Medicaid reimbursement rate.

(b) Approval and selection by the district and the Developmental Services Program of the providers's proposal in accordance with subsection (15)(c).

(14) The initial license application shall be valid while the provider develops the facility in compliance with the conditions of the approved proposal.

(15) The department shall only accept proposals for intermediate care facilities for the mentally retarded or developmentally disabled of six beds or less in response to the publication of projected bed need.

(a) Projected bed need shall be published by the department at least annually and shall identify:

1. The district in which the beds are to be located.

2. The maximum per diem cost which shall be in accordance with the Florida Title XIX ICF/MR Reimbursement Plan.

3. The maximum size of the facility.

4. The level of care of clients to be served including demographic and programmatic characteristics of the client population. To the maximum extent possible, projected bed need shall be directed towards clients who have severe disabilities, have extensive service needs, and who require extensive active treatment services.

(b) Projected bed need shall be determined by the department on the basis of:

1. Overall need for residential services by clients, including residents in ICF/MR facilities of greater than six beds who are in need of less restrictive or specialized environments, as well as persons who are in need of residential services, but are not yet receiving them.

2. Client eligibility for intermediate care facility for the mentally retarded or developmentally disabled services.

3. Client need for extensive active treatment services.

4. Overall Developmental Services Program residential services bed capacity.

5. Occupancy rate of current bed capacity.

6. Growth of alternative residential environments.

7. Growth of the state's general population.

8. Growth of the state's population of people with developmental disabilities.

(c) The department shall approve and select from provider proposals that respond to published projected bed need based on the following weighted criteria in order of importance:

1. Adequacy and quality of services that address the published bed need projections, especially the client demographic and programmatic characteristics.

2. Completeness of the proposal and adherence to time frames.

3. Demonstration of financial ability to operate the facility in relation to published bed need projections.

4. Appropriateness of per diem cost to provide quality services.

(16) Any license granted for intermediate care facilities for the mentally retarded or developmentally disabled under the provisions of subsection (13) and subsection (15) shall be valid only while the provider operates the facility in compliance with the conditions in the proposal that were approved by the department as well as all other applicable laws and regulations related to the operation of such facilities.

(Renumber subsequent section.)

Amendment 1 to Senate Amendment 4—On page 1, line 12, strike all of said line and insert: amending s. 393.063, F.S.; defining "comprehensive transitional education program"; amending s. 393.067, F.S.; providing for standards, inspection, and review of licensed residential facilities and comprehensive transitional education programs; prohibiting unlicensed facilities and programs from receiving state funds; providing for nonrenewal of the license for a facility or program with certain outstanding fines; providing additional requirements and conditions for licensure of certain intermediate care facilities for the mentally retarded or developmentally disabled; requiring the

On motions by Senator Weinstock, the Senate concurred in the House amendments to Senate Amendments 2 and 4.

HB 1380 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Langley	Stuart
Bankhead	Forman	Malchon	Thomas
Beard	Gardner	Margolis	Thurman
Brown	Girardeau	McPherson	Walker
Bruner	Gordon	Meek	Weinstein
Casas	Grant	Myers	Weinstock
Childers, D.	Grizzle	Peterson	Woodson-Howard
Childers, W. D.	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	
Deratany	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 1548 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1548—A bill to be entitled An act relating to Citrus County, Homosassa Special Water District; amending section 2 of chapter 59-1177, Laws of Florida, as amended; increasing the maximum amount of compensation that may be provided to members of the board of commissioners of the district; providing an effective date.

Amendment 1—On page 3, line 29, strike "*Statures*" and insert: *Statutes*

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

SB 1548 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1448 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1448—A bill to be entitled An act relating to investments by the State Board of Administration; amending s. 215.44, F.S.; providing that investments made by the state board for the retirement system trust fund are subject to specified restrictions and limitations; creating s. 215.475, F.S.; specifying the types of investments that may be made by the state board; establishing a fiduciary standard of care for the state board to follow in making investments; creating s. 215.476, F.S.; providing for special review by the Investment Advisory Council and the state board for certain types of investments made by the staff of the state board for the Florida Retirement System Trust Fund; specifying matters that must be included in the Florida Retirement System Total Fund Investment Plan and providing for revision of the plan; prohibiting South African investments with respect to the investment of moneys for the retirement system trust fund; amending s. 215.69, F.S.; requiring the state board to invest funds of the Division of Bond Finance under the State Bond Act in a certain manner; amending s. 218.407, F.S.; providing that investment of surplus moneys for local governments by the state board be made in a certain manner and subject to certain restrictions; providing an effective date.

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

Section 1. Subsection (22) of section 121.021, Florida Statutes, 1988 Supplement, is amended to read:

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

(22) "Compensation" means the monthly salary paid a member, including overtime payments ~~and bonuses~~ paid from a salary fund, as reported by the employer on the wage and tax statement (Internal Revenue Service form W-2) or any similar form. When a member's compensation is derived from fees set by statute, compensation shall be the total cash remuneration received from such fees. Under no circumstances shall compensation include fees paid professional persons for special or particular services. *For all purposes under this chapter, the compensation or gross compensation of any member participating in any salary reduction, deferred compensation, or tax-sheltered annuity program authorized under the Internal Revenue Code shall be deemed to have been the compensation or gross compensation which the member would have received if he were not participating in such program.*

Section 2. Paragraph (a) of subsection (1) of section 121.051, Florida Statutes, 1988 Supplement, is amended to read:

121.051 Participation in the system.—

(1) COMPULSORY PARTICIPATION.—

(a) The provisions of this law shall be compulsory as to all officers and employees, except legislators who meet the requirements of s. 121.052(1)(c), who are employed on or after December 1, 1970, of an employer other than those referred to in paragraph (2)(b), and each officer or employee, as a condition of employment, shall become a member of the system as of his date of employment, except that a person who is retired from any state retirement system and is reemployed on or after December 1, 1970, shall not be permitted to renew his membership in any state retirement system except as provided in s. 121.091(4)(e), for a person who recovers from disability, and s. 121.091(9)(b)5., for a person who is elected to public office. Officers and employees of the University Athletic Association, Inc., a nonprofit association connected with the University of Florida, employed on and after July 1, 1979, shall not participate in any state-supported retirement system. *Any person appointed on or after July 1, 1989, to a faculty position in a college at the J. Hillis Miller Health Center at the University of Florida or the Medical Center at the University of South Florida which has a faculty practice plan provided by rule adopted by the Board of Regents shall not participate in the Florida Retirement System. A faculty member so appointed shall participate in the Optional Retirement Program on the basis of his state-funded compensation, notwithstanding the provisions of s. 121.35(2)(a).*

Section 3. Paragraph (a) of subsection (6) of section 121.055, Florida Statutes, 1988 Supplement, is 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.

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

Section 4. Subsection (6) of section 121.30, Florida Statutes, is renumbered as subsection (8), and new subsections (6) and (7) are added to said section to read:

121.30 Statements of purpose and intent and other provisions required for qualification under the Internal Revenue Code of the United States.—Any other provisions in this chapter to the contrary notwithstanding, it is specifically provided that:

(6) Any provision in this chapter relating to an optional annuity or retirement program shall be construed and administered to qualify such program to be a qualified pension plan under existing or hereafter-enacted provisions of the Internal Revenue Code of the United States.

(7) The division may adopt any rule necessary to accomplish the purposes of this section not inconsistent with this chapter.

Section 5. Subsection (1) of section 121.35, Florida Statutes, 1988 Supplement, is amended to read:

121.35 Optional retirement program for the State University System.—

(1) OPTIONAL RETIREMENT PROGRAM ESTABLISHED.—The Division of Retirement of the Department of Administration shall establish an optional retirement program under which contracts providing retirement and death benefits may be purchased for eligible members of the State University System who elect to participate in the program. The benefits to be provided for or on behalf of participants in such optional retirement program shall be provided through individual *or group* annuity contracts, which may be fixed or variable in nature, or a combination thereof. The state shall contribute, as provided in this section, toward the purchase of such optional benefits which shall be fully and immediately vested in the participants.

Section 6. Subsection (6) of section 215.44, Florida Statutes, is amended to read:

215.44 Board of Administration; powers and duties in relation to investment of trust funds.—

(6) The Auditor General shall audit annually the entire operation of the board. In addition to his regular financial and compliance audit, the Auditor General shall also perform or cause to be performed a performance audit of the management by the board of investments, including among other things his independent verification of the data included by the board in its reports to the Legislature required by subsection (5). The Auditor General may elect to contract with a private professional firm qualified in investment portfolio management to conduct the performance audit of investment management required by this subsection. In addition to the duties prescribed in this subsection, the Auditor General shall *annually as part of his audit* conduct performance postaudits of *investments* ~~each investment~~ under s. 215.47(6) which *are* ~~is~~ not otherwise authorized under ss. 215.44-215.53. ~~These reviews will be initiated within 60 days following the final approval of investments by the board.~~ The Auditor General shall submit such audit report to the board, the President of the Senate, and the Speaker of the House of Representatives and their designees.

Section 7. Subsections (4), (9), and (10) of section 215.47, Florida Statutes, 1988 Supplement, are amended and subsection (12) is added to said section to read:

215.47 Investments; authorized securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(4) With no more than 80 percent of any fund, in interest-bearing obligations with a fixed maturity of any corporation within the United States. ~~, if such obligations are rated in any one of the three highest ratings by two nationally recognized rating services. However, if only one nationally recognized rating service shall rate such obligations, then such rating service must have rated such obligations in any one of the two highest classifications heretofore mentioned.~~

(9) Investments made by the State Board of Administration shall be designed to maximize the financial return to the fund consistent with the risks incumbent in each investment and shall be designed to preserve an appropriate diversification of the portfolio. *The board in performing the above investment duties shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A) through (C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this subsection shall prevail.*

(10) The board is authorized to *buy and sell futures and options* ~~engage in bona fide hedging activities for the purpose of protecting the asset value of the underlying portfolio~~, provided the instruments for such purpose are traded on a securities exchange or board of trade regulated by the Securities *and* Exchange Commission or the Commodity Futures Trading Commission, *unless the board by rule authorizes a different market.*

(12) The State Board of Administration, consistent with sound investment policy, may pledge up to 2 percent of the assets of the Florida Retirement System Trust Fund as collateral for housing bonds issued by the State of Florida or its political subdivisions under chapter 159, part V of chapter 420, or chapter 421 as a supplemental income program for the system. With regard to any collateral program, the State Board of Administration is authorized to coordinate or retain other governmental entities of the State of Florida or private entities to administer this program, as well as receive fees for the use of the designated collateral.

Section 8. Section 215.475, Florida Statutes, is created to read:

215.475 Investment plan.—In making investments for the System Trust Fund pursuant to s. 215.44-215.53, the board shall make no investment which is not in conformance with the Florida Retirement System Total Fund Investment Plan, hereinafter referred to as "the plan," as developed by the executive director and approved by the board. The plan must include, among other items, the investment objectives of the System Trust Fund; permitted types of securities in which the board may invest; and evaluation criteria necessary to measure the investment performance of the fund. As required from time to time, the executive director of the board may present recommended changes in the plan to the board for approval. However, prior to any recommended changes being presented to the board, the executive director of the board shall present such changes to the Investment Advisory Council for review. The council shall present the results of its review to the board prior to the board's final approval of the plan or changes in the plan.

Section 9. This act shall take effect upon becoming a law.

Amendment 1 to House Amendment 1—On page 7, line 24, insert:

Section 9. Subsections (1) and (2) of section 250.22, Florida Statutes, 1988 Supplement, are amended to read:

250.22 Retirement.—

(1) Any person who *is at least 62* ~~shall have reached the age of 64~~ years *of age* and *who has* ~~shall have~~ completed not less than 30 years of service as an officer or enlisted man in the Organized Militia of Florida (exclusive of time served on the inactive or retired lists) on, before, or subsequent to the passage of this section *is* ~~shall be~~ eligible upon his own application, whether on the active or retired list of said Organized Militia, to be retired under the provisions of this section with the rank or rating held by him at the time of such retirement and shall receive pay in an amount equal to one-half of the base pay as is now or hereafter may be prescribed in the applicable pay tables for similar grades and periods of service of personnel in the United States Army or Air Force; provided that, in computing service in the Organized Militia of Florida, service in federal military forces during a period of war or upon order of the President of the United States, in any military duty, where the applicant has been inducted from the Organized Militia of Florida shall be included; and provided further that in computing such service performed after July 1, 1955, only federally recognized service shall be included. Eligibility for retirement under this section *is* ~~shall be~~ in addition to any other retirement that such person is eligible to receive; provided, however, that retirement pay under this section shall be reduced by any amount of retirement pay, pension, or compensation which such person is eligible to receive from the Federal Government for military service.

(2) Any person who *is at least* ~~shall have reached the age of~~ 60 years *of age* (but less than *62 years of age* ~~64~~) and is otherwise qualified to receive the retirement pay provided in subsection (1) ~~above~~ may elect to retire and thereafter receive a reduced benefit which would be the actuarial equivalent of his benefit under subsection (1).

(Renumber subsequent section.)

Amendment 2 —On page 1, strike the title and insert: An act relating to the Florida Retirement System; amending s. 121.021, F.S.; clarifying the definition of "compensation"; amending s. 121.051, F.S.; providing that certain college faculty positions shall not participate in the Florida Retirement System, but shall participate in the Optional Retirement Program; amending s. 121.055, F.S.; providing group annuity contracts as benefits under the Senior Management Service Optional Annuity Program; amending s. 121.30, F.S.; providing legislative intent that optional annuity and retirement programs shall be construed and administered to be qualified pension plans under the Internal Revenue Code and providing rulemaking power for such purposes; amending s. 121.35, F.S.; providing group annuity contracts as benefits under the optional retirement program for the State University System; amending s. 215.44, F.S.; providing for annual performance postaudits by the Auditor General of certain State Board of Administration investments; amending s. 215.47, F.S.; deleting the rating criteria for domestic bonds; directing the board to comply with certain fiduciary standards in its investment duties; authorizing the State Board of Administration to pledge a percentage of the assets of the system trust fund as collateral for certain bonds as a supplemental income program for the system; permitting the board to buy and sell futures and options which are not bona fide hedges; creating s. 215.475, F.S.; requiring investments for the System Trust Fund to conform to the Florida Retirement System Total Fund Investment Plan; providing components thereof; providing for changes in the plan; providing an effective date.

Amendment 3 to House Amendment 2—On page 2, line 9, after "plan;" insert: amending s. 250.22 F.S.; reducing the age that a person must attain in order to be retired from the organized militia of Florida and receive retirement pay;

Amendment 4—On page 2, line 2, insert:

Section 1. Subsection (1) of section 218.345, Florida Statutes, is amended to read:

218.345 Special districts; investments.—

(1) The governing body of each special district shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

(a) The Local Government Surplus Funds Trust Fund, as created by s. 218.405;

(b) Negotiable direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States Government at the then prevailing market price for such securities;

(c) Interest-bearing time deposits or savings accounts in banks organized under the laws of this state, in national banks organized under the laws of the United States and doing business and situated in this state, in savings and loan associations which are under state supervision, or in federal savings and loan associations located in this state and organized under federal law and federal supervision, provided that any such deposits are secured by collateral as may be prescribed by law; ~~or~~

(d) Obligations of the Federal Farm Credit Banks, Federal Home Loan Mortgage Corporation, or Federal Home Loan Bank or its district banks, including Federal Home Loan Mortgage Corporation participation certificates, or obligations guaranteed by the Government National Mortgage Association; *or*.

(e) Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations, and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

Section 2. Paragraph (a) of subsection (2) of section 236.24, Florida Statutes, 1988 Supplement, is amended to read:

236.24 Sources of district school fund.—

(2)(a) Unless otherwise authorized by law or by ordinance, each school board shall, by resolution to be adopted from time to time, invest and reinvest any surplus public funds in its control or possession in:

1. The Local Government Surplus Funds Trust Fund;

2. Negotiable direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States Government at the then prevailing market price for such securities;

3. Interest-bearing time deposits or savings accounts in banks organized under the laws of this state, in national banks organized under the laws of the United States and doing business and situated in this state, in savings and loan associations which are under state supervision, or in federal savings and loan associations located in this state and organized under federal law and federal supervision, provided that any such deposits are secured by collateral as may be prescribed by law;

4. Obligations of the federal farm credit banks; the Federal Home Loan Mortgage Corporation, including Federal Home Loan Mortgage Corporation participation certificates; or the Federal Home Loan Bank or its district banks or obligations guaranteed by the Government National Mortgage Association; ~~or~~

5. Obligations of the Federal National Mortgage Association, including Federal National Mortgage Association participation certificates and mortgage pass-through certificates guaranteed by the Federal National Mortgage Association; *or*.

6. Securities of, or other interests in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. ss. 80a-1 et seq., as amended from time to time, provided the portfolio of such investment company or investment trust is limited to United States Government obligations and to repurchase agreements fully collateralized by such United States Government obligations, and provided such investment company or investment trust takes delivery of such collateral either directly or through an authorized custodian.

Section 3. Subsection (2) of section 236.49, Florida Statutes, 1988 Supplement, is amended to read:

236.49 Proceeds; how expended.—The proceeds derived from the sale of said bonds shall be held by the school board and shall be expended by the board for the purpose for which said bonds were authorized for said school district, and shall be held and expended in the manner following:

(2) All or any part of the fund derived from the proceeds of any such bond issue that in the judgment of the school board is not immediately needed may be placed on time deposit in the school depository or invested in securities issued by or guaranteed by the United States Government, *in investments specified in s. 236.24 for the district school fund,* or in the following securities of the district maturing not later than the time when the funds are reasonably expected to be needed:

(a) In instruments of indebtedness of the United States Government or in any bonds or obligations which shall then be fully and unconditionally guaranteed as to principal by the United States Government, at the then current market price of such bonds or other obligations; provided, that any such bond or other obligation purchased under the authority hereof shall be surrenderable at par and accrued interest not later than 3 years after the date of the purchase of the same.

(b) In any bonds issued by the district; provided, such bonds are not in default and can be obtained at a price which will result in a net saving to the taxpayers of the district.

(c) In any obligations of the school board approved in accordance with the provisions of s. 237.161.

(d) In any bonds issued by the State Board of Education.

(Renumber subsequent sections.)

Amendment 5—On page 1 in title, lines 2-3, strike all of said lines, and insert: An act relating to investment of public funds; amending s. 218.345, F.S.; authorizing the governing body of a special district to invest surplus funds in specified securities; amending s. 236.24, F.S.; authorizing district school boards to invest surplus funds in specified securities; amending s. 236.49, F.S.; providing for certain investments of proceeds from the sale of bonds for a school district; amending s. 215.44,

Amendment 6—On page 4, line 31, insert: Section 4. Section 216.331, Florida Statutes, is amended to read:

216.331 Disbursement of state moneys.—Except as provided in s. 17.076, *s. 717.124(3), s. 732.107(6), or s. 733.816(5),* all moneys in the State Treasury shall be disbursed by state warrant, drawn by the Comptroller upon the State Treasury and payable to the ultimate beneficiary.

Section 5. Subsection (3) is added to section 717.124, Florida Statutes, to read:

717.124 Filing of claim with department.—

(3)(a) If a claimant assigns his rights to receive payment to an attorney or private investigative agency which is duly licensed to do business in this state pursuant to a written agreement with such claimant, the department is authorized to make distribution of property or money in accordance with such assignment.

(b) Payments made to an attorney or private investigative agency shall be promptly deposited into a trust or escrow account which is regularly maintained by the attorney or the private investigative agency in a financial institution authorized to accept such deposits and located in this state.

(c) Distribution by the attorney or private investigative agency to the claimant shall be made within 10 days following final credit of the deposit into the trust or escrow account at the financial institution, unless a party to the agreement protests in writing such distribution before it is made.

(d) The department shall not be civilly or criminally liable for any property or funds distributed pursuant to this subsection, provided such distribution is made in good faith.

Section 6. Subsection (6) of section 732.107, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to said section, to read:

732.107 Escheat.—

(6)(a) If a person entitled to the funds assigns his rights to receive payment to an attorney or private investigative agency which is duly licensed to do business in this state pursuant to a written agreement with such person, the Department of Banking and Finance is authorized to make distribution in accordance with such assignment.

(b) Payments made to an attorney or private investigative agency shall be promptly deposited into a trust or escrow account which is regularly maintained by the attorney or private investigative agency in a financial institution authorized to accept such deposits and located in this state.

(c) Distribution by the attorney or private investigative agency to the person entitled to the funds shall be made within 10 days following final credit of the deposit into the trust or escrow account at the financial institution, unless a party to the agreement protests in writing such distribution before it is made.

(d) The department shall not be civilly or criminally liable for any funds distributed pursuant to this subsection, provided such distribution is made in good faith.

Section 7. Subsection (5) is added to section 733.816, Florida Statutes, to read:

733.816 Disposition of unclaimed property held by personal representatives.—

(5)(a) If a person entitled to the funds assigns his rights to receive payment to an attorney or private investigative agency which is duly licensed to do business in this state pursuant to a written agreement with such person, the Department of Banking and Finance is authorized to make distribution in accordance with such assignment.

(b) Payments made to an attorney or private investigative agency shall be promptly deposited into a trust or escrow account which is regularly maintained by the attorney or private investigative agency in a financial institution authorized to accept such deposits and located in this state.

(c) Distribution by the attorney or private investigative agency to the person entitled to the funds shall be made within 10 days following final credit of the deposit into the trust or escrow account at the financial institution, unless a party to the agreement protests in writing such distribution before it is made.

(d) The department shall not be civilly or criminally liable for any funds distributed pursuant to this subsection, provided such distribution is made in good faith.

Section 8. *Nothing contained in sections 4-7 shall be construed as a waiver of sovereign immunity.*

(Renumber subsequent section.)

Amendment 7—On page 1, line 3, after the semicolon (;) insert: amending s. 216.331, F.S.; providing that State Treasury moneys may be payable to lawful assigns of ultimate beneficiaries; amending ss. 717.124, 732.107, and 733.816, F.S.; providing that the Department of Banking and Finance shall distribute funds to an attorney or private investigative agency which has been assigned funds in accordance with a written agreement; providing that funds assigned to an attorney or private investigative agency shall be deposited into a trust or escrow account of such attorney or private investigative agency; providing that such funds shall be distributed to the claimant within 10 days; providing intent with respect to sovereign immunity;

Senator Margolis moved the following amendment to House Amendment 1 as amended by House Amendment 1 to House Amendment 1 which was adopted:

Amendment 1—On page 1, line 13, strike all of House Amendment 1 as amended by House Amendment 1 to House Amendment 1 and insert:

Section 1. Subsection (6) of section 215.44, Florida Statutes, is amended to read:

215.44 Board of Administration; powers and duties in relation to investment of trust funds.—

(6) The Auditor General shall audit annually the entire operation of the board. In addition to his regular financial and compliance audit, the Auditor General shall also perform or cause to be performed a performance audit of the management by the board of investments, including among other things his independent verification of the data included by the board in its reports to the Legislature required by subsection (5). The Auditor General may elect to contract with a private professional firm qualified in investment portfolio management to conduct the performance audit of investment management required by this subsection. In addition to the duties prescribed in this subsection, the Auditor General shall *annually as part of his audit* conduct performance postaudits of *investments* ~~each investment~~ under s. 215.47(6) which *are* ~~is~~ not otherwise authorized under ss. 215.44-215.53. ~~These reviews will be initiated within 60 days following the final approval of investments by the board.~~ The Auditor General shall submit such audit report to the board, the President of the Senate, and the Speaker of the House of Representatives and their designees.

Section 2. Subsections (4), (9), and (10) of section 215.47, Florida Statutes, 1988 Supplement, are amended and subsection (12) is added to said section to read:

215.47 Investments; authorized securities.—Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(4) With no more than 80 percent of any fund, in interest-bearing obligations with a fixed maturity of any corporation within the United States.~~, if such obligations are rated in any one of the three highest ratings by two nationally recognized rating services. However, if only one nationally recognized rating service shall rate such obligations, then such rating service must have rated such obligations in any one of the two highest classifications heretofore mentioned.~~

(9) Investments made by the State Board of Administration shall be designed to maximize the financial return to the fund consistent with the risks incumbent in each investment and shall be designed to preserve an appropriate diversification of the portfolio. *The board in performing the above investment duties shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 at 29 U.S.C. s. 1104(a)(1)(A) through (C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this subsection shall prevail.*

(10) The board is authorized to *buy and sell futures and options* ~~engage in bona fide hedging activities for the purpose of protecting the asset value of the underlying portfolio~~, provided the instruments for such purpose are traded on a securities exchange or board of trade regulated by the Securities *and* Exchange Commission or the Commodity Futures Trading Commission, *unless the board by rule authorizes a different market.*

(12) The State Board of Administration, consistent with sound investment policy, may pledge up to 2 percent of the assets of the Florida Retirement System Trust Fund as collateral for housing bonds issued by the State of Florida or its political subdivisions under chapter 159, part V of chapter 420, or chapter 421 as a supplemental income program for the system. With regard to any collateral program, the State Board of Administration is authorized to coordinate or retain other governmental entities of the State of Florida or private entities to administer this program, as well as receive fees for the use of the designated collateral.

Section 3. Section 215.475, Florida Statutes, is created to read:

215.475 Investment plan.—In making investments for the System Trust Fund pursuant to ss. 215.44-215.53, the board shall make no investment which is not in conformance with the Florida Retirement System Total Fund Investment Plan, hereinafter referred to as "the plan," as developed by the executive director and approved by the board. The plan must include, among other items, the investment objectives of the System Trust Fund; permitted types of securities in which the board may invest; and evaluation criteria necessary to measure the investment performance of the fund. As required from time to time, the executive director of the board may present recommended changes in the plan to the board for approval. However, prior to any recommended changes being presented to the board, the executive director of the board shall present such changes to the Investment Advisory Council for review. The council shall present the results of its review to the board prior to the board's final approval of the plan or changes in the plan.

Section 4. This act shall take effect upon becoming a law.

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

Amendment 1—In title, on page 1, line 13, strike all of House Amendment 2 and insert: An act relating to governmental financial matters; amending s. 215.44, F.S.; providing for annual performance post-audits by the Auditor General of certain State Board of Administration investments; amending s. 215.47, F.S.; deleting the rating criteria for domestic bonds; directing the board to comply with certain fiduciary standards in its investment duties; authorizing the State Board of Administration to pledge a percentage of the assets of the system trust fund as collateral for certain bonds as a supplemental income program for the system; permitting the board to buy and sell futures and options which are not bona fide hedges; creating s. 215.475, F.S.; requiring investments for the System Trust Fund to conform to the Florida Retirement System Total Fund Investment Plan; providing components thereof; providing for changes in the plan; providing an effective date.

Senator Margolis moved the following amendment to House Amendment 5 which was adopted:

Amendment 1—On page 1, strike all of lines 3 and 4

On motions by Senator Margolis, the Senate concurred in House Amendments 1, 2 and 5 as amended and the House was requested to concur in the Senate amendments to the House amendments; refused to concur in House Amendment 3 to House Amendment 2 and the House was requested to recede; and concurred in House Amendments 4, 6, and 7.

SB 1448 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Davis	Kirkpatrick	Souto
Bankhead	Deratany	Langley	Stuart
Beard	Dudley	Malchon	Thomas
Brown	Forman	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	
Crenshaw	Johnson	Ros-Lehtinen	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1141 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1141—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; amending s. 35.06, F.S.; increasing the number of judges for specified district courts of appeal; amending s. 25.241, F.S.; providing additional filing fees; amending s. 28.241, F.S.; providing an additional service charge; amending s. 35.22, F.S.; increasing certain filing fees; providing an appropriation; amending s. 34.041, F.S.; providing additional filing fees; providing effective dates.

Amendment 1—On page 5, line 20, through page 8, line 9, strike all of said lines and insert:

Section 8. This act shall take effect on the first Tuesday after the first Monday in January 1990, except that section 4 and this section shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 2—On page 1, lines 8-14, strike all of said lines and insert: specified district courts of appeal; providing

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

Amendment 1—On page 1, lines 9 and 10 and on page 1, lines 13-16, strike all of said lines and insert:

Section 3. Section 35.06, Florida Statutes, 1988 Supplement, is amended to read:

35.06 Organization of district courts of appeal.—A district court of appeal shall be organized in each of the five appellate districts to be named District Court of Appeal, ... District. The number of judges of each district court of appeal shall be as follows:

(1) In the first district there shall be *13* ~~12~~ judges.

(2) In the second district there shall be 12 judges.

(3) In the third district there shall be 10 judges.

(4) In the fourth district there shall be 12 judges.

(5) In the fifth district there shall be *9* ~~7~~ judges.

The successors of the original and additional judges of the district courts of appeal shall be elected at the general election next preceding the expiration of their respective terms of office to serve for full terms of 6 years.

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

CS for SB 1141 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Kiser	Stuart
Bankhead	Forman	Langley	Thomas
Beard	Gardner	Malchon	Thurman
Brown	Girardeau	Margolis	Walker
Bruner	Gordon	McPherson	Weinstein
Casas	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Souto	

Nays—1

Plummer

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1109 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1109—A bill to be entitled An act relating to the sale of alcoholic beverages; amending s. 565.02, F.S.; repealing a prohibition on the sale of alcoholic beverages on steamships and buses while not in transit; repealing a requirement that an operator of a steamship, bus, or airplane file a specified tariff under certain circumstances and post a certified copy of his alcoholic beverage vendor license on the steamship, bus, or airplane to which such license applies; requiring an operator of a steamship, bus, or airline to file certain information with the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation upon applying for an alcoholic beverage vendor license and upon applying for license renewal; requiring such an operator to pay an additional license tax for each steamship, bus, or airplane to which such license applies; authorizing the division to grant a special liquor license to sell and serve alcoholic beverages on certain pleasure, excursion, sightseeing, or charter boats while docked at a docking facility or marina, subject to certain conditions; amending s. 561.20, F.S.; revising the qualifications for certain special alcoholic beverage licenses; authorizing port authorities that have alcoholic beverage licenses to sell and serve alcoholic beverages at any terminal within the port upon payment of an annual fee; specifying requirements for a lessee of such a port to serve alcoholic beverages; amending s. 561.32, F.S.; prohibiting the transfer of beverage licenses under certain circumstances; providing an effective date.

Amendment 1—On page 9, lines 16-20, strike all of said lines and insert: *stepsister, stepbrother, half brother, or half sister.*

(d) ~~and~~ The transfer of such license or financial interest in such license or the change of executive officers or directors in *any* such case shall be within the discretion of the division.

Section 4. Subsection (3) of section 561.14, Florida Statutes, is amended to read:

561.14 License classification.—Licenses referred to in the Beverage Law shall be classified as follows:

(3) Vendors licensed to sell alcoholic beverages at retail only. No vendor shall purchase or acquire in any manner for the purpose of resale any alcoholic beverages from any person not licensed as a vendor, manufacturer, bottler, or distributor under the Beverage Law. Purchases of alcoholic beverages by vendors from vendors shall be strictly limited to purchases between members of a pool buying group for which the initial purchase of the alcoholic beverages was ordered by a pool buying agent as a single transaction. *No vendor shall be a member of more than one cooperative or pool buying group at any time.* No vendor shall import, or engage in the importation of, any alcoholic beverages from places beyond the limits of the state.

(Renumber subsequent section.)

Amendment 2—On page 2, line 5, after the semicolon (;) insert: amending s. 561.14, F.S.; specifying certain requirements for membership in cooperative or pool buying groups;

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

CS for SB 1109 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB 128 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 128—A bill to be entitled An act relating to health care facilities; providing for the regulation of nursing pools by the Department of Business Regulation; amending s. 400.497, F.S.; revising the requirement for rescreening unemployed home health agency personnel; providing for penalties and fees; prohibiting certain activities; providing for the adoption of rules; amending s. 407.50, F.S.; providing for the Health Care Cost Containment Board to approve additional revenues for certain hospitals for specified purposes; amending s. 407.51, F.S.; requiring said board to allow certain expenses for hospitals; providing an effective date.

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

Section 1. *(1) As used in this section, the term:*

(a) "Department" means the Department of Business Regulation.

(b) "Health care services pool" means any person, firm, corporation, partnership, or association engaged for hire in the business of providing temporary employment in health care facilities for licensed health care personnel including, without limitation, nursing assistants, nurses' aides, and orderlies. However, the term does not include nursing registries, a facility licensed under chapter 400, Florida Statutes, a health care services pool established within a health care facility to provide services only within the confines of such facility, or any individual contractor directly providing temporary services to a health care facility without use or benefit of a contracting agent.

(2) Each person who operates a health care services pool must register each separate business location with the department. The department shall adopt rules and provide forms required for such registration and shall impose a registration fee in an amount sufficient to cover the cost of administering this section.

(3) Each application for registration must include:

(a) The name and address of any person who has an ownership interest in the business, and, in the case of a corporate owner, copies of the articles of incorporation, by-laws, and names and addresses of all officers and directors of the corporation.

(b) Any other information required by the department.

(4) Each registration shall be for a period of 1 year. A new registration is required upon the sale of a controlling interest in a health care services pool.

(5) A health care services pool may not require an employee to recruit new employees from persons employed at a health care facility to which the health care services pool employee is assigned. Nor shall a health care facility to which employees of a health care services pool are assigned recruit new employees from the health care services pool.

(6) A health care services pool shall document that each temporary employee provided to a health care facility is licensed and has met training and continuing education requirements, as established by the appropriate regulatory agency, for the position in which he will be working.

(7) A health care services pool shall comply with all pertinent regulations of the appropriate regulatory agency relating to health and other qualifications of personnel employed in health care facilities.

(8) A health care services pool must carry professional liability insurance, in an amount established by the department.

(9) The department shall adopt rules to implement this section, including rules providing for the establishment of:

(a) Minimum standards for the operation of health care personnel pools.

(b) Fines for the violation of this section in an amount not to exceed $1,000 and suspension or revocation of registration.

(10) There is hereby appropriated $59,960 in Fiscal Year 1989-90 from the Administrative Trust Fund for the Department of Business Regulation to implement the provisions of this section.

Section 2. Subsection (14) is added to section 407.50, Florida Statutes, 1988 Supplement, to read:

407.50 Review of hospital budgets.—

(14) For hospitals in detailed review, in addition to any gross or net revenues for a budget or budget amendment approved pursuant to subsection (5), the board shall also approve gross and net revenues, using the same ratio of gross and net revenues to expenses as approved by the board for the budget or any budget amendment, which are necessary to fund any documented direct costs to hospitals arising from assistance provided to expand or supplement the curriculum of a community college, university, or vocational training school for the purpose of training nurses and other health professionals, not including physicians. Assistance would include, but not be limited to, the direct cost of faculty salaries and expenses, books, equipment, recruiting efforts, tuition, hospital internships, and in-kind contributions. It shall be the responsibility of the hospital to document any such increases in costs.

Section 3. Subsection (4) of section 407.51, Florida Statutes, 1988 Supplement, is renumbered as subsection (5) and a new subsection (4) is added to said section to read:

407.51 Exceeding approved budget or previous year's actual experience by more than maximum rate of increase; allowing or authorizing operating revenue or expenditures to exceed amount in approved budget; penalties.—

(4) The board shall reduce the amount of the excess for hospitals submitting budget letters pursuant to s. 407.50(2)(a) by the amount of any documented costs from financial assistance provided to expand or supplement the curriculum of a community college, university, or voca-

tional training school for the purpose of training nurses or other health professionals, not including physicians. Financial assistance would include, but not be limited to, the direct costs for faculty salaries and expenses, books, equipment, recruiting efforts, tuition assistance, and hospital internships. The reduction would be based on actual documented expenses increased by the gross revenues necessary to generate net revenues sufficient to cover the expenses.

(5)~~(4)~~ If the board finds that any hospital chief executive officer or any person who is in charge of hospital administration or operations has knowingly and willfully allowed or authorized actual operating revenues or expenditures that are in excess of projected operating revenues or expenditures in the hospital's approved budget, the board shall order such officer or person to pay an administrative fine not to exceed $5,000.

Section 4. Paragraph (h) of subsection (2) of section 400.497, Florida Statutes, 1988 Supplement, is amended to read:

400.497 Rules establishing minimum standards; screening of home health agency personnel.—

(2) The department shall establish minimum standards as to good moral character, based on screening, for home health agency personnel. Effective October 1, 1989, all such standards shall apply to nonlicensed home health agency personnel and licensed home health agency personnel whose licensing requirements do not include, at a minimum, records checks of the department's central abuse registry under chapter 415 and statewide criminal records correspondence checks through the Department of Law Enforcement.

(h) On or after October 1, 1989, nonlicensed and applicable licensed home health agency personnel must, within 5 working days after starting to work at a home health agency, submit to the agency for submission, within 48 hours, to the department a complete set of information necessary to conduct a screening according to the provisions of this section. In addition, new nonlicensed or applicable licensed personnel must sign an affidavit stating whether he meets the minimum standards for good moral character as contained in this section. The department shall submit the information to the Department of Law Enforcement for state processing. The department shall review the record of the person being screened with respect to the crimes contained in this section and shall notify the agency of its findings. If disposition information is missing on a criminal record, it is the responsibility of the person being screened, upon request of the department, to obtain and supply within 30 days the missing disposition information to the department. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information shall result in automatic disqualification.

1. Under the penalty of perjury, such nonlicensed and applicable licensed home health agency personnel shall attest to compliance with the minimum standards for good moral character as contained in this section.

2. Nonlicensed and applicable licensed home health agency personnel hired on or after October 1, 1989, shall be placed on probationary status pending a determination of compliance with minimum standards for good moral character.

3. The department, upon request of an agency, shall provide written assurance of compliance with this section for new personnel who have been screened for the agency at which they previously worked. However, if the person has been unemployed for more than *six months* ~~60 days~~, screening shall be required.

Section 5. Section 240.4986, Florida Statutes, is created to read:

240.4986 Nursing Education Challenge Grant Fund for Community Colleges.—

(1) There is hereby established the Nursing Education Challenge Grant Fund for Community Colleges to be administered by the Division of Community Colleges. The grant fund shall provide matching grants for private endowments made to community colleges pursuant to this section. This grant fund shall be used to encourage private support to increase student enrollments in nursing programs and other health service programs at community colleges in Florida.

(2) The Legislature shall designate funds to be transferred into the grant fund from the funds available. Such funds transferred into the grant fund shall be divided into challenge grants to be administered by the Division of Community Colleges for distribution to community colleges. All appropriated funds deposited into the grant fund shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to that portion of the grant fund not distributed as matching funds to community colleges shall increase the total funds available for challenge grants. Any balance in the grant fund at the end of any fiscal year shall remain in the grant fund and shall be available for carrying out the purposes of this section.

(3) The Legislature shall match each contribution from private sources made to community colleges pursuant to this section with $400 of state funds for each $600 in private contributions. Funds sufficient to provide the match shall be transferred from the grant fund to the community college fund upon certification that a proportionate amount has been received and deposited by the community college foundation in its own fund.

(4) Each community college shall establish its own fund as a depository for the endowment and matching grant funds. The community college foundation shall be responsible for the maintenance, investment, and administration of its fund. Private contributions matched under the Nursing Education Challenge Grant Fund may not be matched under other state matching programs.

(5) The board of trustees of each community college together with the college's foundation representing private contributors interests shall be responsible for determining the uses of the proceeds in the fund, within the community college's nursing and health service programs.

(6) This section shall be implemented only to the extent as specifically funded and authorized by law.

Section 6. *(1) Definitions.—As used in this section:*

(a) "Joint venture" means any ownership or compensation arrangement between persons providing health care.

(b) "Person" means any individual, firm, partnership, corporation, company, association, institution, or joint stock association, and any legal successor thereof.

(c) "Board" means the Health Care Cost Containment Board created by s. 407.01, Florida Statutes.

(2) The board shall conduct a special study, as authorized in s. 407.07, Florida Statutes, of ownership or compensation arrangements between persons providing health care. This study shall include, but not be limited to, the following:

(a) Identification of relationships between persons who provide health care and make referrals for which payment may be made.

(b) Identification of the scope of such arrangements and the means by which persons who provide health care refer patients under such arrangements.

(c) Analysis of the potential of such ownership or compensation to influence referrals by persons who provide health care where inappropriate utilization of health care services may occur.

(d) Evaluation of the impact of such arrangements on access of health care, quality of health care, and costs to the health care system.

(e) Recommendations as may be appropriate on the effectiveness of disclosure requirements contained in s. 455.25, Florida Statutes.

(f) Recommendations to strengthen the enforcement of the antikickback authority in ss. 395 0185, 400.17, 400.176, 458.331(1)(i), 459.015(1)(j) and (k), 461.013(1)(j), 462.14(1)(j), 468.365(1)(q), 468.518(1)(l), 474.214(1)(k), 483.245, and 486.125(1)(f), Florida Statutes, including, but not limited to, the need for an interagency system of coordination, consumer education, and regulation of persons providing health care.

(g) Recommendations for regulation by the state on an interagency system of coordination to regulate the impact of joint ventures on costs of health care, access to health care, and quality of health care, including, but not limited to, the procedural mechanisms for patient referrals between persons providing health care. The recommendations for regulation shall be applicable to both governmental and nongovernmental reimbursement of health care services as appropriate.

(3) The study of joint ventures shall be conducted by the board through the use of a special technical assistance panel convened for the

purposes of this study. The board shall appoint the panel, and specify the roles and responsibilities of the technical assistance panel in satisfying the provisions of this section. The panel shall have representation from the following groups:

(a) Physicians.

(b) The hospital industry.

(c) Health care purchasers, including the insurance industry.

(d) State agencies responsible for the enforcement of antikickback authority in ss. 395.0185, 400.17, 400.176, 458.331(1)(i), 459.015(1)(j) and (k), 461.013(1)(j), 462.14(1)(j), 468.365(1)(q), 468.518(1)(l), 474.214(1)(k), 483.245, and 486.125(1)(f), Florida Statutes.

(e) Other parties as deemed appropriate by the board.

(4) The board shall complete, by March 15, 1990, an interim report detailing the progress of the study; shall complete, on or before February 1, 1991, the final version of the study, along with specific data-based conclusions on the type of joint ventures and recommendations on the regulations dealing with the enforcement of antikickback authority; and shall provide copies of the interim and final reports to the Legislature and Governor.

(5) There is hereby appropriated from the Health Care Cost Containment Trust Fund $150,000 to the Board for the purposes of carrying out the provisions of this section.

Section 7. Present subsections (18) and (19) of section 381.702, Florida Statutes, 1988 Supplement, are renumbered as subsections (19) and (20), respectively, and a new subsection (18) is added to said section to read:

381.702 Definitions.—As used in ss. 381.701-381.715, the term:

(18) "Nursing home geographically underserved area" means:

(a) A county in which there is no existing or approved nursing home;

(b) An area with a radius of at least 20 miles in which there is no existing or approved nursing home; or

(c) An area with a radius of at least 20 miles in which all existing nursing homes have maintained at least a 95 percent occupancy rate for the most recent 6 months or a 90 percent occupancy rate for the most recent 12 months.

Section 8. Subsection (3) of section 381.704, Florida Statutes, is amended to read:

381.704 Duties and responsibilities of department; rules.—

(3) The department shall establish, by rule, uniform need methodologies for health services and health facilities. In developing uniform need methodologies, the department shall, at a minimum, consider the demographic characteristics of the population, the health status of the population, service use patterns, standards and trends, *geographic accessibility,* and market economics.

Section 9. Paragraph (a) of subsection (4) 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:

(4) STAFF RECOMMENDATIONS.—

(a) The department's review of and final agency action on applications shall be in accordance with the district plan, and statutory criteria, and the implementing administrative rules. *In the application review process, the department shall give a preference, as defined by rule of the department, to an applicant which proposes to develop a nursing home in a nursing home geographically underserved area.*

Section 10. *There is hereby established the Center for Health Technologies, to be located at and administered by a statutory teaching hospital located in Dade County and hereafter referred to as the administrator.*

(1) Purposes, objectives, and authority of the Center for Health Technologies.—

(a) The purpose of the center is to encourage the development and growth of the health sciences in the state; assist coordination between and with educational institutions, health care providers, and persons engaged in research and development of health care products; provide services to persons and incipient firms engaged in the incubation of health care products; assist in technology transfer; and establish academic laboratories, libraries, and other resource facilities to be shared among the center's constituents.

(2) The objectives of the center will be to:

(a) Maintain a data base of all resources to encourage linkages and promote the activities of its constituents.

(b) Provide a network of shared facilities and technical services such as, but not restricted to:

1. Physical, chemical, and biological testing.

2. Electronic, mechanical, and process design.

3. Engineering documentation.

4. Professional training and continuing education.

(c) Incubate small companies by offering them access to:

1. Affordable physical space.

2. Administrative, managerial, and financial services.

3. Seed and venture capital.

4. Business planning and legal services.

(d) Promote technology transfer, cooperative research and development, and commercialization among local businesses and industrial firms, the universities, hospitals, and local government.

(e) Initiate or coordinate large grant applications by linking local resources.

(3)(a) In carrying out the purposes and objectives of the center, the administrator is authorized to engage managers, administrators, analysts, and employees in all disciplines; engage consultants, advisors, attorneys, accountants, actuaries, engineers, and educators of all disciplines; enter into contracts for management of the center with persons, firms, and corporations, both profit and nonprofit, including, but not limited to, a nonprofit corporation which is organized for the purpose of carrying out the objectives and purposes of the center. In all instances, the administrator is authorized to pay reasonable compensation for the performance of such services, subject to compliance with this act and state law governing the expenditure of public funds.

(b) The administrator is further authorized to apply for and accept gifts, grants, and contributions in cash and in kind given in furtherance of the purposes and objectives of the center from all lawful donors and to establish an account or accounts at financial institutions qualified to do business within the state, which accounts may or need not bear interest as determined appropriate.

(4) The administrator shall submit a report on an annual basis to the Governor, the Speaker of the House of Representatives, and the President of the Senate providing an accounting of expenditures and progress on research and development programs.

Section 11. This act shall take effect upon becoming law except that subsections (1), (2), (3), and (4) of section 1 shall take effect October 1, 1989, and subsections (5), (6), (7), (8) and (9) of section 1 shall take effect July 1, 1990.

Amendment 2—On page 1 in title, lines 1-16, strike all of said lines and insert: A bill to be entitled An act relating to health care facilities; providing for the registration of health care services pools by the Department of Business Regulation; providing for fees; prohibiting certain activities; providing penalties; requiring professional liability insurance; providing for rules; amending ss. 407.50 and 407.51, F.S., relating to the Health Care Cost Containment Board; providing for approval of certain budgets or budget amendments relating to education of nurses and other related health professionals; amending paragraph (h) of subsection (2) of section 400.497, F.S., 1988 Supplement, relating to minimum standards of home health agency personnel; extending a time period for rescreening of such personnel; creating s. 240.4986, F.S.; creating a grant fund to

increase enrollment in nursing and other health service programs at community colleges; providing for administration; providing for funding and for matching funding; amending ss. 407.50 and 407.51, F.S.; authorizing the Health Care Cost Containment Board to approve certain hospital expenditures to educational institutions for training nurses and other health care professionals; requiring the Health Care Cost Containment Board to conduct a special study on the impact of joint ventures on health care; providing for appointment of a panel; requiring reports to the Governor and the Legislature; providing definitions; providing an appropriation; amending s. 381.702, F.S.; defining the term "nursing home geographically underserved area"; amending s. 381.704, F.S.; adding geographic accessibility to the review methodology for health services and health care facilities; amending s. 381.709, F.S.; requiring the Department of Health and Rehabilitative Services to give preference to applications for nursing homes in geographically underserved areas; establishing the Center for Health Technologies, to be located at and administered by a statutory teaching hospital in Dade County; establishing purposes, objectives, and authority; providing for financial matters; requiring an annual report; providing effective dates.

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

CS for CS for SB 128 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	Davis	Kirkpatrick	Ros-Lehtinen
Bankhead	Forman	Kiser	Souto
Beard	Gardner	Langley	Stuart
Brown	Girardeau	Malchon	Thomas
Bruner	Gordon	Margolis	Thurman
Casas	Grant	McPherson	Walker
Childers, D.	Grizzle	Meek	Weinstein
Childers, W. D.	Jennings	Myers	Weinstock
Crenshaw	Johnson	Peterson	Woodson-Howard

Nays—None

Motion

On motion by Senator Thomas, the House was requested to return CS for SB 562.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has reconsidered concurrence in Senate Amendments 2 and 3 to HB 1114, receded from House Amendments to Senate Amendments 2 and 3, has further amended and concurred in same as amended; has reconsidered concurrence in Senate Amendment 1 and has refused to concur in Senate Amendment 1 and requests the Senate to recede; has passed as amended and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1114—A bill to be entitled An act relating to lawful uses of firearms; amending s. 790.25, F.S.; providing that public defender investigators may possess and use firearms while carrying out official duties outside the circuits in which they are employed; providing an effective date.

Amendment 2 to Senate Amendment 2—On page 1, line 2, strike "*(q) Circuit judges*" and insert:

Section 2. Section 790.06, Florida Statutes, 1988 Supplement, is amended to read:

790.06 License to carry concealed weapon or firearm.—

(6)

(g) A circuit or county judge must be issued a license within 20 days after the date of the receipt of a completed application, whereupon it is noted that the applicant is a circuit or county judge, and a nonrefundable license fee of $50 A license issued to a circuit or county judge shall be valid for as long as that circuit or county judge serves in such capacity.

(Renumber subsequent section.)

Amendment 2 to Senate Amendment 3—On page 1 in title, line 7, after the semicolon (;) strike all language in Senate Amendment 3 and insert: amending s. 790.06, F.S., providing that circuit or county court judges shall be issued a license to carry a concealed weapon within 20 days of application;

On motions by Senator Langley, the Senate concurred in the House amendments to Senate Amendments 2 and 3; and receded from Senate Amendment 1.

HB 1114 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kiser	Stuart
Bankhead	Dudley	Langley	Thomas
Beard	Forman	Malchon	Thurman
Brown	Gardner	McPherson	Walker
Bruner	Girardeau	Meek	Weinstein
Casas	Grant	Myers	Weinstock
Childers, D.	Grizzle	Peterson	Woodson-Howard
Childers, W. D.	Jennings	Plummer	
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Souto	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1 and 2, concurred in same as amended and passed HB 1723 as amended and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1723—A bill to be entitled An act relating to the Medical Advisory Board in the Department of Highway Safety and Motor Vehicles; amending s. 322.125, F.S.; providing an exemption from public meetings requirements for a board member's individual review and evaluation of a driver's qualifications; saving the exemption from public records requirements for reports received or made by the board from repeal; providing for future review and repeal; amending s. 322.126, F.S., which provides an exemption from public records requirements for reports of disabilities received by the department; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

Amendment 1 to Senate Amendment 1—On page 1, line 12, through page 3, line 3, strike all of said lines and insert:

Section 3. Notwithstanding the October 1, 1989 repeal specified in section 119.14(3)(a), Florida Statutes, subsections (3) and (8) of section 322.20, Florida Statutes, are reenacted and amended to read:

322.20 Records of the department; fees; destruction of records.—

(3) The department shall maintain convenient records or make suitable notations, in order that the individual driver history record of each licensee is readily available for the consideration of the department upon application for renewal of a license and at other suitable times. The release by the department of the driver history record, with respect to accidents involving a licensee, shall not include any notation or record of the occurrence of a motor vehicle accident unless the licensee received a traffic citation as a direct result of the accident, *and to this extent such notation or record is exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.*

(8) The department may, upon application, furnish to any person, from the records of the Division of Driver Licenses, a list of the names, addresses, and birth dates of the licensed drivers of the entire state or any portion thereof by age group. Each person who requests such information shall pay a fee, set by the department, of 1 cent per name listed, except that the department shall furnish such information without charge to any state agency or to any state attorney, sheriff, or chief of police. Such state agency, state attorney, or law enforcement agency may not sell, give away, or allow the copying of such information. *This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* Noncompliance with this prohibition shall authorize the department to charge the noncomplying state agency, state attorney, or law enforcement agency the appropriate fee for any subsequent lists requested. The department may adopt rules necessary to implement this subsection.

Section 4. Notwithstanding the October 1, 1989 repeal specified in section 119.14(3)(a), Florida Statutes, subsection (4) of section 322.142, Florida Statutes, is reenacted and amended to read:

322.142 Color photographic licenses.—

(4) The department shall maintain a film negative or print file. Prints from the file shall be made and issued only for departmental administrative purposes, for the issuance of duplicate licenses, or in response to law enforcement agency requests ~~approved by the department~~ *and are exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.* ~~Each request from a law enforcement agency shall be submitted in writing by the head of the agency or his designated representative. It shall contain a brief explanation of the case and a statement that the case involves an active felony investigation and that a photograph of the licensee is not otherwise available.~~

Amendment 1 to Senate Amendment 2—On page 1, line 13, through page 2, line 9, strike all of said lines and insert: An act relating to the records of the Department of Highway Safety and Motor Vehicles; amending s. 322.125, F.S.; providing an exemption from public meetings requirements for a board member's individual review and evaluation of a driver's qualifications; saving the exemption from public records requirements for reports received or made by the board from repeal; providing for future review and repeal; amending s. 322.126, F.S., which provides an exemption from public records requirements for reports of disabilities received by the department; saving such exemption from repeal; providing for future review and repeal; amending s. 322.20, F.S., which provides an exemption from public records requirements for records of traffic accidents for which no citation is issued, and which provides an exemption from requirements relating to copying for lists of licensed drivers obtained from the Department of Highway Safety and Motor Vehicles by public agencies and officials; saving such exemptions from repeal; providing for future review and repeal; amending section 322.142(4), F.S.; providing an exemption from public records requirements for prints from film negatives of driver licenses; saving such exemption from repeal; providing for future review and repeal; providing an effective date.

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

HB 1723 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Langley	Stuart
Bankhead	Dudley	Malchon	Thomas
Beard	Forman	McPherson	Thurman
Brown	Gardner	Meek	Walker
Bruner	Grant	Myers	Weinstein
Casas	Grizzle	Peterson	Weinstock
Childers, D.	Jennings	Plummer	Woodson-Howard
Childers, W. D.	Johnson	Ros-Lehtinen	
Crenshaw	Kirkpatrick	Scott	
Davis	Kiser	Souto	

Nays—None

SPECIAL ORDER

On motions by Senator Stuart, by two-thirds vote CS for CS for HB 986 was withdrawn from the Committees on Higher Education; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Stuart—

CS for CS for HB 986—A bill to be entitled An act relating to postsecondary education; amending s. 240.1201, F.S.; revising criteria for determination of resident status for tuition purposes; 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. 240.4099, F.S.; providing for specific appropriations categories in accordance with ss. 240.409, 240.4095, and 240.4097, F.S.; amending and renumbering s. 240.401, F.S., relating to state tuition vouchers; providing legislative intent; revising conditions for eligibility; revising the amount of vouchers; amending s. 240.404, F.S.; revising residency requirements for student eligibility for state financial aid; correcting cross references; amending ss. 240.414, 240.437, and 240.4068, F.S.; correcting cross references and conforming provisions; amending s. 240.429, F.S.; requiring the Department of Education to maintain records on student loan default rates; requiring an annual report; creating s. 240.609, F.S.; establishing the Florida Postsecondary Endowment Grants Trust Fund; providing legislative intent; 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. 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 technical revisions; providing for prior contributions; authorizing combined contributions under certain conditions; prohibiting the expenditure of funds from the endowment; amending s. 320.0808, F.S., to conform terminology; providing an effective date.

—a companion measure, was substituted for CS for SB 1020 and read the second time by title.

Senator Stuart moved the following amendments which were adopted:

Amendment 1—On page 29, between lines 21 and 22, insert:

Section 1. Paragraph (b) of subsection (9) of section 121.091, Florida Statutes, 1988 Supplement, is amended 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).

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(b)1. Any person who is retired under this chapter, except under the disability retirement provisions of subsection (4), may be reemployed by any private or public employer after retirement and receive retirement benefits and compensation from his employer without any limitations, except that a person may not receive both a salary from reemployment with any agency participating in the Florida Retirement System and retirement benefits under this chapter for a period of 12 months immediately subsequent to the date of retirement.

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

3. ~~However,~~ A district school board may reemploy a retired member as a substitute or hourly teacher on a noncontractual basis after he has been retired for 1 calendar month, *in accordance with s. 121.021(39).* Any retired member who is reemployed within 1 calendar month after retirement shall *void* ~~forfeit~~ his *application for* ~~right to~~ retirement benefits ~~during that month~~. District school boards reemploying such teachers are subject to the retirement contribution required by subparagraph *6.* ~~4.~~ Reemployment of a retired member as a substitute or hourly teacher is limited to 780 hours during the first 12 months of his retirement. Any retired member reemployed for more than 780 hours during his first 12 months of retirement shall give timely notice in writing to his employer

and to the division of the date he will exceed the limitation. The division shall suspend his retirement benefits for the remainder of his first 12 months of retirement. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during his first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and his retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

4.2. A community college board of trustees may reemploy a retired member as an adjunct instructor, an instructor who is noncontractual and part-time, after he has been retired for 1 calendar month, *in accordance with s. 121.021(39).* Any retired member who is reemployed within 1 calendar month after retirement shall *void* ~~forfeit~~ his *application for* ~~right to~~ retirement benefits ~~during that month~~. Boards of trustees reemploying such instructors are subject to the retirement contribution required in subparagraph *6.* ~~4.~~ A retired member may be reemployed as an adjunct instructor for no more than 780 hours during the first 12 months of his retirement. Any retired member reemployed for more than 780 hours during his first 12 months of retirement shall give timely notice in writing to his employer and to the division of the date he will exceed the limitation. The division shall suspend his retirement benefits for the remainder of his first 12 months of retirement. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during his first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

5. The State University System may reemploy a retired member as an adjunct faculty member or as a participant in a phased retirement program within the State University System after the retired member has been retired for 1 calendar month, in accordance with s. 121.021(39). Any retired member who is reemployed within 1 calendar month after retirement shall void his application for retirement benefits. The State University System is subject to the retired contribution required in subparagraph 6., as appropriate. A retired member may be reemployed as an adjunct faculty member or a participant in a phased retirement program for no more than 780 hours during the first 12 months of his retirement. Any retired member reemployed for more than 780 hours during his first 12 months of retirement shall give timely notice in writing to his employer and to the division of the date he will exceed the limitation. The division shall suspend his retirement benefits for the remainder of his first 12 months of retirement. Any retirement benefits received by a retired member while reemployed in excess of 780 hours during his first 12 months of retirement shall be repaid to the Retirement System Trust Fund, and retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retired member's first 12 months of retirement shall apply toward repayment of benefits received in violation of the 780-hour reemployment limitation.

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

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

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

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

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

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

Section 2. Paragraph (a) of subsection (1) of section 121.051, Florida Statutes, 1988 Supplement, is amended to read:

121.051 Participation in the system.—

(1) COMPULSORY PARTICIPATION.—

(a) The provisions of this law shall be compulsory as to all officers and employees, except legislators who meet the requirements of s. 121.052(1)(c), who are employed on or after December 1, 1970, of an employer other than those referred to in paragraph (2)(b), and each officer or employee, as a condition of employment, shall become a member of the system as of his date of employment, except that a person who is retired from any state retirement system and is reemployed on or after December 1, 1970, shall not be permitted to renew his membership in any state retirement system except as provided in s. 121.091(4)(e), for a person who recovers from disability, and s. 121.091(9)(b)*7.*~~5.~~, for a person who is elected to public office. Officers and employees of the University Athletic Association, Inc., a nonprofit association connected with the University of Florida, employed on and after July 1, 1979, shall not participate in any state-supported retirement system.

Section 3. Section 240.247, Florida Statutes, is amended to read:

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

Section 4. Subsection (1) of section 240.213, Florida Statutes, is amended to read:

240.213 Board authorized to secure liability insurance.—

(1) The Board of Regents is authorized to secure, or otherwise provide as a self-insurer, or by a combination thereof, comprehensive general liability insurance, including professional liability for health care and veterinary sciences, for:

(a) The board.

(b) The students and faculty of any university within the State University System.

(c) The officers, employees, or agents of the board.

(d) The professional practitioners practicing a profession within, or by virtue of employment by, any university in the State University System.

(e) Any of the universities in the State University System or subdivisions thereof.

(f) Any not-for-profit corporation organized pursuant to chapter 617, and the directors, officers, employees, and agents thereof, which is affiliated with a university in the State University System, if the corporation is operated for the benefit of a state university in a manner consistent with the best interests of the state, and if such participation is approved by the appropriate insurance trust fund council, university president and the Board of Regents.

The Board of Regents is authorized to delegate to the universities, as appropriate, the authority to secure any liability insurance for the above.

Section 5. Subsection (2) of section 112.24, Florida Statutes, 1988 Supplement, 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. *However, agreements relating to faculty members of the State University System may be extended biennially upon approval of 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 6. Section 20 of this act, which amends section 112.24(2), Florida Statutes, applies to any interchange agreement relating to a faculty member of the State University System in existence on the effective date of this act.

(Renumber subsequent section.)

Amendment 2—On page 10, strike all of lines 2 and 3 and insert: *Association of Colleges and Schools, and which has a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect, and which is located in and*

Amendment 3—On page 24, strike line 21 and insert:

(c) Has a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect.

Amendment 4—On page 4, line 29; on page 5, line 1; on page 4, line 6; on page 7, lines 21 and 29; and on page 9, line 7, strike "state" and insert: Florida public

Senator Johnson moved the following amendments which were adopted:

Amendment 5—On page 29, line 28, insert:

Section 13. A new subsection (13) is added to Section 240.2605, F.S., to read:

240.2605 Trust Fund for Major Gifts.—

(4) The New College Foundation shall also establish a trust fund account for new donors into which shall be deposited private, voluntary contributions and appropriated moneys appropriated thereto by the State. The foundation shall annually report to the board the amount of funds actually transferred to New College for programs identified in subsection (3). Only donations by persons who have not previously contributed to the University of South Florida are eligible for deposit into such trust fund account.

(Renumber subsequent section.)

Amendment 6—On page 29, line 28, insert:

Section 12. A new subsection (12) is added to section 240.259, F.S., to read:

240.259 Trust Fund for New Donors.—

(5) The New College Foundation shall also establish a trust fund account for new donors into which shall be deposited private, voluntary contributions and moneys appropriated thereto by the State. The foundation shall annually report to the board the amount of funds actually transferred to New College for programs identified in subsection (4). Only donations by persons who have not previously contributed to the University of South Florida are eligible for deposit into such trust fund account.

(Renumber subsequent section.)

Senator D. Childers moved the following amendment which failed:

Amendment 7—On page 29, between lines 27 and 28, insert:

Section 16. 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 referendum shall be determined by the majority vote of the electors in each county within the community college district, as defined by s. 240.3031, voting in the referendum. The referendum must pass by majority vote in each county in the district. 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 and land associated with such projects. Revenue 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 by this subsection. A board of trustees shall not conduct multiple concurrent referendums for the purposes of this subsection.

Section 17. 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 *Community* ~~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.*

(Renumber subsequent sections.)

Senator Stuart moved the following amendments which were adopted:

Amendment 8—On page 9, lines 16, 19 and 28; on page 10, line 8; and on page 11, lines 1, 8 and 31, after "Florida" insert: Private

Amendment 9—On page 8, lines 27-30; on page 6, lines 13-16; and on page 14, lines 4-6, strike all of said lines

Amendment 10—In title, on page 1, line 17, after "Florida" insert: Private

Amendment 11—In title, on page 1, line 10, strike "state" and insert: Florida Public

Senator Johnson moved the following amendment which was adopted:

Amendment 12—On page 3, line 6, after the semicolon (;) insert: amending s. 240.259, F.S.; providing for participation in the trust fund for new donors by the New College Foundation; amending s. 240.2605, F.S.; providing for participation in the trust fund for major gifts by the New College Foundation

Senator Stuart moved the following amendment which was adopted:

Amendment 13—In title, on page 3, line 6, after the semicolon (;) insert: amending s. 121.091, F.S.; providing limitations for employment after retirement with respect to employment by the State University System; amending s. 121.051, F.S., to correct a cross reference; amending s. 240.247, F.S.; expanding the categories of employees subject to the program to eradicate salary discrimination based on race or sex; amending s. 240.213, F.S.; providing for certain corporations to participate in the Board of Regents' liability insurance programs; amending s. 112.24, F.S.; providing for biennial extensions of agreements relating to faculty members of the State University System; providing application to existing agreements;

On motion by Senator Stuart, by two-thirds vote CS for CS for HB 986 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Deratany	Kiser	Ros-Lehtinen
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grizzle	Meek	Weinstein
Childers, D.	Jennings	Myers	Weinstock
Childers, W. D.	Johnson	Peterson	Woodson-Howard
Crenshaw	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Grant, Souto

On motion by Senator Margolis, by two-thirds vote CS for CS for SB's 9, 1 and 248 was withdrawn from the Committee on Appropriations.

The Senate resumed consideration of—

CS for CS for SB's 9, 1 and 248—A bill to be entitled An act relating to saltwater fisheries; amending s. 370.01, F.S.; defining the term "marine fish"; creating s. 370.0605, F.S.; providing for saltwater fishing licenses; providing fees; providing duties of tax collectors and the Department of Natural Resources; providing for the department to charge a tax collector the fees for lost licenses that exceed a limit specified by the department; prohibiting certain unlawful uses of a saltwater fishing license; amending s. 370.111, F.S.; providing for a snook stamp; amending s. 370.14, F.S.; providing for a crawfish stamp; creating s. 370.0606, F.S.; providing for the appointment of subagents for the issuance and sale of saltwater fishing licenses; providing bonding requirements for such subagents; providing for a marine information system; providing for the disposition of license fees; creating a Marine Resources Conservation Trust Fund; specifying level of general revenue funding for certain activities and programs; providing for the allocation of certain federal moneys to the department and the Game and Fresh Water Fish Commission; creating additional positions and providing appropriations; providing an effective date.

—having concurred in the House amendments.

Motion to Reconsider

Senator Bruner moved that the Senate reconsider the vote by which CS for CS for SB's 9, 1 and 248 was withdrawn from the Committee on Appropriations. The motion failed.

CS for CS for SB's 9, 1 and 248 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Mr. President	Forman	Kirkpatrick	Souto
Beard	Girardeau	Kiser	Stuart
Brown	Gordon	Malchon	Weinstock
Casas	Grant	Margolis	Woodson-Howard
Crenshaw	Grizzle	McPherson	
Davis	Jennings	Meek	
Dudley	Johnson	Peterson	

Nays—14

Bankhead	Deratany	Ros-Lehtinen	Walker
Bruner	Langley	Scott	Weinstein
Childers, D.	Myers	Thomas	
Childers, W. D.	Plummer	Thurman	

Senator Langley presiding

On motions by Senator Kiser, by two-thirds vote CS for HB 808 was withdrawn from the Committees on Higher Education and Appropriations.

On motion by Senator Kiser—

CS for HB 808—A bill to be entitled An act relating to postsecondary education; amending s. 240.551, F.S.; revising provisions relating to the Florida Prepaid Postsecondary Education Expense Program; revising definition of qualified beneficiary; revising provisions relating to the comprehensive investment plan; revising a reporting date; authorizing the Prepaid Postsecondary Education Expense Board to establish a direct support organization and providing requirements thereof; exempting funds of the organization from certain requirements; providing an exemption from public records requirements for certain organization records; providing for future review and repeal; providing for endorsement of insurance coverage and issuance thereof; revising provisions relating to refunds; revising provisions relating to dormitory residence plans; authorizing additional product providers; revising provisions relating to exercise of benefits under certain circumstances; providing an effective date.

—a companion measure, was substituted for CS for SB's 93 and 982 and read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for HB 808 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Dudley	Kiser	Ros-Lehtinen
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard
Deratany	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Thurman

Consideration of **CS for SB's 1378 and 461** was deferred.

On motions by Senator Grant, by two-thirds vote CS for HB 895 was withdrawn from the Committees on Commerce, Judiciary-Criminal and Appropriations.

On motion by Senator Grant—

CS for HB 895—A bill to be entitled An act relating to financial institutions; amending s. 655.50, F.S.; creating the Florida Control of Money Laundering in Financial Institutions Act; providing legislative purpose; providing definitions; requiring financial institutions to keep certain records; authorizing such institutions to keep certain records; directing the Department of Banking and Finance and financial institutions to keep copies of certain reports for a certain time period; providing additional powers of the department; providing additional penalties; increasing penalties; creating an advisory council to study the administration and funding of the money laundering reporting program; providing for a report; providing an effective date.

—a companion measure, was substituted for CS for SB 786 and read the second time by title. On motion by Senator Grant, by two-thirds vote CS for HB 895 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Souto	

Nays—None

On motion by Senator McPherson, by unanimous consent—

HB 1145—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.2636, F.S.; increasing the amount of tax credits applicable to the Breeders' Crown Meet permitholder; providing for the disposition of certain earned credits; providing an effective date.

—a companion measure, was taken up out of order and substituted for SB 403 and by two-thirds vote read the second time by title. On motion by Senator McPherson, by two-thirds vote HB 1145 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Dudley	Kirkpatrick	Ros-Lehtinen
Beard	Forman	Kiser	Souto
Brown	Gardner	Langley	Stuart
Bruner	Girardeau	Malchon	Thomas
Casas	Gordon	Margolis	Thurman
Childers, D.	Grant	McPherson	Walker
Childers, W. D.	Grizzle	Meek	Weinstein
Davis	Jennings	Myers	Weinstock
Deratany	Johnson	Plummer	Woodson-Howard

Nays—1

Peterson

CS for SB's 1378 and 461—A bill to be entitled An act relating to acquired immune deficiency syndrome; amending s. 119.07, F.S.; excluding medical information from certain public records; amending s. 230.2319, F.S.; requiring plans for education on certain subjects in grades 6-8; amending s. 381.042, F.S.; extending time allowed for completion of AIDS education requirement by certain current licensees; amending s. 381.609, F.S.; providing additional exceptions to requirements of informed consent for HIV testing; clarifying informed consent requirement for minors; prescribing circumstances in which HIV test results may be disclosed; authorizing agents of the Department of Health and Rehabilitative Services to provide anonymous HIV tests; providing penalties for facilities under certain circumstances; prohibiting the requirement of an HIV test as a condition of receiving treatment; amending s. 381.6105, F.S.; clarifying informed consent requirement for HIV testing for certain minors; providing an additional exception to informed consent requirements for HIV testing; prescribing circumstances in which confirmatory testing is not required; prescribing circumstances in which certain test results can be shared with a treating physician; amending s. 384.25, F.S.; authorizing county public health units to receive reports of human immunodeficiency virus infection for certain purposes; requiring periodic reports to the State Health Officer; requiring adoption of rules; amending s. 384.27, F.S., to make terminology consistent; amending s. 455.2226, F.S.; requiring physical therapists to receive certain education within the current licensing cycle; postponing the expiration of certain provisions;

amending s. 455.2416, F.S.; authorizing disclosure of otherwise confidential information by medical practitioners under specified circumstances; amending s. 627.429, F.S.; changing the word "indemnify" to the word "underwrite"; amending s. 760.50, F.S.; prohibiting discrimination in employment against health care workers who provide patient care to persons infected with human immunodeficiency virus; providing an effective date.

—was read the second time by title.

One amendment was adopted to CS for SB's 1378 and 461 to conform the bill to CS for HB 1590.

On motions by Senator Malchon, by two-thirds vote—

CS for HB 1590—A bill to be entitled An act relating to acquired immune deficiency syndrome; amending s. 63.13, F.S.; providing guidance to the court in certain cases involving custody and support of children; amending s. 119.07, F.S.; excluding medical information from certain public records; amending s. 230.2319, F.S.; requiring plans for education on certain subjects in grades 6-8; amending s. 233.0672, F.S.; providing certain requirements for instruction in acquired immune deficiency syndrome; amending s. 381.042, F.S.; extending time allowed for completion of AIDS education requirement by certain current licensees; amending s. 381.609, F.S.; providing legislative intent; providing definitions; clarifying informed consent requirement for minors; prescribing circumstances in which HIV test results may be disclosed; authorizing agents of the Department of Health and Rehabilitative Services to provide anonymous HIV tests; providing penalties for facilities under certain circumstances; providing for fees; prohibiting the requirement of an HIV test as a condition of receiving treatment; amending s. 381.6105, F.S.; clarifying informed consent requirement for HIV testing for certain minors; providing an additional exception to informed consent requirements for HIV testing; prescribing circumstances in which confirmatory testing is not required; prescribing circumstances in which certain test results can be shared with a treating physician; amending s. 384.25, F.S.; authorizing county public health units to receive certain reports of human immunodeficiency virus infection for certain purposes; requiring periodic reports to the State Health Officer; requiring adoption of rules; amending s. 384.27, F.S., to make terminology consistent; amending s. 455.2226, F.S.; requiring physical therapists to receive certain education within the current licensing cycle; authorizing certain required continuing education hours to count toward licensing requirement; postponing the expiration of certain provisions; creating s. 455.2228, F.S.; requiring AIDS education for certain regulated professions; amending s. 455.2416, F.S.; authorizing disclosure of otherwise confidential information by medical practitioners under specified circumstances; amending s. 627.429, F.S.; changing the word "indemnify" to the word "underwrite"; amending s. 760.50, F.S.; providing findings; clarifying existing discrimination provisions; prohibiting discrimination in employment against health care workers who provide patient care to persons infected with human immunodeficiency virus; providing for the confidentiality of certain employee medical records; requiring interagency agreements and reports; repealing s. 455.2227, F.S.; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB's 1378 and 461 and by two-thirds vote read the second time by title.

Senator Myers moved the following amendment which was adopted:

Amendment 1—On page 26, between lines 2 and 3, insert:

(5) The department may, with the authorization of a test subject reported to the department pursuant to subsection (4), notify school superintendents of students and school personnel whose human immunodeficiency virus tests are positive. School superintendents shall maintain the confidentiality of the report information and the information shall be released only in an emergency situation which results in a significant exposure by students or school personnel to the blood or body fluids of the person for whom a positive test result has been obtained. Such information shall be released only to persons who have experienced a significant exposure and such persons shall comply with the confidentiality provisions of s. 384.29.

(Renumber subsequent subsections.)

Senator Malchon moved the following amendment which was adopted:

Amendment 2—On page 5, line 3, strike "*1991*" and insert: *1990-1991*

On motion by Senator Malchon, by two-thirds vote CS for HB 1590 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grizzle	Myers	Walker
Childers, W. D.	Jennings	Peterson	Weinstein
Crenshaw	Johnson	Plummer	Weinstock
Deratany	Kirkpatrick	Ros-Lehtinen	Woodson-Howard
Dudley	Kiser	Scott	

Nays—None

SB 946—A bill to be entitled An act relating to public transit; creating the "Tri-County Commuter Rail Authority Act"; providing definitions; creating the Tri-County Commuter Rail Authority; providing for membership; establishing terms of members; providing for filling vacancies; providing powers and duties of the authority; providing for interagency cooperation and contracts; providing for public and private funding; authorizing issuance of revenue bonds; directing that bonds are not debts or pledges of credit of the state; providing for pledge to bondholders; providing an effective date.

—was read the second time by title.

Two amendments were adopted to SB 946 to conform the bill to CS for HB 1656.

On motions by Senator Forman, by two-thirds vote—

CS for HB 1656—A bill to be entitled An act relating to public transit; creating chapter 343, F.S.; creating the "Tri-County Commuter Rail Authority Act"; providing definitions; creating the Tri-County Commuter Rail Authority; providing for membership; establishing terms of members; providing for filling vacancies; providing powers and duties of the authority; providing for interagency cooperation and contracts; providing for public and private funding; authorizing issuance of revenue bonds; directing that bonds are not debts or pledges of credit of the state; requiring the authority to develop an annual operating plan; providing for annual review of plan; providing for pledge to bondholders; creating the "Central Florida Commuter Rail Authority Act"; providing definitions; creating the Central Florida Commuter Rail Authority; providing for membership; establishing terms of members; providing for filling vacancies; providing powers and duties of the authority; providing for interagency cooperation and contracts; providing for public and private funding; authorizing issuance of revenue bonds; directing that bonds are not debts or pledges of credit of the state; providing for pledge to bondholders; amending s. 341.303, F.S.; providing that a tri-county commuter rail must have an operating ratio of 40 percent or more in the second year and limiting funding to 5 years; providing an effective date.

—a companion measure, was substituted for SB 946 and by two-thirds vote read the second time by title. On motion by Senator Forman, by two-thirds vote CS for HB 1656 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	

Nays—None

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote SB 1560 was withdrawn from the Committee on Rules and Calendar.

Motions

On motions by Senator Scott, by two-thirds vote CS for SB 571, SB 1560, CS for HB 1818, CS for SB 1189 and CS for HB 775 were placed on the special order calendar.

SPECIAL ORDER, continued

On motions by Senator Ros-Lehtinen, by two-thirds vote CS for HB 821 was withdrawn from the Committees on Economic, Professional and Utility Regulation; and Appropriations.

On motion by Senator Ros-Lehtinen—

CS for HB 821—A bill to be entitled An act relating to medical practice; amending s. 458.311, F.S.; providing for issuance of a 2-year restricted license to certain applicants; providing requirements; providing for supervised practice; providing requirements for issuance of an unrestricted license; providing for rules; creating a Physician Training Trust Fund; providing for loans for physician training; providing for interest rates; providing a repayment period; prohibiting certain fees; prohibiting state liability for defaulted loans; providing for institutional payment of loan repayments; providing an appropriation; providing an effective date.

—a companion measure, was substituted for CS for SB 48 and read the second time by title. On motion by Senator Ros-Lehtinen, by two-thirds vote CS for HB 821 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Bankhead	Deratany	Johnson	Ros-Lehtinen
Beard	Dudley	Kirkpatrick	Scott
Brown	Forman	Langley	Souto
Bruner	Gardner	Malchon	Stuart
Casas	Girardeau	Margolis	Thomas
Childers, D.	Gordon	McPherson	Thurman
Childers, W. D.	Grant	Meek	Walker
Crenshaw	Grizzle	Myers	Weinstock
Davis	Jennings	Peterson	Woodson-Howard

Nays—None

The Senate resumed consideration of—

SB 189—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.16, F.S.; authorizing pari-mutuel wagering to be conducted through a system in which wagers are placed by telephone outside a horse or dog racetrack enclosure and are received and processed within the enclosure of a licensed horse or dog racetrack; providing an effective date.

—which had been considered June 1. Pending Amendment 2 was adopted.

On motion by Senator Casas, the Senate reconsidered the vote by which **Amendment 1** was adopted. **Amendment 1** was withdrawn.

On motion by Senator Casas, by two-thirds vote SB 189 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

Bankhead	Dudley	Johnson	Ros-Lehtinen
Beard	Forman	Kiser	Scott
Brown	Gardner	Malchon	Souto
Casas	Girardeau	Margolis	Thomas
Childers, D.	Gordon	McPherson	Thurman
Childers, W. D.	Grant	Meek	Walker
Davis	Grizzle	Myers	Woodson-Howard
Deratany	Jennings	Plummer	

Nays—4

Langley	Peterson	Stuart	Weinstock

Vote after roll call:

Nay to Yea—Stuart

On motion by Senator Davis, by two-thirds vote HB 426 was withdrawn from the Committee on Transportation.

On motion by Senator Davis—

HB 426—A bill to be entitled An act relating to state uniform traffic control; creating s. 316.2399, F.S., permitting buses and taxicabs to be equipped with special warning lights; providing for approval by the Department of Highway Safety and Motor Vehicles; amending s. 316.2397, F.S., to conform; providing an effective date.

—a companion measure, was substituted for SB 393 and read the second time by title. On motion by Senator Davis, by two-thirds vote HB 426 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Casas	Girardeau	McPherson	Walker
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	
Deratany	Kirkpatrick	Souto	

Nays—None

The President presiding

CS for SB 71—A bill to be entitled An act relating to nursing scholarships; creating s. 240.4075, F.S.; establishing a student loan forgiveness program for nurses who are employed in nursing homes and hospitals in the state and in state-operated medical and health care facilities; providing loan forgiveness provisions; creating the Nursing Student Loan Forgiveness Trust Fund; authorizing the use of trust fund money for specified purposes; imposing an additional license fee for the practice of professional nursing; providing for the matching of trust fund dollars; providing for rules; providing for implementation of the program; providing an effective date.

—was read the second time by title.

Four amendments were adopted to CS for SB 71 to conform the bill to CS for HB 1196.

Pending further consideration of CS for SB 71 as amended, on motion by Senator Woodson-Howard, by two-thirds vote CS for HB 1196 was withdrawn from the Committees on Health Care; Economic, Professional and Utility Regulation; and Appropriations.

On motion by Senator Woodson-Howard—

CS for HB 1196—A bill to be entitled An act relating to nursing scholarships; creating s. 240.4075, F.S.; establishing a student loan forgiveness program for nurses who are employed in nursing homes and hospitals in the state and in state-operated medical and health care facilities, federally sponsored community health centers and teaching hospitals; providing loan forgiveness provisions; creating the Nursing Student Loan Forgiveness Trust Fund; authorizing the use of trust fund money for specified purposes; imposing an additional license fee for the practice of nursing; providing for the matching of trust fund dollars; providing for rules; providing for implementation of the program; providing an effective date.

—a companion measure, was substituted for CS for SB 71 and read the second time by title. On motion by Senator Woodson-Howard, by two-thirds vote CS for HB 1196 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Childers, D.	Forman	Johnson
Bankhead	Childers, W. D.	Gardner	Kirkpatrick
Beard	Crenshaw	Girardeau	Kiser
Brown	Davis	Grant	Langley
Bruner	Deratany	Grizzle	Malchon
Casas	Dudley	Jennings	Margolis

McPherson	Peterson	Stuart	Walker
Meek	Ros-Lehtinen	Thomas	Weinstock
Myers	Souto	Thurman	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Weinstein

On motions by Senator Bankhead, by two-thirds vote HB 485 was withdrawn from the Committees on Education; Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Bankhead—

HB 485—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.091, F.S.; allowing the Board of Trustees of the Florida School for the Deaf and the Blind to reemploy a retired member in certain positions and specifying conditions for retirement benefits; amending s. 121.051, F.S.; correcting a cross reference; providing an effective date.

—a companion measure, was substituted for SB 849 and read the second time by title. On motion by Senator Bankhead, by two-thirds vote HB 485 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Johnson	Ros-Lehtinen
Bankhead	Deratany	Kirkpatrick	Souto
Beard	Dudley	Langley	Stuart
Brown	Forman	Malchon	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Girardeau	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard

Nays—None

CS for SB 220—A bill to be entitled An act relating to indigent mental health, providing legislative intent; providing definitions; exempting community mental health centers; providing funds for certain mental health services; establishing eligibility criteria; providing for a referral process; amending s. 409.2662, F.S.; reserving funds for specialty psychiatric hospitals; providing an effective date.

—was read the second time by title.

Senator Ros-Lehtinen moved the following amendments which were adopted:

Amendment 1—On page 4, line 15, before the period (.) insert: as calculated by the Medicaid program office

Amendment 2—On page 5, line 14, after the period (.) insert: Furthermore, a hospital that does not seek compensation for indigent mentally ill patients under the provisions of this act shall not be obliged to accept department referrals, notwithstanding any agreements it may have entered into with the department.

On motion by Senator Ros-Lehtinen, by two-thirds vote CS for SB 220 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	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Jennings	Souto
Beard	Dudley	Johnson	Stuart
Brown	Forman	Kirkpatrick	Thomas
Bruner	Gardner	Margolis	Thurman
Casas	Girardeau	Meek	Walker
Childers, D.	Gordon	Myers	Weinstein
Childers, W. D.	Grant	Peterson	Woodson-Howard

Nays—2

Malchon	Weinstock

Vote after roll call:

Yea—Langley

SB 734—A bill to be entitled An act relating to ad valorem tax administration; amending s. 197.502, F.S.; providing that application by a county for a tax deed is optional; providing an effective date.

—was read the second time by title.

The Committee on Community Affairs recommended the following amendments which were moved by Senator Walker and adopted:

Amendment 1—On page 1, line 10, strike everything after the enacting clause and insert:

Section 1. Subsection (3) of section 197.502, Florida Statutes, is amended to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.—

(3) The county *where the lands described in the certificate are located* shall make application for a deed on all certificates *on property valued at $500 or more on the property appraiser's roll and may make application on those certificates on property valued at less than $500 on the property appraiser's roll. Such application shall be made* 2 years after April 1 of the year of issuance of the certificates. Upon application for a tax deed, the county shall deposit with the tax collector all applicable costs and fees, but shall not deposit any money to cover the redemption of other outstanding certificates covering the land.

Section 2. This act shall take effect October 1, 1989.

Amendment 2—In title, on page 1, line 5, after "optional" insert: on property valued at less than $500

On motion by Senator Walker, by two-thirds vote SB 734 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

Bankhead	Deratany	Kirkpatrick	Ros-Lehtinen
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Stuart
Bruner	Gardner	Margolis	Thomas
Casas	Girardeau	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Weinstein

On motions by Senator Walker, by two-thirds vote HM 1596 was withdrawn from the Committees on Health Care; and Rules and Calendar.

On motion by Senator Walker—

HM 1596—A memorial to the Congress of the United States, urging Congress to review the Catastrophic Medicare Act of 1988 (PL 100-360), and to develop an equitable system of health care for members of the senior population who are Medicare recipients.

—a companion measure, was substituted for SM 735 and read the second time in full. On motion by Senator Walker, HM 1596 was adopted and certified to the House. The vote on adoption was:

Yeas—32

Bankhead	Deratany	Malchon	Souto
Beard	Dudley	Margolis	Stuart
Brown	Forman	McPherson	Thomas
Bruner	Gardner	Meek	Thurman
Casas	Girardeau	Myers	Walker
Childers, D.	Grant	Peterson	Weinstein
Childers, W. D.	Johnson	Plummer	Weinstock
Crenshaw	Kirkpatrick	Ros-Lehtinen	Woodson-Howard

Nays—None

Consideration of **SB 1535**, **SB 678** and **CS for SB 499** was deferred.

CS for SB 1462—A bill to be entitled An act relating to children and families in need of services; amending s. 39.001, F.S.; providing that the Department of Health and Rehabilitative Services may contract for programs for children, youths, and their families; providing standards which must be met by caregivers; amending s. 39.01, F.S.; redefining the terms "child in need of services" and "family in need of services"; amending s. 39.424, F.S.; providing for voluntary services and protective supervision services to families in need of services; amending s. 39.434, F.S.; requiring the department to advise the parents or legal custodians in a family in need of services of their duty to pay costs of family arbitration and directing the department to set and charge fees therefor; amending s. 39.443, F.S.; providing for maintenance of records by courts and for their confidentiality; amending s. 827.04, F.S.; redefining the offense of child abuse to include causing or tending to cause a child to become a child in need of services; providing a penalty; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote CS for SB 1462 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Bankhead	Davis	Johnson	Stuart
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Kiser	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstock
Childers, D.	Grant	Myers	Woodson-Howard
Childers, W. D.	Grizzle	Peterson	
Crenshaw	Jennings	Souto	

Nays—None

Point of Order

Senator Kiser raised a point of order that **SB 678**, the next bill on the special order calendar, had not been reported by a Senate committee and would require unanimous consent to be considered.

Ruling on Point of Order

The President ruled the point well taken and the bill was removed from the special order calendar.

On motions by Senator Thurman, by two-thirds vote CS for HB 777 was withdrawn from the Committees on Personnel, Retirement and Collective Bargaining; and Appropriations.

On motion by Senator Thurman—

CS for HB 777—A bill to be entitled An act relating to interchange programs; amending s. 112.24, F.S.; providing for biennial extensions of agreements relating to faculty members of the State University System; providing application to existing agreements; providing an effective date.

—a companion measure, was substituted for SB 536 and read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB 777 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Langley	Thomas
Brown	Gardner	Malchon	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	
Deratany	Kirkpatrick	Souto	

Nays—None

CS for SB 1103—A bill to be entitled An act relating to real property tax assessment; creating a temporary commission within the Department of Environmental Regulation to study and recommend whether lands producing high water recharge of aquifers should be specially classified and their assessment based upon their character or use pursuant to s. 4, Art. VII of the State Constitution; providing for composition of the commission; requiring public hearings; specifying the issues to be studied by the commission; requiring reports; providing for assistance of the department and other state agencies; providing an appropriation; providing an effective date and an expiration date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote CS for SB 1103 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Bankhead	Deratany	Kirkpatrick	Stuart
Beard	Dudley	Langley	Thomas
Brown	Forman	Malchon	Thurman
Bruner	Gardner	McPherson	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Woodson-Howard
Childers, W. D.	Grant	Peterson	
Crenshaw	Grizzle	Ros-Lehtinen	
Davis	Jennings	Souto	

Nays—1

Weinstock

On motions by Senator Johnson, by two-thirds vote HB 954 was withdrawn from the Committees on Judiciary-Criminal and Appropriations.

On motion by Senator Johnson—

HB 954—A bill to be entitled An act relating to adult abuse; amending s. 415.111, F.S.; adding offenses; providing penalties; providing technical amendments; providing an effective date.

—a companion measure, was substituted for SB 881 and read the second time by title. On motion by Senator Johnson, by two-thirds vote HB 954 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kirkpatrick	Stuart
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Langley	Thurman
Brown	Gardner	Malchon	Walker
Bruner	Girardeau	Meek	Weinstein
Casas	Gordon	Myers	Weinstock
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Grizzle	Plummer	
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Souto	

Nays—None

On motions by Senator Weinstein, by two-thirds vote CS for HB 610 was withdrawn from the Committees on Judiciary-Civil; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Weinstein—

CS for HB 610—A bill to be entitled An act relating to forfeitures; creating s. 27.3451, F.S.; creating a State Attorney's Forfeiture and Investigative Support Trust Fund; amending s. 932.704, F.S.; providing for the deposit of certain funds obtained through forfeiture proceedings into such trust funds; providing for the division of certain forfeited funds; providing an effective date.

—a companion measure, was substituted for SB 871 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 610 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Casas	Deratany	Gordon
Bankhead	Childers, D.	Dudley	Grant
Beard	Childers, W. D.	Forman	Grizzle
Brown	Crenshaw	Gardner	Jennings
Bruner	Davis	Girardeau	Johnson

Kirkpatrick	Myers	Souto	Walker
Langley	Peterson	Stuart	Weinstein
Malchon	Plummer	Thomas	Weinstock
Meek	Ros-Lehtinen	Thurman	

Nays—None

Vote after roll call:

Yea—Woodson-Howard

Consideration of **CS for SB 1422** was deferred.

On motions by Senator Deratany, by two-thirds vote—

CS for CS for HB 710—A bill to be entitled An act relating to taxes on fuel and other pollutants; amending s. 206.9925, F.S.; redefining "petroleum product," "pollutants," and "storage facility" for purposes of such taxes and defining "solvents," "solvent mixture," and "consume"; amending s. 206.9935, F.S.; revising the rates of the tax for water quality on solvents and motor oil or other lubricants and providing a rate for solvent mixtures; revising provisions which allow certain credit for such tax paid on motor gasoline and gasohol and providing for repeal thereof; providing requirements with respect to identification of solvent mixtures and certain products; providing for repeal of the tax on lead-acid batteries; amending s. 206.9941, F.S.; revising the exemption for certain petroleum products from the tax for inland protection and providing that said exemption also applies to the tax for water quality; providing an exemption from the tax for water quality for certain pollutants which are exported and for solvents and solvent mixtures consumed in the production of materials which are not pollutants; providing an exemption from the taxes for coastal protection and inland protection for solvents, solvent mixtures, motor oil, and lubricants; providing an exemption from the taxes for water quality and inland protection for petroleum products bunkered into marine vessels engaged in interstate or foreign commerce; amending s. 206.9942, F.S.; providing that the refund or credit allowed with respect to the tax for inland protection for petroleum products which are exported also applies to the tax for water quality, and providing that said exemption also applies to petroleum products bunkered into marine vessels engaged in interstate or foreign commerce; providing for refunds or credits for certain persons with respect to the tax for water quality for pollutants which are exported, for solvents and solvent mixtures which are consumed in the production of a product which is not a pollutant, for solvents and solvent mixtures blended into solvent mixtures or used to produce other pollutants, and for lead-acid batteries which are exported; creating s. 206.9943, F.S.; requiring persons not otherwise licensed pursuant to chapter 206, F.S., to obtain a pollutant tax license; providing a fee; amending s. 403.717, F.S.; defining "lead-acid battery"; amending s. 403.718, F.S.; specifying that the waste tire fee is subject to all applicable sales taxes imposed by part I of chapter 212, F.S.; creating s. 403.7185, F.S.; imposing a fee on the retail sale of new or remanufactured lead-acid batteries; providing exemptions and providing for certain credits; providing for administration, collection, and enforcement by the Department of Revenue; amending s. 376.307, F.S.; providing for deposit in the Water Quality Assurance Trust Fund; amending s. 72.011, F.S., which provides procedures for the contest of specific taxes by taxpayers, to include waste tire and lead-acid battery fees; amending s. 213.05, F.S., which provides for the responsibilities of the Department of Revenue regarding specified revenue laws, to include said fees; amending s. 213.21, F.S.; authorizing the compromise of taxes levied pursuant to part IV of chapter 206, F.S.; amending s. 9, ch. 88-393, Laws of Florida; revising the membership of the Water Quality Assurance Trust Fund Study Commission; revising requirements relating to its recommendations; extending the date for submission of a report to the Legislature; providing emergency rule making authority to the Department of Revenue; providing for retroactive application; providing effective dates.

—a companion measure, was substituted for CS for CS for SB's 1408 and 511 and by two-thirds vote read the second time by title. On motion by Senator Deratany, by two-thirds vote CS for CS for HB 710 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Beard	Casas	Crenshaw
Bankhead	Brown	Childers, D.	Davis
Deratany	Jennings	Meek	Thomas
Dudley	Johnson	Myers	Thurman
Forman	Kirkpatrick	Plummer	Weinstein
Girardeau	Kiser	Ros-Lehtinen	Weinstock
Gordon	Malchon	Souto	Woodson-Howard
Grizzle	McPherson	Stuart	

Nays—6

Bruner	Gardner	Peterson
Childers, W. D.	Langley	Walker

Vote after roll call:

Yea to Nay—D. Childers

RECESS

On motion by Senator Scott, the Senate recessed at 12:05 p.m. to reconvene upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 1:20 p.m. A quorum present—39:

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Consideration of Resolution

On motion by Senator Thurman, the rules were waived by unanimous consent and the following resolution was introduced out of order:

By Senator Thurman—

SR 1576—A resolution commemorating the centennial celebration of the City of Dunnellon.

WHEREAS, on December 22, 1890, the citizens of the Town of Dunnellon voted to form a municipal corporation and elected the officers of the newly formed municipality, and

WHEREAS, the City of Dunnellon, named for John F. Dunn, an officer of the Silver Springs, Ocala, and Gulf Railroad, president of the Merchants National Bank in Ocala, and developer of Marion County, is rightfully proud of its long and honorable history, and

WHEREAS, the Dunnellon "Boomtown" Historic District has been officially listed on the National Register of Historic Places by the United States Department of the Interior, and

WHEREAS, April 20, 1990, marks the beginning of the centennial year of the City of Dunnellon, and

WHEREAS, it is appropriate for this legislative body to honor this historic occasion, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate does pause in its deliberations to commemorate the centennial celebration of the City of Dunnellon.

On motion by Senator Thurman, SR 1576 was read the second time in full and adopted.

At the request of the President, Senator Thurman escorted Mrs. Pat Porter, Mrs. Ann Willson, Mr. Gerald Murray and Mrs. Faye Murray to the rostrum where they were presented a copy of the resolution.

SPECIAL ORDER

On motions by Senator Meek, by two-thirds vote—

CS for HB 940—A bill to be entitled An act relating to the Fair Housing Act; amending s. 760.22, F.S.; providing definitions; amending s. 760.23, F.S.; prohibiting discrimination in the sale or rental of housing

because of a person's familial status; prohibiting such discrimination because of a handicap of the buyer or renter or a person residing with or associated with a buyer or renter; requiring that certain modifications to dwellings be permitted and accommodations in policies be made; requiring certain dwellings to be constructed to allow additional accessibility for handicapped persons; amending ss. 760.24 and 760.25, F.S.; prohibiting discrimination in the provision of brokerage services or in the financing of housing because of familial status; prohibiting discrimination in certain transactions relating to residential real estate; limiting liability under certain circumstances; amending s. 760.29, F.S.; exempting housing for older persons from certain provisions of the act; providing for application of the act; amending s. 760.31, F.S.; directing the Florida Commission on Human Relations to adopt certain rules; amending ss. 760.34 and 760.35, F.S.; revising time limitations relating to the filing and investigation of complaints and commencement of civil actions under the act; requiring the Attorney General to enforce compliance with the act under certain circumstances; authorizing the commission to file civil actions to enforce the act; authorizing certain local agencies to file civil actions to enforce local fair housing laws; providing penalties; providing for relief, damages, and attorney's fees and costs; authorizing enforcement of the act under ch. 120, F.S.; amending s. 760.37, F.S.; authorizing administrative enforcement of prohibition against interference with the exercise of rights under the Fair Housing Act; amending s. 553.48, F.S.; specifying that covered multifamily dwellings must meet the requirements of chapter 760, F.S.; amending s. 553.77, F.S.; directing the Board of Building Codes and Standards to make recommendations to the Florida Commission on Human Relations regarding rules relating to handicapped accessibility; providing an effective date.

—a companion measure, was substituted for CS for SB 208 and by two-thirds vote read the second time by title. On motion by Senator Meek, by two-thirds vote CS for HB 940 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Kiser	Stuart
Bankhead	Forman	Langley	Thomas
Beard	Gardner	Malchon	Thurman
Brown	Girardeau	Margolis	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Souto	

Nays—None

Vote after roll call:

Yea—McPherson

Nay—Bruner

Yea to Nay—Langley, Peterson

Reconsideration

On motion by Senator Malchon, the rules were waived and the Senate reconsidered the vote by which CS for HB 1590 as amended passed this day.

Further consideration of **CS for HB 1590** as amended was deferred.

Senator W. D. Childers presiding

CS for SJR 43—A joint resolution proposing an amendment to Section 8 of Article I of the State Constitution relating to the right to bear arms.

—was read the second time.

Senator Kiser moved the following amendment which was adopted:

Amendment 1—On page 1, line 30, insert:

(d) This restriction shall not apply to a trade in of another handgun.

The vote was:

Yeas—20

Bankhead	Childers, W. D.	Grizzle	Souto
Beard	Crenshaw	Jennings	Thomas
Bruner	Deratany	Johnson	Thurman
Casas	Dudley	Kiser	Walker
Childers, D.	Grant	Langley	Woodson-Howard

Nays—17

Brown	Gordon	Meek	Weinstein
Davis	Kirkpatrick	Peterson	Weinstock
Forman	Malchon	Plummer	
Gardner	Margolis	Ros-Lehtinen	
Girardeau	McPherson	Stuart	

Vote after roll call:

Yea to Nay—Grizzle

Nay to Yea—Kirkpatrick

Senator Bankhead moved the following amendment which was adopted:

Amendment 2—On page 1, line 24, after the period (.) insert: *Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph*

On motion by Senator Grant, by two-thirds vote CS for SJR 43 as amended was read the third time in full as follows:

CS for SJR 43—A joint resolution proposing an amendment to Section 8 of Article I of the State Constitution relating to the right to bear arms.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 8 of Article I 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 1990:

SECTION 8. Right to bear arms.—

(a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of five days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. For the purposes of this section, "purchase" means the transfer of money or other valuable consideration to the retailer, and "handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Holders of a concealed weapons permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.

(c) The legislature shall enact legislation implementing subsection (b) of this section, effective no later than December 31, 1991, which shall provide that anyone violating the provisions of subsection (b) shall be guilty of a felony.

(d) This restriction shall not apply to a trade in of another handgun.

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:

FIVE-DAY WAITING PERIOD FOR HANDGUN PURCHASES

Requires a mandatory period of five days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. Defines the terms "purchase" and "handgun" and requires the Legislature to enact legislation to provide a felony penalty for violations.

—and failed to receive the required constitutional three-fifths vote of the membership. The vote was:

Yeas—23

Mr. President	Girardeau	Margolis	Ros-Lehtinen
Brown	Gordon	McPherson	Stuart
Childers, D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Johnson	Peterson	Woodson-Howard
Forman	Malchon	Plummer	

Nays—17

Bankhead	Deratany	Kiser	Thurman
Beard	Dudley	Langley	Walker
Bruner	Gardner	Scott	
Casas	Jennings	Souto	
Childers, W. D.	Kirkpatrick	Thomas	

On motions by Senator Grant, by two-thirds vote CS for HB 573 was withdrawn from the Committees on Judiciary-Criminal; and Rules and Calendar.

On motion by Senator Grant—

CS for HB 573—A bill to be entitled An act relating to assault weapons; creating the Commission on Assault Weapons; providing for membership of the commission; providing purpose; providing for the commission to make recommendations relating to the unlawful usage of assault weapons in the state; amending s. 775.087, F.S.; providing a minimum sentence for possessing certain firearms during the commission of specified offenses; providing definitions; providing an effective date.

—a companion measure, was substituted for CS for SB 831 and read the second time by title. On motion by Senator Grant, by two-thirds vote CS for HB 573 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

CS for CS for HB's 497 and 88—A bill to be entitled An act relating to firearm purchases; creating s. 790.065, F.S., relating to the sale and delivery of firearms; requiring criminal history records checks; providing fees; requiring the Department of Law Enforcement to establish toll-free numbers; establishing procedures; providing exemptions; providing penalties; providing for review and repeal; providing an effective date.

—was read the second time by title.

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

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

Section 1. Section 790.065, Florida Statutes, is created to read:

790.065 Sale and delivery of firearms.—

(1) No licensed importer, licensed manufacturer, or licensed dealer shall sell or deliver from his inventory at his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until he has:

(a) Obtained a completed form from the potential buyer or transferee, which form shall have been promulgated by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, birth date, gender, race, and social security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the potential buyer or transferee.

(b) Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. During the first full year of operation the fee shall be $10, thereafter the fee shall be no more than $3 until this section sunsets or is repealed. Rules shall be promulgated by the Department of Law Enforcement to establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund.

(c) Requested, by means of a toll-free telephone call, the Department of Law Enforcement to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

(d) Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

(2) Upon receipt of a request for a criminal history record check, the Department of Law Enforcement shall immediately, during the licensee's call or by return call, forthwith:

(a) Review its criminal history records to determine if the potential buyer or transferee is prohibited from receipt or possession of a firearm pursuant to Florida and Federal law.

(b) Inform the licensee making the inquiry either that its records demonstrate that the buyer or transferee is so prohibited and provide the licensee a non-approval number, or provide the licensee with a unique approval number.

(3) In the event of electronic failure or similar emergency beyond the control of the Department of Law Enforcement, the department shall immediately notify the licensee of the reason for, and estimated length of, such delay. After such notification, the department shall forthwith, and in no event later than the end of the next business day of the licensee, either inform the requesting licensee if its records demonstrate that the buyer or transferee is prohibited from receipt or possession of a firearm pursuant to Florida and Federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the buyer or transferee is so prohibited, and without regard to whether he has received a unique approval number, the licensee may complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

(4)(a) Any records containing any of the information set forth in subsection (1) pertaining to a buyer or transferee who is not found to be prohibited from receipt or transfer of a firearm by reason of Florida and Federal law which records are created by the Department of Law Enforcement to conduct the criminal history record check shall be confidential and exempt from s. 119.07(1) and may not be disclosed by the Department of Law Enforcement or any officer or employee thereof to any person or to another agency. The Department of Law Enforcement shall destroy any such records with the exception of approval and non-approval numbers forthwith after it communicates such numbers to the licensee and, in any event, such records shall be destroyed within 48 hours after the day of the receipt of the licensee's request.

(b) Notwithstanding the provisions of this subsection, the Department of Law Enforcement may maintain a log of dates of requests for criminal history records checks and unique approval numbers corresponding to such dates for a period of not longer than 1 year.

(c) Nothing in this chapter shall be construed to allow the State of Florida to maintain records containing the names of licensees who receive unique approval numbers or to maintain records of firearm transactions, including the names or other identification of licensees and purchasers, involving persons not prohibited by law from the receipt or possession of firearms.

(d) Any officer or employee, or former officer or employee of the Department of Law Enforcement or law enforcement agency who intentionally and maliciously violates the provisions of this subsection commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(5) The Department of Law Enforcement shall establish a toll-free telephone number which shall be operational 7 days a week, 16 hours a day, for purposes of responding to inquiries as described in this section from licensed manufacturers, licensed importers, and licensed dealers.

The Department of Law Enforcement shall employ and train such personnel as are necessary expeditiously to administer the provisions of this section.

(6) Any person who is denied the right to receive or purchase a firearm as a result of the procedures established by this section may request a criminal history records review and correction in accordance with the rules promulgated by the Department of Law Enforcement.

(7) It shall be unlawful for any licensed dealer, licensed manufacturer, or licensed importer willfully and intentionally to request criminal history record information under false pretenses, or willfully and intentionally to disseminate criminal history record information to any person other than the subject of such information. Any person convicted of a violation of this subsection commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(8) The Department of Law Enforcement shall promulgate regulations to ensure the identity, confidentiality, and security of all records and data provided pursuant to this section.

(9) This section shall become effective at such time as the Department of Law Enforcement has notified all licensed importers, licensed manufacturers, and licensed dealers in writing that the procedures and toll-free number described in this section are operational. This section shall remain in effect only during such times as the procedures described in subsection (2) remain operational.

(10) A licensed importer, licensed manufacturer, or licensed dealer is not required to comply with the requirements of this section in the event of:

(a) Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises; or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or

(b) Failure of the Department of Law Enforcement to comply with the requirements of subsections (2) and (3).

(11) Compliance with the provisions of this chapter shall be a complete defense to any claim or cause of action under the laws of any state for liability for damages arising from the importation or manufacture, or the subsequent sale or transfer to any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year, of any firearm which has been shipped or transported in interstate or foreign commerce. The Department of Law Enforcement, its agents and employees shall not be liable for any claim or cause of action under the laws of any state for liability for damages arising from its actions in lawful compliance with this section.

(12) Any potential buyer or transferee who is convicted of willfully and knowingly providing false information or false or fraudulent identification commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083. Any licensed importer, licensed manufacturer, or licensed dealer who is convicted of violating the provisions of subsection (1) commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083. Any employee or agency of a licensed importer, licensed manufacturer, or licensed dealer who is convicted of violating the provisions of subsection (1) commits a felony of the third degree punishable as provided in s. 775.082 or s. 775.083.

(13) This section expires on the effective date of federal law which provides access to national criminal history information and requires national criminal history checks on potential buyers or transferees on firearms.

Section 2. *The sum of $1,178,737 is hereby appropriated to the Department of Law Enforcement, and an additional 35 positions are authorized for the department to administer the provisions of this act. Any funds not necessary to administer this act may be used for the following purposes:*

(1) First to ensure that there is no degradation in services, provided by the Florida Crime Information Center to criminal justice agencies;

(2) Second to purchase soft body armor for new law enforcement recruits; and

(3) Third to assist law enforcement drug task forces.

Section 3. This act shall take effect October 1, 1990.

On motion by Senator Scott, further consideration of CS for CS for HB's 497 and 88 was deferred. The vote was:

Yeas—25

Bankhead	Deratany	Langley	Thomas
Beard	Gardner	Margolis	Thurman
Brown	Gordon	Myers	Walker
Bruner	Jennings	Peterson	Woodson-Howard
Casas	Johnson	Plummer	
Childers, W. D.	Kirkpatrick	Scott	
Crenshaw	Kiser	Souto	

Nays—12

Childers, D.	Girardeau	McPherson	Stuart
Davis	Grant	Meek	Weinstein
Forman	Malchon	Ros-Lehtinen	Weinstock

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

INTRODUCTION AND REFERENCE OF BILLS

On motion by Senator Scott, the rules were waived by unanimous consent and the following bill was introduced out of order:

By Senator Girardeau—

SB 1577—A bill to be entitled An act relating to Nassau County; providing for relocation of Scott Road and for beach access therefrom and for additional beach parking as part of such relocation; specifying areas in the county where beach parking is permitted and areas in the county where beach parking is prohibited; prescribing requirements for traffic lanes with respect to certain resort area parcels; authorizing a motorized tram system on the beaches within the jurisdiction of the county; providing an effective date.

—which was referred to the Committee on Rules and Calendar.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Scott, by two-thirds vote SB 1577 was withdrawn from the Committee on Rules and Calendar and placed on the local calendar.

On motions by Senator Scott, by two-thirds vote CS for CS for HB 1810 was withdrawn from the Committees on Corrections, Probation and Parole; Health and Rehabilitative Services; and Judiciary-Criminal.

On motions by Senator Margolis, by two-thirds vote SB 76, CS for SB 560, SB 1104 and CS for CS for HB 1810 were withdrawn from the Committee on Appropriations.

Motions

On motions by Senator Scott, by two-thirds vote CS for SB 392, CS for CS for SB 697 and CS for CS for HB 1810 were added to the special order calendar.

LOCAL CALENDAR

SB 1526—A bill to be entitled An act relating to Broward County; amending ss. 1, 2, ch. 86-364, Laws of Florida; providing a maximum speed limit for vessels on certain waterways in Broward County; providing an exception for posted areas; establishing a maximum allowable wake created by a vessel on such waterways; providing penalties; authorizing the use of certain measuring devices for purposes of enforcing restrictions on vessel speed and wake; providing a maximum sound level for vessels on certain waterways in Broward County; providing penalties; providing for the deposit of fines and penalties in the Motorboat Revolving Trust Fund; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator McPherson, by two-thirds vote SB 1526 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

SB 1566—A bill to be entitled An act relating to Brevard County; repealing chapter 61-1679, Laws of Florida; abolishing the Grant Drainage District in that county; providing for transfer of the records, assets, and obligations of the district to Brevard County; providing an effective date.

—was read the second time by title. On motion by Senator Deratany, by two-thirds vote SB 1566 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

SB 1569—A bill to be entitled An act relating to the City of Pensacola and Escambia County; amending Chapter 67-1365, Laws of Florida, as amended; providing for a change in the membership structure of the Pensacola-Escambia Promotion and Development Commission; providing for funding through interlocal agreement; providing intent; providing an effective date.

—was read the second time by title.

On motion by Senator Bruner, by two-thirds vote SB 1569 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

SB 1571—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 21483, Laws of Florida, 1941, as amended, providing for refund of contributions to the Firefighters Relief and Pension Trust; amending chapter 57-1713, Laws of Florida, as amended, providing for repayment of withdrawals from the Firefighters Relief and Pension Trust; providing for supersedure of existing law relating thereto; providing an effective date.

—was read the second time by title.

On motion by Senator Bruner, by two-thirds vote SB 1571 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

SB 1572—A bill to be entitled An act relating to the Escambia County Utilities Authority; amending chapter 81-376, Laws of Florida, as amended; revising the manner of filling vacancies occurring during a term of office and establishing a residence requirement for appointees; providing for the establishment and enforcement of penalties for the violation of certain rules and regulations of the authority; providing for the disposition of fines, forfeitures, and penalties imposed for such violations; revising the criteria for selection of the executive director; providing an effective date.

—was read the second time by title.

On motion by Senator Bruner, by two-thirds vote SB 1572 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

SB 1573—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 15425, Laws of Florida, 1931, as amended; amending method for qualifying candidates for election for whom filing fee is undue burden; providing for severability; providing an effective date.

—was read the second time by title.

On motion by Senator Bruner, by two-thirds vote SB 1573 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator Dudley, by two-thirds vote—

HB 505—A bill to be entitled An act relating to the Big Corkscrew Island Fire Control and Rescue District, Collier County; adding section 20 to chapter 77-535, Laws of Florida, as amended, to include authorization of the use and imposition of impact fees for capital improvement on new construction within the district; providing for a referendum.

—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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator Dudley, by two-thirds vote—

HB 509—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; adding section 7 to Article VI of chapter 84-416, Laws of Florida, to include authorization of the use and imposition of impact fees for capital improvement on new construction within the district; providing for a referendum.

—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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator Dudley, by two-thirds vote—

HB 511—A bill to be entitled An act relating to the Marco Island Fire Control District, Collier County; adding section 5 to chapter 65-1413, Laws of Florida, as amended, to include authorization of the use and imposition of impact fees for capital improvement on new construction within the district; providing for a referendum.

—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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator Plummer, by two-thirds vote—

HB 602—A bill to be entitled An act relating to Monroe County; providing job tenure rights for members of the Monroe County Sheriff's Office; authorizing a disciplinary review board; providing said board's powers and duties and qualifications and compensation of board members; providing legislative intent; providing for probationary and regular appointment; providing grounds for discipline; providing a procedure for review of disciplinary actions; providing for applicability of the act; 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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator D. Childers, by two-thirds vote—

HB 603—A bill to be entitled An act relating to Northern Palm Beach County Water Control District, Palm Beach County; amending section 1 of chapter 59-994, Laws of Florida, as amended, to exclude a parcel of land from the territorial limits of the district; providing for additional powers of the district to require permits, to construct and operate parks and park facilities, to construct and finance water and sewer facilities as a part of the water management plan, to acquire capital improvements for the operation of the district and finance same, to include as components parts of roads, bridges, parkways, and other elements, to include in a water management plan off-site facilities and to include in a water management plan all or one of the various powers of the district, to provide for the assessment of land on the basis of parcels or acreage; amending section 8 of chapter 59-994, Laws of Florida; to delete certain out-of-date phrases and to provide in the maintenance tax provisions for capital improvements; providing for the issuance of refunding bonds, and providing for the issuance of said bonds under the provisions of chapter 59-994, Laws of Florida, in lieu of the provisions of chapter 298, F.S.; providing for alternate methods of amending water management plans in addition to the provisions of chapter 298, F.S., eliminating the requirement of bond holders' consent to amend a plan; providing that changes in a previously approved water management plan shall be consistent with specified governmental requirements; providing roads for the exclusive use and benefit of a unit of development and its owners and residents; providing that bond validation is not required; 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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator D. Childers, by two-thirds vote—

HB 772—A bill to be entitled An act relating to the Palm Beach County Law Library; amending chapter 24775, Laws of Florida, 1947, as amended, removing all restrictions on the amount of filing fees which could be levied by the board of county commissioners in civil actions commenced in the Fifteenth Judicial Circuit and in the County Court for Palm Beach County for the use of the law library; 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—40

Mr. President	Beard	Bruner	Childers, D.
Bankhead	Brown	Casas	Childers, W. D.

Crenshaw	Grant	Margolis	Souto
Davis	Grizzle	McPherson	Stuart
Deratany	Jennings	Meek	Thomas
Dudley	Johnson	Myers	Thurman
Forman	Kirkpatrick	Peterson	Walker
Gardner	Kiser	Plummer	Weinstein
Girardeau	Langley	Ros-Lehtinen	Weinstock
Gordon	Malchon	Scott	Woodson-Howard

Nays—None

On motions by Senator Bruner, by two-thirds vote—

HB 789—A bill to be entitled An act relating to the Escambia County Utilities Authority; amending chapter 81-376, Laws of Florida, as amended; revising the manner of filling vacancies occurring during a term of office and establishing a residence requirement for appointees; providing for the establishment and enforcement of penalties for the violation of certain rules and regulations of the authority; providing for the disposition of fines, forfeitures, and penalties imposed for such violations; revising the criteria for selection of the executive director; 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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator D. Childers, by two-thirds vote—

HB 832—A bill to be entitled An act relating to the West Palm Beach water catchment area, Palm Beach County; amending chapter 67-2169, Laws of Florida, to delete the requirement of referendum approval of amendments to chapter 67-2169, Laws of Florida; to provide that trespassing in the West Palm Beach water catchment area is a misdemeanor; 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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator Grizzle, by two-thirds vote—

HB 1620—A bill to be entitled An act relating to Pinellas County; amending parts II and III of Chapter 75-489, Laws of Florida, as amended; providing intent; providing definitions; providing for the appointment of members of the Pinellas County Construction Licensing Board to include one roofing or sheet metal contractor, one swimming pool, aluminum or veneer specialty contractor, one consumer member who is a resident and citizen of the county, one building director from the North County and one building director from the South County; providing for adoption of rules and regulations and conduct of hearings in accordance with chapter 120, Florida Statutes; authorizing the board to issue cease and desist orders; authorizing the board to employ investigators or inspectors to enforce the act and to issue citations for violation of the act; providing for the employment of persons to enforce the act, and providing for the adoption of rules and regulations for a citation program and the training of investigators; revising provisions relating to examination committees; providing for the registration of state-certified contractors; requiring a code compliance bond not to exceed $5,000 as a prerequisite to registration; requiring a code compliance bond not to exceed $5,000 as a prerequisite to certification; providing for testing by an independent testing agency; revising provisions relating to requirements for board-certified contractors to contract within municipalities and requirements for state-certified contractors to register with the board; revising provisions relating to fees; requiring all examinations to be retained for 2 years; revising provisions relating to prohibited activities and penalties; providing that a violation shall constitute a misdemeanor of the first degree; providing for revocation or suspension of a certificate or registration; providing actions constituting cause for disciplinary action; authorizing an administrative fine or penalty not to exceed $1,000 to be imposed for disciplinary action; revising provisions relating to exemptions; revising provisions relating to adoption of codes; providing for the filing and availability for inspection of applicable codes, appendices and amendments or variations thereto; providing for the adoption of code editions and appendices; 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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator Jennings, by two-thirds vote—

HB 1666—A bill to be entitled An act relating to Orange County; providing career service status for certain members of the Orange County Sheriff's Office; specifying rights of members; providing promotional procedures and career service positions; specifying a disciplinary policy and providing procedures of appeal and complaint handling; 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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator Bankhead, by two-thirds vote—

HB 1698—A bill to be entitled An act relating to Nassau County; transferring all assets, property, equipment, obligations, liabilities, and responsibilities of the Nassau County Recreation Commission to the Board of County Commissioners of Nassau County; providing for allocation of racetrack funds; repealing chapter 61-1202, Laws of Florida, as amended, relating to the creation of the Nassau County Recreation Commission; 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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator Gardner, by two-thirds vote—

HB 1771—A bill to be entitled An act relating to Brevard County; amending chapter 87-423, Laws of Florida, as amended; providing for the additional court cost assessed by the circuit and county court against each person convicted or having adjudication withheld for a violation of a state criminal statute or municipal or county ordinance or traffic offense in Brevard County, to be used to fund the Brevard Police Testing and Certification Center at Brevard Community College; 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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator Bruner, by two-thirds vote—

HB 1779—A bill to be entitled An act relating to Bay County; creating the Gulf Coast Criminal Justice Assessment Center at Gulf Coast Community College; setting forth the purpose, powers, duties, structure, and organization of the center; providing that the center shall establish and undertake standardized screening, testing, examination, and investigation of applicants for law enforcement positions in law enforcement agencies in Bay County; providing for funding of the center through the assessment of an additional court cost of $2 against every person convicted of a violation of a criminal statute, ordinance, or traffic offense in Bay County; providing for additional funding of the center through user fees, donations, and grants; providing that activities of the center shall not generate state funding; providing for budgeting requirements; 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—40

Mr. President	Childers, D.	Forman	Jennings
Bankhead	Childers, W. D.	Gardner	Johnson
Beard	Crenshaw	Girardeau	Kirkpatrick
Brown	Davis	Gordon	Kiser
Bruner	Deratany	Grant	Langley
Casas	Dudley	Grizzle	Malchon
Margolis	Peterson	Souto	Walker
McPherson	Plummer	Stuart	Weinstein
Meek	Ros-Lehtinen	Thomas	Weinstock
Myers	Scott	Thurman	Woodson-Howard

Nays—None

On motions by Senator Girardeau, by two-thirds vote—

SB 1577—A bill to be entitled An act relating to Nassau County; providing for relocation of Scott Road and for beach access therefrom and for additional beach parking as part of such relocation; specifying areas in the county where beach parking is permitted and areas in the county where beach parking is prohibited; prescribing requirements for traffic lanes with respect to certain resort area parcels; authorizing a motorized tram system on the beaches within the jurisdiction of the county; 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—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

The President presiding

SPECIAL ORDER, continued

CS for CS for HB 300—A bill to be entitled An act relating to the correctional system; amending s. 944.277, F.S.; modifying the eligibility requirements, for inmates sentenced for a crime committed on or after a certain date, for provisional credits that may be granted by the Secretary of Corrections when the inmate population reaches a certain percentage of lawful capacity; modifying the method of determining eligibility for provisional credits; limiting the group of inmates who may be released into the provisional release supervision program; requiring mandatory substitution of conditional release supervision for provisional release supervision in certain circumstances; extending the length of provisional release supervision; creating s. 947.145, F.S.; requiring the Parole Commission to screen inmates who are not statutorily excluded from provisional credits, to certify eligibility therefor, and providing criteria for such certification; amending s. 944.17, F.S.; expanding provisions relating to documents required upon commitment or transfer into the state correctional system; amending s. 944.28, F.S.; authorizing forfeiture of gain-time upon revocation of provisional release, probation, or community control; amending s. 944.291, F.S.; providing for the supervision of prisoners released by reason of provisional credits; amending s. 947.005, F.S.; providing a definition of "provisional release date"; amending s. 947.1405, F.S.; modifying provisions relating to conditional release supervision; amending s. 948.06, F.S.; authorizing forfeiture of gain-time upon revocation of probation or community control; expanding the role of the Crime Prevention and Law Enforcement Study Commission; amending chapter 83-131, Laws of Florida; deferring future review and repeal of the Parole Commission; authorizing the Department of Corrections to develop rules and procedures and employ personnel; providing effective dates.

—was read the second time by title.

Senator Plummer moved the following amendments which were adopted:

Amendment 1—On page 2, line 17 through page 5, line 8, strike all of said lines

Amendment 2—On page 2, strike all of lines 17-23 and insert:

Section 1. Subsections (1), (5), and (6) of section 944.277, Florida Statutes, 1988 Supplement, are amended to read:

Amendment 3—On page 5, strike all of lines 9-20

Amendment 4—On page 5, line 21, strike "*(6)*~~(5)~~" and insert: (5)

Amendment 5—On page 6, line 7, strike "*(7)*~~(6)~~" and insert: (6)

Amendment 6—On page 6, lines 11 and 12, strike "*(8)*~~(7)~~" and insert: (7)

Amendment 7—On page 6, lines 11 and 12, strike "*364* ~~90~~" and insert: 90

Amendment 8—On page 6, line 13 through page 8, line 12, strike all of said lines and renumber subsequent sections.

Amendment 9—On page 10, strike all of lines 13-15 and insert: 3.701 and Rule 3.988, Florida Rules of Criminal Procedure, and who has served at least one prior felony commitment at a state or federal correctional institution, or is sentenced as a

Amendment 10—On page 11, strike all of lines 8-10 and insert: 3.701 and Rule 3.988, Florida Rules of Criminal Procedure, and who has served at least one prior felony commitment at a state or federal correctional institution or is sentenced as a

Amendment 11—On page 11, line 15, after "conditions" insert: *including payment of cost of supervision pursuant to s. 945.30*

Amendment 12—On page 12, line 31, after "release" insert: *from state incarceration*

Amendment 13—On page 2, line 16, insert:

Section 1. Section 951.28, Florida Statutes, is created to read:

951.28 Reimbursement of expenses by county prisoners.—

(1) The county may seek reimbursement for any expenses incurred by the county in relation to the charge or charges for which a person was sentenced to a county jail as follows:

(a) From each person who is or was a prisoner, not more than $30 per day for the expenses of maintaining such prisoner or the actual per diem cost of maintaining such prisoner, whichever is less, for the entire period of confinement of such person in the county jail, including any period of pretrial detention.

(b) Expenses incurred as a result of investigating the financial status of the person.

(c) Any other expenses incurred by the county in order to collect reimbursement payments under this section.

(2) Before seeking any reimbursement under this section, the county shall develop a form to be used for determining the financial status of prisoners. The form shall provide the age and marital status of a prisoner, the number and ages of children of a prisoner, the number and ages of other dependents, type and value of real estate, type and value of personal property, cash and bank accounts, type and value of investments, pensions and annuities, and any other personalty of significant cash value belonging to the prisoner. The county shall use the form when investigating the financial status of prisoners.

(3) In accordance with and at the request of the board of county commissioners, the sheriff of the county shall forward to the board a list containing the name of each sentenced prisoner, the term of sentence, and the date of admission, together with information regarding the financial status of each prisoner, as required by the board of county commissioners.

(4) The board of county commissioners may investigate or cause to be investigated all reports furnished by the sheriff under subsection (3) for the purpose of securing reimbursement for expenses incurred by the county with regard to prisoners as provided for under this section.

(5)(a) Within 6 months of the release of a person as a sentenced prisoner from any county jail, an attorney for that county may file a civil action to seek reimbursement from that person for maintenance and support of that person while confined as a prisoner, or for any other expense for which the county may be reimbursed under this section.

(b) A civil action brought under this section shall be instituted in the name of the county in which the defendant was confined as a prisoner and shall state the date and place of sentence, the length of time set forth in the sentence, the length of time actually served, and the amount or amounts due the county pursuant to subsection (1).

(c) Before entering any order on behalf of the county against the defendant, the court shall take into consideration any legal obligation of the defendant to support a spouse, minor children, or other dependents, and any moral obligation to support dependents to whom the defendant is providing or has provided support.

(d) The court may enter a money judgment against the defendant and may order that the defendant's property is liable for reimbursement for maintenance and support of the defendant as a prisoner and for other expenses reimbursable under subsection (1).

(6)(a) Consistent with subsection (5), the county may file the civil action in the circuit court. If the defendant is still a prisoner in the county jail, venue is proper in the county in which the jail is located.

(b) If necessary to protect the county's right to obtain reimbursement under this section against the disposition of known property, the county may seek issuance of an ex parte restraining order to restrain the defendant from disposing of the property, pending a hearing on an order to show cause why the particular property should not be applied to reimbursement of the county for the maintenance and support of the defendant as a prisoner.

(c) To protect and maintain the property pending resolution of the matter, the court, upon request, may appoint a receiver.

(7) Consistent with the provisions of subsection (5), the county may file the civil action to recover a money judgment and to enforce that judgment in the same manner as other money judgments entered by the court. If the defendant is still a prisoner in the county jail, venue is proper in the county where the county jail is located.

(8) The sentencing judge and the sheriff of any county in which a prisoner's property is located shall furnish to the attorney for the county all information and assistance possible to enable the attorney to secure reimbursement for the county under this section.

(9) The reimbursements secured under this section shall be credited to the general fund of the county to be available for general fund purposes. The county treasurer may determine the amount due the county under this section and render sworn statements thereof. These sworn statements shall be considered prima facie evidence of the amount due.

(Renumber subsequent sections.)

Amendment 14—On page 14, between lines 7 and 8, insert:

Section 12. Paragraph (e) is added to subsection (1) of section 947.13, Florida Statutes, 1988 Supplement, to read:

947.13 Powers and duties of commission.—

(1) The commission shall have the powers and perform the duties of:

(e) Reporting to the Office of Executive Clemency the circumstances, the criminal records, and the social, physical, mental, and psychiatric conditions and histories of persons under consideration by the board for pardon, commutation of sentence, or remission of fine, penalty, or forfeiture.

Section 13. Subsections (1), (2), (3), and (4) of section 947.23, Florida Statutes, are amended to read:

947.23 Action of commission upon arrest of parolee.—

(1) Within 30 days after the arrest of a person charged with violation of the terms and conditions of his parole, the parolee shall be afforded a prompt preliminary hearing, conducted by a member of the commission or its duly authorized representative, at or near the place of violation or arrest to determine if there is probable cause or reasonable grounds to believe that the parolee has committed a violation of the terms or conditions of his parole. The parolee may knowingly execute a waiver of this hearing, up until the time of such hearing, provided the consequences of such action have been fully explained. If the parolee elects to proceed with the preliminary hearing:

(a) He shall be afforded a timely notice of the preliminary hearing, which notice shall state the purpose of the hearing and state the alleged violation.;

(b) He shall be permitted to cross-examine adverse witnesses, unless it is determined that good cause exists not to allow such examination.;

(c) He shall be allowed to call witnesses *as provided in subsection (3)* and present evidence in his own behalf.~~; and~~

(d) He may be represented by counsel.

The findings based on the evidence presented at the preliminary hearing shall be made available to the parolee either immediately following the *preliminary* hearing or within a reasonable time thereafter.

(2) If the preliminary hearing results in a finding of probable cause or reasonable grounds to believe that a violation of the terms or conditions of parole has occurred, any one or more commissioners or a duly authorized representative of the commission shall convene a *final revocation* hearing on the alleged violation. The parolee shall appear at the *final* hearing in person, and, if he desires, he may be represented by counsel. At *the final* ~~such~~ hearing, the state and the parolee may introduce such evidence as is necessary and pertinent to the charge of parole violation.

(3) Any one or more commissioners or a duly authorized representative of the commission may administer oaths and compel the attendance of witnesses at such hearing by the issuance of summons, subpoenas, and subpoenas duces tecum. Subpoenas and subpoenas duces tecum shall be enforceable by appropriate proceedings in circuit court, and the failure to comply with a court order enforcing a subpoena or subpoena duces tecum shall constitute contempt of court. Any one or more commissioners or a duly authorized representative of the commission *may* ~~shall~~ issue subpoenas on behalf of the state or the parolee. *The commission may decline a request to subpoena a witness whose testimony it finds would be cumulative, irrelevant, or nonprobative.*~~, provided~~ The party requesting the subpoenas *shall furnish* ~~furnishes~~ to the commissioner, commissioners, or duly authorized representative of the commission the names and addresses of his proposed witnesses at least 10 days prior to the hearing date.

(4) At the hearing, the parolee shall be informed orally and in writing of:

(a) The violation of the terms and conditions of parole with which he has been charged.~~;~~

(b) The right to be represented by counsel.~~;~~

(c) The right to be heard in person.~~;~~

(d) The right to secure, present, and compel the attendance of witnesses, *as provided in subsection (3),* and *the* production of documents on his behalf.~~;~~

(e) The right of access to all evidence used against him.~~; and~~

(f) The right to confront and cross-examine adverse witnesses, unless the commissioner, commissioners, or duly authorized representative of the commission conducting the hearing finds specifically, and states in writing, good cause not to allow the confrontation.

(Renumber subsequent sections.)

Senator Bankhead moved the following amendments which were adopted:

Amendment 15—On page 14, strike all of lines 11-13 and insert:

Section 13. Section 944.485, Florida Statutes, is amended to read:

944.485 Department to adopt plan for subsistence fees with respect to certain prisoners; time of adoption; requirements.—

(1) In recognition of the fact that many prisoners in the correctional system have sources of income and assets outside of the correctional system, which may include bank accounts, inheritances, real estate, ~~social security payments, veteran's payments,~~ and other types of financial resources, and in recognition of the fact that the daily subsistence cost of incarcerating prisoners in the correctional system is a great burden on the taxpayers of the state, each prisoner in the state correctional system~~, except those who have entered into an agreement under s. 947.135 prior to October 1, 1978~~:

~~(a) Shall disclose all revenue or assets as a condition of parole eligibility.~~

~~(b)~~ Shall pay from such income and assets, except where such income is exempt by state or federal law, all or a fair portion of the prisoner's daily subsistence costs, *unless the prisoner who is sentenced after January 1, 1990, can demonstrate to the court at the time of sentencing that he is indigent or that his* ~~based upon the inmate's ability to pay, the~~ liability or potential liability ~~of the inmate~~ to the victim or the guardian or the estate of the victim~~,~~ and the needs of his dependents *would render him indigent.*

(2) If the prisoner fails to demonstrate to the court that he is indigent or would be rendered indigent, the court shall enter an order requiring the prisoner to pay all or a fair portion of his daily subsistence costs in an amount to be determined by the court.

(3) Any prisoner ordered by the court to pay all or a fair portion of his daily subsistence costs shall pay such costs prior to receiving incentive gain-time under s. 944.275.

(4) As an additional remedy, at the request of the Department of Corrections, the state attorney who prosecuted the prisoner may enforce payment of the sums provided in the court order by a proper action in the name of the state.

(5) There is created in the Department of Corrections the Court Ordered Payments Trust Fund in which the department shall use funds for general operating expenses.

~~(2) Any prisoner who is directed to pay all or a fair portion of daily subsistence costs is entitled to reasonable advance notice of the assessment and shall be afforded an opportunity to present reasons for opposition to the assessment.~~

(6)~~(3)~~ The department shall promulgate~~, within 90 days of October 1, 1978,~~ rules which implement this section *and which show a schedule of costs for each type of correctional facility.*

Section 14. Except as otherwise provided herein, sections 1-12 of this act shall take effect October 1, 1989, and shall apply to offenses committed on or after the effective date, and section 13 of this act shall take effect January 1, 1990.

Amendment 16—On page 6, strike all of lines 21-23 and insert:

Section 9. Section 944.485, Florida Statutes, is amended to read:

944.485 Department to adopt plan for subsistence fees with respect to certain prisoners; time of adoption; requirements.—

(1) In recognition of the fact that many prisoners in the correctional system have sources of income and assets outside of the correctional system, which may include bank accounts, inheritances, real estate, ~~social security payments, veteran's payments,~~ and other types of financial resources, and in recognition of the fact that the daily subsistence cost of incarcerating prisoners in the correctional system is a great burden on the taxpayers of the state, each prisoner in the state correctional system~~, except those who have entered into an agreement under s. 947.135 prior to October 1, 1978~~:

~~(a) Shall disclose all revenue or assets as a condition of parole eligibility.~~

~~(b)~~ Shall pay from such income and assets, except where such income is exempt by state or federal law, all or a fair portion of the prisoner's daily subsistence costs, *unless the prisoner who is sentenced after January 1, 1990, can demonstrate to the court at the time of sentencing that he is indigent or that his* ~~based upon the inmate's ability to pay, the~~ liability or potential liability ~~of the inmate~~ to the victim or the guardian or the estate of the victim~~,~~ and the needs of his dependents *would render him indigent.*

(2) If the prisoner fails to demonstrate to the court that he is indigent or would be rendered indigent, the court shall enter an order requiring the prisoner to pay all or a fair portion of his daily subsistence costs in an amount to be determined by the court.

(3) Any prisoner ordered by the court to pay all or a fair portion of his daily subsistence costs shall pay such costs prior to receiving incentive gain-time under s. 944.275.

(4) As an additional remedy, at the request of the Department of Corrections, the state attorney who prosecuted the prisoner may enforce payment of the sums provided in the court order by a proper action in the name of the state.

(5) There is created in the Department of Corrections the Court Ordered Payments Trust Fund in which the department shall use funds for general operating expenses.

~~(2) Any prisoner who is directed to pay all or a fair portion of daily subsistence costs is entitled to reasonable advance notice of the assessment and shall be afforded an opportunity to present reasons for opposition to the assessment.~~

(6)~~(3)~~ The department shall promulgate~~, within 90 days of October 1, 1978,~~ rules which implement this section *and which show a schedule of costs for each type of correctional facility.*

Section 10. Sections 1-8 of this act shall take effect upon becoming a law and shall apply to offenses committed on or after that date, and section 9 of this act shall take effect January 1, 1990.

Amendment 17—On page 13, between lines 13 and 14, insert:

Section 13. A circuit court judge may order a person committed to a secure drug treatment program for a maximum of 10 days

Further consideration of **CS for CS for HB 300** as amended was deferred.

Reconsideration

On motion by Senator Scott, the Senate reconsidered the vote by which—

CS for SJR 43—A joint resolution proposing an amendment to Section 8 of Article I of the State Constitution relating to the right to bear arms.

—as amended failed to receive the required constitutional three-fifths vote of the membership.

Senators Scott, Thurman and Dudley offered the following amendments which were moved by Senator Scott and adopted by two-thirds vote:

Amendment 3—On page 1, line 18, strike "*five*" and insert: *three*

Amendment 4—On page 2, line 3, strike "five" and insert: three

Amendment 5—On page 2, line 5, strike "five" and insert: three

On motion by Senator Scott, CS for SJR 43 as amended was read in full as follows:

CS for SJR 43—A joint resolution proposing an amendment to Section 8 of Article I of the State Constitution relating to the right to bear arms.

Be It Resolved by the Legislature of the State of Florida:

That the amendment to Section 8 of Article I 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 1990:

SECTION 8. Right to bear arms.—

(a) The right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

(b) There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. For the purposes of this section, "purchase" means the transfer of money or other valuable consideration to the retailer, and "handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Holders of a concealed weapons permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.

(c) The legislature shall enact legislation implementing subsection (b) of this section, effective no later than December 31, 1991, which shall provide that anyone violating the provisions of subsection (b) shall be guilty of a felony.

(d) This restriction shall not apply to a trade in of another handgun.

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:

THREE-DAY WAITING PERIOD FOR HANDGUN PURCHASES

Requires a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. Defines the terms "purchase" and "handgun" and requires the Legislature to enact legislation to provide a felony penalty for violations.

CS for SJR 43 as amended passed by the required constitutional three-fifths vote of the membership, was ordered engrossed and then certified to the House. The vote on passage was:

Yeas—25

Mr. President	Girardeau	McPherson	Stuart
Brown	Gordon	Meek	Thurman
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Crenshaw	Johnson	Plummer	
Davis	Malchon	Scott	
Forman	Margolis	Souto	

Nays—12

Bankhead	Childers, W. D.	Jennings	Thomas
Beard	Deratany	Kiser	Walker
Bruner	Gardner	Langley	Woodson-Howard

Vote after roll call:

Yea—Dudley, Ros-Lehtinen

The Senate resumed consideration of—

CS for CS for HB's 497 and 88—A bill to be entitled An act relating to firearm purchases; creating s. 790.065, F.S., relating to the sale and delivery of firearms; requiring criminal history records checks; providing fees; requiring the Department of Law Enforcement to establish toll-free numbers; establishing procedures; providing exemptions; providing penalties; providing for review and repeal; providing an effective date.

—with pending **Amendment 1** which was adopted.

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

Amendment 2—In title, on page 1, strike all of lines 2-10 and insert: An act relating to firearm purchases; creating s. 790.065, F.S., relating to the sale and delivery of firearms; requiring criminal history records checks; providing fees; requiring the Department of Law Enforcement to establish toll-free numbers; establishing procedures; providing exemptions; providing penalties; providing for contingent expiration; providing an appropriations and authorizing positions; providing an effective date.

On motion by Senator Grant, by two-thirds vote CS for CS for HB's 497 and 88 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dudley	Langley	Thomas
Bankhead	Forman	Malchon	Thurman
Beard	Gardner	Meek	Walker
Brown	Girardeau	Myers	Weinstein
Bruner	Grant	Peterson	Weinstock
Casas	Grizzle	Plummer	Woodson-Howard
Childers, W. D.	Jennings	Scott	
Davis	Johnson	Souto	
Deratany	Kiser	Stuart	

Nays—None

Vote after roll call:

Yea—D. Childers, Ros-Lehtinen

The Senate resumed consideration of—

CS for HB 1590—A bill to be entitled An act relating to acquired immune deficiency syndrome; amending s. 63.13, F.S.; providing guidance to the court in certain cases involving custody and support of children; amending s. 119.07, F.S.; excluding medical information from certain public records; amending s. 230.2319, F.S.; requiring plans for education on certain subjects in grades 6-8; amending s. 233.0672, F.S.; providing certain requirements for instruction in acquired immune deficiency syndrome; amending s. 381.042, F.S.; extending time allowed for

completion of AIDS education requirement by certain current licensees; amending s. 381.609, F.S.; providing legislative intent; providing definitions; clarifying informed consent requirement for minors; prescribing circumstances in which HIV test results may be disclosed; authorizing agents of the Department of Health and Rehabilitative Services to provide anonymous HIV tests; providing penalties for facilities under certain circumstances; providing for fees; prohibiting the requirement of an HIV test as a condition of receiving treatment; amending s. 381.6105, F.S.; clarifying informed consent requirement for HIV testing for certain minors; providing an additional exception to informed consent requirements for HIV testing; prescribing circumstances in which confirmatory testing is not required; prescribing circumstances in which certain test results can be shared with a treating physician; amending s. 384.25, F.S.; authorizing county public health units to receive certain reports of human immunodeficiency virus infection for certain purposes; requiring periodic reports to the State Health Officer; requiring adoption of rules; amending s. 384.27, F.S., to make terminology consistent; amending s. 455.2226, F.S.; requiring physical therapists to receive certain education within the current licensing cycle; authorizing certain required continuing education hours to count toward licensing requirement; postponing the expiration of certain provisions; creating s. 455.2228, F.S.; requiring AIDS education for certain regulated professions; amending s. 455.2416, F.S.; authorizing disclosure of otherwise confidential information by medical practitioners under specified circumstances; amending s. 627.429, F.S.; changing the word "indemnify" to the word "underwrite"; amending s. 760.50, F.S.; providing findings; clarifying existing discrimination provisions; prohibiting discrimination in employment against health care workers who provide patient care to persons infected with human immunodeficiency virus; providing for the confidentiality of certain employee medical records; requiring interagency agreements and reports; repealing s. 455.2227, F.S.; providing an appropriation; providing an effective date.

On motion by Senator Malchon, by two-thirds vote the Senate reconsidered the vote by which CS for HB 1590 was read the third time.

On motion by Senator Malchon, the Senate reconsidered the vote by which **Amendment 1** was adopted.

Senator Myers moved the following substitute amendment for Amendment 1 which was adopted:

Amendment 3—On page 26, between lines 2 and 3, insert:

(5) After notification of the test subject pursuant to subsection (4), the department may, with the consent of the test subject, notify school superintendents of students and school personnel whose human immunodeficiency virus tests are positive. School superintendents shall maintain the confidentiality of the report information and the information shall be released only in an emergency situation which results in a significant exposure by students or school personnel to the blood or body fluids of the person for whom a positive test result has been obtained. Such information shall be released only to persons who have experienced a significant exposure and such persons shall comply with the confidentiality provisions of s. 384.29.

(Renumber subsequent subsections.)

On motion by Senator Malchon, by two-thirds vote CS for HB 1590 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

On motions by Senator Meek, by two-thirds vote—

CS for HB 1737—A bill to be entitled An act relating to neighborhood improvement districts; amending s. 163.503, F.S.; providing that, for purposes of the "Safe Neighborhoods Act," "department" shall mean the Department of Legal Affairs; amending s. 163.504, F.S.; providing that safe neighborhood improvement districts shall be eligible for technical assistance grants from the Department of Legal Affairs; amending ss. 163.506, 163.508, and 163.511, F.S.; authorizing local government neighborhood improvement districts, property owners' association neighborhood improvement districts, and special neighborhood improvement districts to receive technical assistance grants from the department; requiring notification of the establishment of such districts; creating s. 163.5055, F.S.; requiring neighborhood improvement districts to register with both the Department of Community Affairs and the Department of Legal Affairs; requiring notification of dissolution of a district; creating s. 163.512, F.S.; authorizing the creation of community redevelopment neighborhood improvement districts; authorizing use of the community redevelopment trust fund to implement safe neighborhood plans; providing duties of the advisory council; providing for dissolution of the districts; amending s. 163.513, F.S.; providing that districts may not restrict access to or lawful use of public facilities; amending s. 163.514, F.S.; authorizing neighborhood improvement districts to make and collect special assessments; amending s. 163.517, F.S.; revising the number and amount of planning grants provided under the Safe Neighborhoods Trust Fund; requiring audit after expiration of a district's contract; creating s. 163.5175, F.S.; providing for awards of technical assistance grants under certain conditions and criteria; repealing s. 163.518, F.S., relating to the crime prevention through environmental design program; amending s. 163.519, F.S.; changing administrative duties from the Department of Community Affairs to the Department of Legal Affairs and adding duties, including certain reporting duties; creating s. 163.5201, F.S.; providing for evaluation of the safe neighborhoods program; amending s. 163.521, F.S., relating to overlap with enterprise zones; requiring completion of a plan prior to expenditure of funds; requiring that capital improvement funding requests be related to crime prevention through environmental design; creating s. 163.5215, F.S.; providing for effect of the Safe Neighborhoods Act on existing laws; amending s. 163.522, F.S.; encouraging the creation of neighborhood improvement districts within community redevelopment areas; transferring the Safe Neighborhoods Trust Fund from the Department of Community Affairs to the Department of Legal Affairs, and transferring certain positions and funding; providing an effective date.

—a companion measure, was substituted for CS for SB 1422 and by two-thirds vote read the second time by title. On motion by Senator Meek, by two-thirds vote CS for HB 1737 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kiser	Stuart
Bankhead	Dudley	Langley	Thomas
Beard	Gardner	Malchon	Thurman
Brown	Girardeau	Margolis	Walker
Bruner	Gordon	McPherson	Weinstein
Casas	Grant	Meek	Weinstock
Childers, D.	Grizzle	Myers	Woodson-Howard
Childers, W. D.	Jennings	Peterson	
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Souto	

Nays—None

The Senate resumed consideration of—

CS for CS for CS for HB 950—A bill to be entitled An act relating to health care; providing legislative findings and intent with respect to rural hospitals; amending s. 381.706, F.S.; exempting certain rural hospital programs from certificate-of-need requirements; exempting rural hospitals and emergency care hospitals from certificate-of-need application fees; amending s. 395.002, F.S.; defining "emergency care hospital"; providing for licensure; providing for participation in Medicaid and other programs and services; providing an exemption from certificate-of-need requirements; providing for rules; providing for a feasibility study for developing certain postsecondary allied health training and scholarship programs; providing for a rural hospital impact statement; amending s. 395.102, F.S.; clarifying the definition of "rural hospital"; including specified health personnel in a loan forgiveness program; providing for an alternative use of funds if federal matching funds are available; amending s. 400.602, F.S., authorizing the transfer of a hospice to certain entities; amending s. 407.002, F.S.; clarifying the definition of "rural hospital"; providing an appropriation; providing effective dates.

—which had been considered and amended June 1. **CS for CS for CS for HB 950** was read the third time by title.

Senator Crenshaw moved the following amendments which were adopted by two-thirds vote:

Amendment 10—On page 6, between lines 10 and 11, insert:

Section 4. Subsection (8) of section 154.205, Florida Statutes, 1988 Supplement, 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:

(8) "Health facility" means any private corporation organized not for profit and authorized by law to provide hospital or nursing home care services in accordance with chapter 395 or chapter 400 or life care services in accordance with chapter 651, *and also includes facilities licensed under chapters 393 and 394.*

(Renumber subsequent section.)

Amendment 11—On page 12, between lines 20 and 21, insert:

Section 12. Section 154.241, Florida Statutes, is amended to read:

154.241 Issuance of bonds.—Bonds issued under the provisions of this part *may* ~~shall~~ be validated in the manner prescribed by chapter 75.

Section 13. Section 154.245, Florida Statutes, is amended to read:

154.245 Department of Health and Rehabilitative Services certificate of need required as a condition to *disbursement of* bond *proceeds* ~~validation and project construction~~.—Notwithstanding any provision of this part to the contrary, *bond proceeds may not be disbursed to a health care facility for* ~~before~~ any project *until* ~~authorized by this part is approved by the authority, and before revenue bonds are validated for the project,~~ the Department of Health and Rehabilitative Services *has issued* ~~shall issue~~ a certificate of need for such project, ~~which shall be a condition precedent to the validation and issuance of any bonds hereunder, other than bonds for refunding or refinancing purposes, and to the construction of the project~~. However, any portion of a life care facility not requiring licensure under chapter 395 or part I of chapter 400 shall be exempt from the certificate-of-need requirement. *The department may not consider the availability of bond proceeds in determining whether to issue or deny a certificate of need.*

(Renumber subsequent section.)

Amendment 12—In title, on page 2, between lines 1 and 2, insert: amending s. 154.24, F.S.; providing for the discretionary validation of certain health care facilities bonds pursuant to chapter 75, F.S.; amending s. 154.245, F.S.; revising a provision related to the release of certain bond proceeds used to finance health care facilities;

Amendment 13—In title, on page 1, line 10, after the semicolon (;) insert: amending s. 154.205, F.S.; amending the definition of health facility;

On motion by Senator Thurman, CS for CS for CS for HB 950 as amended was read by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motions by Senator Johnson, by two-thirds vote CS for HB 446 was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Johnson—

CS for HB 446—A bill to be entitled An act relating to education; establishing a goal to appropriate sufficient funds annually to ensure availability of textbooks; declaring intent for a 1-year delay from date of enactment of mandated courses of study to ensure selection and adoption of instructional materials; amending s. 233.09, F.S.; revising the membership of district instructional materials councils; providing for equal consideration of district recommendations; amending s. 233.14, F.S.; providing for publisher guarantee of replacement of college-bound instructional materials; amending s. 233.16, F.S.; revising time for opening bids; providing for extending or shortening contracts for instructional materials; amending s. 233.17, F.S.; providing for annual publication of adoption schedule; amending s. 233.18, F.S.; requiring publishers to deposit specimen copies of instructional materials with certain school districts; amending s. 233.25, F.S.; requiring instructional materials publishers to submit proof of their use of written correlations to certain instructional objectives; amending s. 233.37, F.S.; authorizing the Department of Education to provide for the recycling of certain instructional materials; providing an effective date.

—a companion measure, was substituted for CS for SB 268 and read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 2, line 5, insert a new Section 19:

Section 19. The Department of Education shall develop and maintain a continuing program of information management named the "Florida Education and Training Placement Information Program," the purpose of which is to compile, maintain, and disseminate information concerning the educational histories, placement and employment, and enlistments in the United States armed services of former participants in state educational and training programs. Any project conducted by the Department of Education that requires placement information shall use information provided through the Florida Education and Training Placement Information Program, and shall not initiate automated matching of records in duplication of methods already in place in the Florida Education and Training Placement Information Program. The department shall implement an automated system which matches the social security numbers of former participants in state educational and training programs with information in the files of state and federal agencies that maintain educational, employment, and United States armed service records and shall implement procedures to identify the occupations of those former participants whose social security numbers are found in employment records, as required by Specific Appropriation 337A, chapter 84-220, Laws of Florida; Specific Appropriation 337B, chapter 85-119, Laws of Florida; Specific Appropriation 350A, chapter 86-167, Laws of Florida; and Specific Appropriation 351, chapter 87-98, Laws of Florida.

Section 20. Section 229.557, Florida Statutes, is amended to read:

229.557 Vocational education management information system.—

(1) The State Board of Education is responsible for developing and adopting, and the Commissioner of Education is responsible for implementing and maintaining, the uniform program structure, common definitions, and uniform management information system for vocational education as required by ss. 229.551, 229.555, and 240.325 and chapter 78-401, s. 1, Item 376, Laws of Florida. *Data on vocational student enrollment and placement, including data on students who have completed or left programs must be developed by program in order to analyze trends over a period of at least 5 years. To this end, common definitions and a uniform program structure must be developed for use by all divisions of the Department of Education in preparing reports to district school boards, community college district board of trustees, regional coordinating councils, the state board, and the Legislature. The system must provide for:*

(a) Individual reporting of students using standard personal identifiers consisting of names, social security numbers, and dates of births.

(b) Compliance with confidentiality requirements of state and federal law, including those provided under s. 443.171; except that the Department of Education is entitled to have access to the unemployment insurance wage reports for purposes of collecting and reporting placement information about former participants in the state system of public education, provided the individual identities of the former participants and their employing entities are not publicly disclosed.

(c) The reduction of paperwork by making maximum use of automated technology and records in existing data bases, data systems, and reports. To the extent feasible, the Florida Information Resource Network must be used to disseminate information throughout the educational system.

(d) The production of quarterly reports of current conditions of student enrollment, completion, and placement by program.

(2) The vocational education management information ~~This~~ system *must* ~~shall~~ include, but is not limited to, the following components:

(a) Identification of all functions, organizational structures, delivery systems, and programs which contribute to or comprise a part of the state system of vocational education.

(b) Clear delineation of the organizational and administrative units that will be held accountable for implementing the vocational education priorities established by this act and such other goals, objectives, duties, and responsibilities as may be required by state or federal law.

(c) Enrollment status of current vocational education students, including total enrollment and enrollment by program. Enrollment status includes students who have completed or left vocational education programs in the current term.

(d) Employment status of former job-preparatory vocational education students by program, including overall employment rate, training-related employment rate, employment stability and average quarterly earnings, and full-time enlistment in the United States armed services.

(e) Educational status of former job-preparatory vocational education students, including postsecondary education enrollment by public community college, university, vocational-technical center, and major area of study.

(f) Employment status and educational status of former job-preparatory vocational education students who are both employed and enrolled in postsecondary education programs.

(g) Indicators of employer satisfaction with employees who have completed vocational education programs.

~~(c) Provision of such information as may be deemed necessary by the Legislature to evaluate the efficiency and cost-effectiveness of vocational education programs and to determine the extent to which vocational programs are meeting the goals and objectives of the state. The following data shall be included in the vocational education management information system, shall be provided to the Florida Occupational Information Coordinating Committee, and shall be available to the Legislature upon request:~~

~~1. Placement and follow-up data on persons completing job preparatory vocational programs, as required by ss. 230.2313 and 240.355. Such data shall be collected annually and aggregated at the vocational program level, institutional level, vocational planning region level, and state level. Specific data to be collected shall include:~~

~~a. Employment rates and unemployment rates for persons completing job preparatory vocational programs, including data concerning the extent to which placements are related to vocational training and comparisons with the employment rates and unemployment rates for nonvocational program graduates; earning differentials of persons completing job preparatory vocational programs, both before and after training and as compared to nonvocational program graduates; and unemployment rates for persons completing job preparatory vocational programs, both before and after training and as compared to nonvocational program graduates. Such data shall be obtained from the unemployment insurance data system maintained by the Department of Labor and Employment Security.~~

~~b. Surveys of employer satisfaction with employees who complete vocational programs.~~

(h)~~c.~~ Performance of vocational students on standardized basic skills tests, including state assessment tests, occupational proficiency examinations, licensing examinations, and other pertinent assessment tests.

~~2. Student enrollment and completion data aggregated at the vocational program level, institutional level, planning region level, and state level.~~

(3)~~(2)~~ It is the intent of the Legislature that institutions providing job-preparatory training and regional coordinating councils use a standard source of data *in planning and evaluating job-preparatory programs*, including:

(a) Information from the Florida Occupational Information System ~~and the State Job Training Coordinating Council, in planning and evaluating job preparatory programs~~.

(b) ~~If~~ Other sources of data ~~are used in addition to data from the Florida Occupational Information System, such sources shall be~~ developed using statistically valid procedures and, to the extent feasible, using standard occupational coding structures and definitions related to those used in the Florida Occupational Information System.

(c) Reports from the Florida Education and Training Placement Information Program on the placement status of former vocational education students.

~~(3) The automated Florida Occupational Information System shall be made available to all school districts, community colleges, and regional coordinating councils to assist them in planning and coordinating programs to meet the intent provided for herein. To the extent feasible, the Florida Information Reporting Network shall be used to deliver the Florida Occupational Information System.~~

Section 21. Subsections (7) and (12) of section 443.171, Florida Statutes, are amended to read:

443.171 Division and commission; powers and duties; rules; advisory council; records and reports.—

(7) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing such information as the division may prescribe. Such records shall be open to inspection and be subject to being copied by the division at any reasonable time and as often as may be necessary. The division or an appeals referee may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, deemed necessary for the effective administration of this chapter. Information thus obtained, or obtained from any individual pursuant to the administration of this chapter, shall, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, be held confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties, *including employees of the Department of Education in obtaining information for the Florida Education and Training Placement Information Program*) in any manner revealing the individual's or employing unit's identity, but any claimant (or his legal representative) at a hearing before an appeals referee or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the commission or any employee of the division who violates any provision of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the division may furnish to any employer copies of any report previously submitted by such employer, upon the request of such employer, and the division is authorized to charge therefor such reasonable fee as the division may by rule prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the division for copies as herein provided shall be deposited to the credit of the Employment Security Administration Trust Fund.

(12) DISCLOSURE OF INFORMATION.—Subject to such restrictions as the division may by rule prescribe, such information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the Bureau of Internal Revenue of the United States Department of the Treasury, and information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service *or a job-preparatory or vocational education or training program*. Upon request therefor, the division shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter. The division may request the Comptroller of the Currency of the United States to cause an exami-

nation of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter and may in connection with such request transmit any such report or return to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

Section 22. Paragraph (g) of subsection (3) of section 229.551, Florida Statutes, 1988 Supplement, is amended to read:

229.551 Educational management.—

(3) As a part of the system of educational accountability, the department shall:

(g) Conduct program evaluations for vocational education. These evaluations shall cover attainment of goals and objectives; *impact of the program on unemployment, underemployment, and wages in the labor force;* ~~, manpower needs and placement,~~ cost-efficiency;~~,~~ and *placement and completion rates of each program* ~~resource requirements~~.

1. For purposes of determining the placement rate of a job-preparatory vocational education program, a student who completes such a program is considered a "placement" if he has become employed in an occupation requiring the use of the competencies acquired in his vocational program, has entered full-time military service, or has continued his education at the postsecondary level. To determine the placement rate of a job-preparatory vocational education program, a school district or community college district must report to the department the name and social security number of each student who completes the program and whose social security number is in his student records. The department shall use an automated system to match the social security number of the former student with information in the files of state and federal agencies that maintain educational, employment, and United States armed service records and shall implement methods to identify the occupation of a former student whose social security number is found in employment records. For each former student whose social security number is found in the department's matching process, the department shall report to the school district or community college district the placement of the student in the armed services, a postsecondary educational institution, or an occupation. The department shall also report to the school district or community college district the names and social security numbers of the students not located in the matching process. The school district or community college district may then locate and identify the employer and occupation or the postsecondary educational institution of the former student. The identification must be verified by the employer, the postsecondary educational institution, or the school or college official who conducts the follow-up. The placement report must include each former student's name, social security number, and program completed. For a student whose employment is identified, the report must include the type of employer and, if it has been identified, the student's occupation. For a student whose placement is in the armed services, the report must include the branch of service. For a student whose placement is in a postsecondary educational institution, the report must include the name of the institution and the student's declared major subject area. The placement report may include other information the department considers useful for planning and evaluating vocational education programs. However, pursuant to s. 228.093, neither the department nor any school district or community college district may publicly disclose individually identifiable information about a student or his employer; any public report using placement information must summarize information about programs, former students and their employers, earnings, or occupations in aggregates of 10 or more students or employers. Neither the department nor any school district or community college district may use information in a placement report to contact former students or their employers for any purpose except to identify the occupation of a former student whose social security number is in the state employment files or to conduct a survey of a sample of employers to assess satisfaction with employees who complete vocational education programs. The department shall provide guidelines and technical assistance to school districts and community college districts to assist them in determining whether a former student is a placement. For each program having five or more persons completing it in any year, the department shall compute the placement rate by adding the total number of persons who complete the program and whose social security numbers are found by the department in its matching process to the total number of persons whose follow-up information is provided by the school district or community college district, and then dividing the sum of those totals into the total number of persons who are considered as placed. Exceptional students as defined in s. 228.041, except for gifted students, may be included in the computation of job-preparatory vocational education program placement rates only when such students may be considered placements. Except for gifted students, persons who complete exceptional student programs and who do not meet the criteria to be considered placements may not be included in the computation of job-preparatory vocational education program placement rates. Students enrolled in job-preparatory vocational education programs who are in the United States on nonimmigration visas may not be included in the computation of job-preparatory vocational education program placement rates.

2. To compute the completion rate of a job-preparatory vocational education program, a school district or community college district must identify the total number of students who are enrolled in the program on September 1 of each year and the number of students who have completed the program, the number of students who have withdrawn from the program, and the number of students who remain enrolled in one or more courses in the program on September 1 of each successive year. For a 1-year program, the completion rate must be computed by dividing the number of students enrolled on September 1 of any year into the number who have completed the program by September 1 of the following year. For a 2-year program, the completion rate must be computed by dividing the number of students enrolled on September 1 of any year into the number who have completed the program by September 1 after 2 years. A student is considered enrolled in a program if he has completed two courses in the program or indicates an intention of entering an occupation that uses competencies acquired in the program. After a student completes two courses in any job-preparatory vocational education program, the school district or community college district shall make a record of the program he intends to enter and shall report his enrollment in that program to the department before he may take a third job-preparatory vocational education course. Information entered into the state's automated student data base constitutes a report to the department. Within 1 year after the effective date of this act, the Division of Vocational, Adult, and Community Education and the Division of Community Colleges shall jointly report to the Legislature and the State Board for Vocational Education on progress in collecting accurate information required for computing the completion rate.

3. Funding for vocational education *will take* ~~shall reflect~~ the results of these evaluations *into account.* ~~Any job preparatory vocational program in which the average placement rate is less than 60 percent for any given year shall be automatically reviewed by the Department of Education. The program review shall be submitted to the appropriate regional coordinating councils and shall be accompanied by a plan for improving the placement rate for the program. Effective with the 1985-1986 school year,~~

a. Any job-preparatory vocational program *for* ~~in~~ which the placement rate, *as determined by the method described in subparagraph 1.,* ~~for persons completing the program~~ is less than 70 percent for 3 consecutive years *is* ~~shall be~~ ineligible for future state funding. The first 3-consecutive-year period *for placement rate calculations includes* ~~shall be~~ the *1988-1989, 1989-1990,* ~~1984-1985, 1985-1986,~~ and *1990-1991* ~~1986-1987~~ school years. *To assure* ~~In order~~ that *a* ~~no~~ program is *not* unfairly penalized for adverse economic or demographic conditions which might exist within the 28 vocational planning regions which the program may serve, the department ~~of Education~~ may adjust program placement rates at the planning regional level using *regression analysis adapted with minimum change from the formula required by the state Job Training Partnership Act* ~~a statistically valid and reliable methodology approved by the State Board of Education~~. Factors for which program placement rates may be adjusted by this *method* ~~methodology may~~ include, but are not limited to, the *percentage of persons completing the* ~~percent of~~ program ~~completers~~ who are *members of* minorities and the *percentage of persons completing the* ~~percent of~~ program ~~completers~~ who are economically disadvantaged. The *method* ~~methodology~~ used by the department ~~of Education~~ to adjust program placement rates *must* ~~shall~~ be *approved by* ~~submitted to the Legislature for review at least 30 days prior to submission to~~ the State Board *for Vocational* ~~of~~ Education ~~for approval~~. *The department shall report* any job-preparatory vocational program *that fails* ~~failing~~ to achieve a 70-percent *placement* rate for 3 consecutive years ~~shall be reported by the department~~ to the appropriate regional coordinating council, the State Board *for Vocational* ~~of~~ Education, and the Legislature; and *that program must* ~~shall~~ be included in the state accountability report pursuant to s. 229.558.

b. Any job-preparatory vocational education program for which the completion rate is less than 20 percent in each of 3 consecutive years shall be reported to the Legislature and the State Board for Vocational Education. For each such program, the department shall also report the number of people who left the program before completing it and were placed in an occupation related to the training provided by the program. The department shall use the Florida Education and Training Placement Information Program to identify the occupations of such people. The department shall provide technical assistance and inservice training for vocational education administrators to assist them in reporting students who enroll, withdraw from, or complete job-preparatory vocational education programs. The first 3-consecutive-year period for completion rate calculations includes the 1990-1991, 1991-1992, and 1992-1993 school years. However, if the State Board for Vocational Education finds unacceptable the progress report prepared as directed in subparagraph (3)(g)2. of this section, the State Board for Vocational Education shall designate the first 3-consecutive-year period for completion rate calculations.

c. A program conducted for inmates within facilities of the Department of Corrections may not become ineligible for state funding based on evaluation of its placement and completion rates. However, by September 1, 1992, the Correctional Education School Authority shall use the information provided by the department to analyze the placement and completion rates of all job-preparatory vocational education programs in such facilities and recommend to the Legislature and the State Board for Vocational Education appropriate accountability measures for such programs.

d. The State Board for Vocational Education shall adopt rules to implement this paragraph, including provisions for calculating placement rates for programs in which a substantial number of former students do not have or do not authorize the use of their social security numbers; dates by which school districts, community college districts, and the department must complete necessary reports; and procedures for providing guidelines for school districts and community college districts to determine placement or nonplacement of persons who have completed programs. ~~The Office of the Auditor General shall conduct annual audits of school districts and community colleges to determine the accuracy of the vocational program placement rates reported by the districts and community colleges to the Department of Education. The Office of the Auditor General shall report to the Legislature any discrepancies identified between the placement rates reported by the districts and community colleges to the Department of Education and the placement rates reported by the Department of Education to the Legislature. A student in a job preparatory vocational program shall be considered a "placement" if he has become employed in an occupation requiring the use of the competencies acquired in his vocational program, has entered military service, or has continued on to postsecondary education. It is the intent of the Legislature that every effort shall be made to ensure that exceptional students enrolled in job preparatory vocational programs are placed in employment. However, in order to assure that such programs are not penalized for exceptional student participation, exceptional students as defined in s. 228.041, except for gifted students, shall be included in the computation of job preparatory program placement rates only when such students may be considered as placements in accordance with the provisions defined in this subsection. Exceptional student program completers who do not meet the criteria to be considered to be a placement, except for gifted students, shall not be included in the computation of job preparatory program placement rates. Students enrolled in job preparatory vocational education programs who are inmates within Department of Corrections facilities, who are nonresident aliens, or who are in the United States on nonimmigration visas shall not be included in the computation of job preparatory program placement rates. The State Board of Education shall adopt rules providing follow-up procedures which may be used by school districts and community colleges to determine a student's placement status. Such procedures may include the use of exit interviews, telephone interviews, written questionnaires, state-level computerized employment data, and any other procedure approved by the state board. Pursuant to rule, school districts and community colleges shall document what follow-up procedure has been used to determine each vocational student's placement status and shall retain this documentation for audit purposes.~~

Section 23. Section 229.5585, Florida Statutes, is repealed.

(Renumber subsequent sections.)

Amendment 2—On page 10, line 19, insert a new Section 10:

Section 10. Paragraph (f) of subsection (5), subsection (7), and paragraphs (b) and (c) of subsection (8) of section 228.072, Florida Statutes, 1988 Supplement, are amended to read:

228.072 Adult general education.—

(5) PRIORITY FOR ACADEMIC IMPROVEMENT SERVICES.—The adult general education program shall provide academic improvement services to students in the following priority:

~~(f) Students who enroll in noncredit courses and participate in activities principally concerned with community welfare in the areas of health, safety, human relations, government, child rearing, consumer economics, and environment.~~

(7) PROVISION OF INSTRUCTION.—Both community colleges and school districts may offer adult basic secondary education courses and adult vocational preparatory ~~and community instructional services~~ courses and activities within the same service area upon approval of the regional coordinating council. College preparatory courses shall be offered exclusively by the community colleges; however, universities in which the percentage of incoming students who require college preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer a college preparatory program until 1990. Nothing in this subsection prohibits area vocational-technical centers from contracting with community colleges for the provision of vocational preparatory instruction.

(8) FINANCING.—

(b) The following programs shall be evaluated and funded as separate and distinct categories: adult basic and secondary education, adult vocational preparatory, adult college preparatory, *and* lifelong learning~~, and community instructional services~~.

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

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

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

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

4.~~5.~~ Fees collected annually for recreation and leisure time programs shall be equal to, but not exceed, the cost of providing such programs by a school district or community college.

Section 11. Section 228.073, Florida Statutes, is amended to read:

228.073 Vocational education *and,* adult general education~~, and community instructional services~~ planning regions.—There shall be established 28 planning regions for vocational education *and,* adult general education~~, and community instructional services~~ which shall be contiguous with the 28 community college service areas.

Section 12. 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 *and,* adult general education~~, and community 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 *a* ~~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. *A lay member may serve no more than two consecutive 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. *A lay member must receive less than a majority of his income from employment related to education and must not serve on a school board or community college board of trustees.* 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 13. 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 *and*, 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)~~(3) Each regional coordinating council shall~~ Assure that the vocational education *and*, adult *general* 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 *and*, 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 *or*, adult general education programs~~, or community instructional service programs~~ and submit the recommendations in writing to the *Bureau of Auditing Services of the Department of Education, 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, 1990, 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, 1990, 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 14. Section 228.076, Florida Statutes, is amended to read:

228.076 Vocational education *and*, 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 *or*, 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.

(2) No new vocational education *or*, adult general education~~, or community instructional services~~ program shall be eligible for the receipt of state funding unless the program is recommended for approval by the appropriate regional coordinating council.

(3) *If* ~~Should~~ the recommendation of a regional coordinating council that a program be terminated *is* ~~be~~ upheld by the State Board for Vocational Education, no further state funding shall be expended for the program.

(4) Each school district or community college planning to offer a vocational or adult general education course or program within another region must notify the council in each region.

Section 15. Subsections (2), (3), (4), (5), and (6) of section 229.132, Florida Statutes, are amended to read:

229.132 Registration of adult students.—

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

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

~~(b) The student's permanent address.~~

~~(c) The course title.~~

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

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

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

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

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

Section 16. Subsection (2) of section 230.645, Florida Statutes, 1988 Supplement, 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:

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

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

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

(c)~~(d)~~ Students who are enrolled in a dual enrollment or early admission program pursuant to s. 240.116.

(d)~~(e)~~ Students who are enrolled in approved apprenticeship programs as defined in s. 446.021, provided the contributions of facilities, personnel, or equipment made on behalf of the students equal or exceed the total value of the fee exemptions. Such students shall be reported separately with an accounting of the local market value of the facilities, personnel, and equipment.

(e)~~(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 17. Paragraph (a) of subsection (3), paragraph (b) of subsection (4), and paragraphs (d) and (e) of subsection (5) of section 240.301, Florida Statutes, 1988 Supplement, are amended to read:

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

(3) A separate and secondary role for community colleges includes the offering of programs in:

(a) Community educational services ~~or community instructional services~~ which are not directly related to academic or occupational advancement.

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

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

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

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

(d)~~(e)~~ Fees collected annually for recreation and leisure time programs shall be equal to, but not exceed, the cost of providing such programs.

Section 18. Paragraph (c) of subsection (3) of section 240.359, Florida Statutes, is amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.—The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 240.313 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(c) The apportionment to each community college from the community college program fund for current operations shall be based on an assigned full-time equivalent enrollment as determined in paragraphs (a), (b), and (d) and shall consider the cost level of each field of study. However, students in community education service ~~or community instructional service~~ programs shall not be counted for full-time equivalent enrollment. There shall be an adult basic skills education program adjustment, the total amount of which shall be determined annually in the General Appropriations Act. The apportionment of the adjustment to each community college providing adult basic skills education shall be determined as the difference between 105 percent of the appropriation per full-time equivalent student and the actual reported expenditures per full-time equivalent student for the adult basic skills education program times the assigned number of full-time equivalent students for a given year; provided that should the appropriation be less than the total computed adjustment for all colleges, each community college shall receive its proportionate share of the appropriation. For the purpose of determining program costs, the adult basic skills education program costs shall be reported separately from the adult secondary program costs.

(Renumber subsequent sections.)

Senator Johnson moved the following amendment which was adopted:

Amendment 3—On page 2, strike all of lines 1-16 and renumber subsequent sections.

Senator Peterson moved the following amendment which was adopted:

Amendment 4—In title, on page 1, line 28, after the semicolon (;) insert: 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 Compensation of the Department of Labor and Employment Security to provide certain information to the Department of Education; amending s. 229.551, F.S.; requiring school districts and community college districts to report to the department specified information concerning students who enroll in, leave, or complete vocational education programs; requiring the department to identify the placement of students who complete such programs; authorizing school districts and community college districts to identify the placements of students whose placements are not identified by the department; providing definitions; providing methods for computing placement rates and completion rates for vocational education programs; providing conditions under which state funding is not available for certain vocational education programs; providing exceptions and exemptions; requiring the Correctional Education School Authority to report on placement of inmates who participate in vocational education programs; requiring the department to provide technical assistance to school districts and community college districts; requiring the State Board for Vocational Education to adopt rules to implement certain provisions; repealing s. 229.5585, F.S., relating to student follow-up surveys with respect to vocational students;

Senator Johnson moved the following amendment which was adopted:

Amendment 5—In title, on page 1, strike all of lines 2-8 and insert: An act relating to education; amending s. 233.09, F.S.; revising

Senator Peterson moved the following amendment which was adopted:

Amendment 6—In title, on page 1, line 28, after the semicolon (;) insert: amending ss. 228.072, 228.073, 228.074, 228.075, 228.076, 229.132, 230.645, 240.301, 240.359, F.S.; providing requirements for lay member appointments to the regional coordinating councils established within each vocational education planning region; limiting the terms of office of lay members; requiring a community college or school district to notify certain councils of certain plans; deleting certain requirements for council evaluations; 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 coordinated by the councils; deleting the requirement that school districts and community colleges submit annual budgets to the appropriate regional coordinating council for review; deleting obsolete provisions relating to community instructional services;

On motion by Senator Johnson, by two-thirds vote CS for HB 446 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Davis	Kirkpatrick	Plummer
Bankhead	Deratany	Kiser	Scott
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Stuart
Bruner	Gardner	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Johnson	Peterson	Weinstock

Nays—None

Vote after roll call:

Yea—Woodson-Howard

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1252 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1252—A bill to be entitled An act relating to continuing care contracts; amending s. 651.021, F.S., relating to application for a certificate of authority; amending s. 651.022, F.S.; revising requirements for application for a provisional certificate of authority; providing a time period for issuance; requiring an escrow agreement; amending s. 651.023, F.S.; revising requirements and procedures for issuance of a certificate of authority; revising conditions and procedures for releasing certain moneys held in escrow; amending s. 651.026, F.S.; providing for designating a fiscal year other than a calendar year; amending s. 651.035, F.S.; providing for satisfaction of minimum liquid reserve requirements; amending s. 651.095, F.S.; prohibiting unfair insurance advertising practices; providing an effective date.

Amendment 2—On page 23, lines 27 and 28, strike all of said lines and insert:

Section 7. *Effective July 1, 1989, section 651.027, Florida Statutes, 1988 Supplement, as created by chapter 88-206, Laws of Florida, is hereby repealed.*

Section 8. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Amendment 3—On page 1, lines 19 and 20, after the semicolon (;) strike "providing an effective date." and insert: repealing s. 651.027, F.S., which provides that entrance fees for such contracts are subject to the insurance premium tax; providing effective dates.

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

Amendment 1—On page 23, between lines 26 and 27, insert:

Section 7. Subsections (1) and (5) of section 627.651, Florida Statutes, are amended to read:

627.651 Group contracts and plans of self-insurance must meet group requirements.—

(1) Except as otherwise provided by law, no group health insurance policy or certificate shall be delivered or issued for delivery in this state insuring more than one individual unless to one of the groups provided for in ss. 627.653-627.656. No plan of self-insurance providing health coverage benefits to residents of this state shall be established or maintained unless the plan is in compliance with *s. 627.419* ~~s. 627.419(4)~~ and the applicable provisions of this part relating to the rights of individuals to specified benefits and coverages.

(5) This section does not apply to any plan which is established or maintained by an individual employer in accordance with the Employee

Retirement Income Security Act of 1974, Pub. L. No. 93-406, or to a multiple-employer welfare arrangement as defined in s. 624.437(1), except that such multiple-employer welfare arrangement shall comply with the requirements of ss. *627.419,* 627.657, 627.6575, 627.6576, 627.6579, 627.6615, 627.6616, and 627.662(5). This subsection shall not be construed to permit an authorized insurer to issue a group health insurance policy or certificate which does not comply with this part.

Section 8. Subsection (2) of section 627.6515, Florida Statutes, is amended to read:

627.6515 Out-of-state groups.—

(2) This part does not apply to a group health insurance policy issued or delivered outside this state under which a resident of this state is provided coverage if:

(a) The policy is issued to an employee group the composition of which is substantially as described in s. 627.653; a labor union group or association group the composition of which is substantially as described in s. 627.654; an additional group the composition of which is substantially as described in s. 627.656; a group insured under a blanket health policy when the composition of the group is substantially in compliance with s. 627.659; a group insured under a franchise health policy when the composition of the group is substantially in compliance with s. 627.663; an association group to cover persons associated in any other common group, which common group is formed primarily for purposes other than providing insurance; a group which is established primarily for the purpose of providing group insurance, provided the benefits are reasonable in relation to the premiums charged thereunder and the issuance of the group policy has resulted, or will result, in economies of administration; or a group of insurance agents of an insurer, which insurer is the policyholder;

(b) Certificates evidencing coverage under the policy are issued to residents of this state and contain in contrasting color and not less than 10-point type the following statement: "The benefits of the policy providing your coverage are governed primarily by the law of a state other than Florida"; and

(c) The policy provides the benefits *and provisions* specified in ss. *627.419,* 627.6575, 627.6579, 627.667, and 627.6675.

(Renumber subsequent section.)

Senator Langley moved the following amendment to House Amendment 3 which was adopted:

Amendment 1—In title, on page 1, line 1, strike everything before the enacting clause and insert: An act relating to insurance; amending s. 651.021, F.S., relating to application for a certificate of authority; amending s. 651.022, F.S.; revising requirements for application for a provisional certificate of authority; providing a time period for issuance; requiring an escrow agreement; amending s. 651.023, F.S.; revising requirements and procedures for issuance of a certificate of authority; revising conditions and procedures for releasing certain moneys held in escrow; amending s. 651.026, F.S.; providing for designating a fiscal year other than a calendar year; amending s. 651.035, F.S.; providing for satisfaction of minimum liquid reserve requirements; amending s. 651.095, F.S.; prohibiting unfair insurance advertising practices; amending s. 627 651, F.S.; requiring group health insurance policies, certificates, and plans to comply with certain provisions relating to construction of policies; amending s. 627.6515, F.S.; requiring compliance with provisions relating to construction of policies by certain out-of-state group health insurance policies; providing an effective date.

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

CS for SB 1252 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Brown	Childers, D.	Davis
Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Dudley
Forman	Kirkpatrick	Plummer	Walker
Gardner	Kiser	Ros-Lehtinen	Weinstein
Girardeau	Langley	Scott	Weinstock
Grant	Malchon	Souto	Woodson-Howard
Grizzle	Meek	Stuart	
Jennings	Myers	Thomas	
Johnson	Peterson	Thurman	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for CS for HB 1229 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for HB 1229—A bill to be entitled An act relating to motor vehicle fraud; creating the "Odometer Fraud Prevention and Detection Act"; amending s. 319.001, F.S.; defining the term "used motor vehicle"; amending s. 319.14, F.S.; changing the term "for hire" to "lease"; deleting the exception to public disclosure of previous status for vehicles which are not current models; providing that when a certificate of title is branded to reflect a condition or prior use of the vehicle, the brand must be carried forward; amending s. 319.21, F.S.; permitting reassignment of out-of-state motor vehicle titles by dealers; deleting certain provisions relating to vehicles without certificates of title in this state; creating s. 319.225, F.S.; requiring that a statement of requirements of federal and state law relating to odometer disclosure be included on title certificates; providing for transfer and reassignment forms with odometer disclosure statements on the reverse of title certificates; requiring dealers to take title in certain circumstances; providing for use of separate dealer reassignment forms in certain situations; requiring odometer disclosure upon transfer of certain used vehicles; providing penalties for failure to make disclosure; prohibiting the same person from signing a disclosure statement as transferor and transferee in the same transaction except when a title certificate is held by a lienor and providing for signature by power of attorney in such a case; providing for notation of auctions and odometer readings at time of auction; requiring notations by auctioneers and providing a penalty for failure to so note; providing for construction in conformance with federal rules; amending s. 319.24, F.S.; providing that the Department of Highway Safety and Motor Vehicles record and maintain odometer mileage readings and that motor vehicle dealer license numbers be required for duplicate titles; amending s. 319.32, F.S.; increasing motor vehicle title transfer fees; amending s. 319.323, F.S.; increasing fees for expedited service; providing a revised timeframe; amending s. 320.27, F.S.; providing that motor vehicle dealers must have duly assigned certificates of title or must have made proper application for title or duplicate for any motor vehicle offered for sale; providing that a vehicle may not be sold until such certificate or proof of such application can be produced; deleting certain redundant provisions on use of reassignment forms by dealers; creating s. 320.90, F.S.; providing that dealers must provide retail purchasers of used motor vehicles with a consumer's rights pamphlet; amending s. 319.22, F.S.; deleting certain provisions related to notaries; deleting odometer disclosure requirements inconsistent with those provided in this act; amending s. 319.23, F.S.; deleting certain provisions relating to oaths and notaries; conforming said section to other provisions of this act; deleting a provision on applications for duplicate titles by dealers; prohibiting issuance of title until s. 319.225, F.S., has been complied with; amending s. 319.29, F.S.; providing for verification of applicants for duplicate title certificates under certain circumstances; creating s. 319.324, F.S.; creating the Odometer Fraud Prevention and Detection Trust Fund; providing for deposit of moneys into the fund; providing purposes of the fund; amending s. 319.14, F.S.; prohibiting the offer of sale, the sale, or the exchange of a rebuilt vehicle until the Department of Highway Safety and Motor Vehicles notes on the certificate of title for the vehicle that it has been rebuilt, unless application for a certificate of title has been filed with the department and the department has physically examined the vehicle to assure its identity; providing penalties; amending s. 319.23, F.S.; providing for stamping a vehicle's certificate of title with words stating that the vehicle has been rebuilt; amending s. 319.30, F.S.; changing the definition of the term "salvage" by redefining the term "total loss"; requiring insurers or owners of vehicles or mobile homes that are a total loss to obtain salvage title certificates prior to disposing of the vehicles or mobile homes; providing penalties; requiring the department to declare certain vehicles or mobile homes unrebuildable and to deny applications for issuance of title certificates for such vehicles or mobile homes as rebuilt vehicles; amending s. 319.32,

F.S.; prescribing fees for issuance of salvage certificates of title and for physically examining rebuilt vehicles to assure their identity; providing effective dates.

On motion by Senator Forman, by unanimous consent CS for CS for HB 1229 was taken up out of order. On motions by Senator Forman, by two-thirds vote CS for CS for HB 1229 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

Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Ros-Lehtinen	Woodson-Howard
Davis	Johnson	Scott	
Deratany	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 654 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 654—A bill to be entitled An act relating to the Ringling Museum of Art; amending ss. 265.26, 265.261, F.S.; increasing the membership of the Board of Trustees of the John and Mable Ringling Museum of Art; revising membership requirements of the board of trustees; providing an advisory council to the board of trustees; providing duties of the advisory council; continuing the exemption of certain records of the direct-support organization from the public records law; providing for future legislative review of such exemption pursuant to the Open Government Sunset Review Act; providing an effective date.

Amendment 1—On page 2, lines 11-31 through page 3, lines 1-4, strike all of said lines

Amendment 2—On page 1, lines 18-20, strike all of said lines and insert:

Section 1. Paragraph (a) of subsection (1) of section 265.26, Florida Statutes, 1988 Supplement, is amended to read:

Amendment 3—On page 1, lines 9-14, strike "continuing the exemption of certain records of the direct-support organization from the public records law; providing for future legislative review of such exemption pursuant to the Open Government Sunset Review Act;"

Amendment 4—On page 1, line 17, insert:

Section 1. *Science Museum Trust Fund; grants.—*

(1) There is hereby created a Science Museum Trust Fund to be administered by the Department of State.

(2)(a) The Division of Cultural Affairs of the Department of State is authorized to grant moneys from the trust fund, including matching grants to science museums recommended by the Florida Arts Council and approved by the Secretary of State. The division shall, by rule, establish criteria for awarding grants including criteria based upon the quality of the proposed grant recipient, the potential public exposure and public benefit of the exhibits of the proposed grant recipient, and the ability of the proposed grant recipient to properly administer grant funds and any other criteria the division determines are necessary and appropriate to further the purposes of this act. The division shall grant moneys from the trust fund in accordance with state law.

(b) For purposes of this section, the term "science museum" means a public or private nonprofit institution located in this state operating on a permanent basis for the primary purpose of sponsoring, producing, and exhibiting programs for the observation and study of various types of natural science and science technology.

(c) A science museum must be open to the public, have a full-time staff, be a not-for-profit organization pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, and be incorporated pursuant to chapter 617, Florida Statutes, or administered as a part of local or state government in order to receive a grant from the fund.

(d) The division may grant moneys quarterly from the trust fund to science museums in advance of an exhibit or program for which the moneys are granted, pursuant to a grant agreement or a contract. Before the end of the contract period, the grant recipient shall file with the division a complete accounting of all moneys received from the trust fund. The division may adopt rules requiring a postaudit of such accounting to be conducted by an independent certified public accountant.

Section 2. Subsection (7) of section 265.286, Florida Statutes, 1988 Supplement, is amended to read:

265.286 Art grants award by Division of Cultural Affairs.—

(7) There is hereby created a Vital Local Cultural Program to be administered by the Division of Cultural Affairs and the Florida Arts Council for the purposes set forth in this subsection. *The Legislature shall annually transfer $1.1 million from the State Major Cultural Institution Trust Fund to the Vital Local Cultural Program.*

(a) The Florida Arts Council shall establish, by rule, criteria for the award of grants to Vital Local Cultural Programs. These criteria shall recognize emerging cultural programs which provide to their local communities a sustained commitment to high artistic excellence. Administrative criteria must include the requirements that Vital Local Cultural Programs receiving grants have an established corporate charter and an established governing board. Program criteria must include the requirements that Vital Local Cultural Programs demonstrate fiscal stability, major local impact, audience and community support, and that these programs recognize the efforts, works, and performances of Florida's artists or arts organizations.

(b) The following programs shall be recognized initially as Vital Local Cultural Programs and shall be awarded grants by the division pursuant to this section:

1. Atlantic Center for the Arts.
2. Graphic Studio, University of South Florida.
3. Florida Arts Celebration.
4. William R. Frizzell Cultural Center.
5. Miami Film Festival.
6. French Film Festival.
7. Ft. Lauderdale Film Festival.

(c) A review of Vital Local Cultural Programs shall be conducted periodically by the Florida Arts Council.

(d) The council may recommend the addition of programs to the Vital Local Cultural Program if the programs meet the criteria established pursuant to this subsection. The council may *also* recommend the deletion of *any of these* ~~certain~~ Vital Local Cultural Programs if they fail to meet the criteria established by the council pursuant to this subsection. ~~The council may also recommend the addition of programs to the Vital Local Cultural Program if the programs meet the criteria established pursuant to this subsection.~~ These recommendations are subject to approval by the Secretary of State. Any program recommended for deletion by the Secretary of State shall be placed on a 1-year probation period during which it may correct its deficiencies. If it does not correct its deficiencies within the probation period the Secretary of State may delete it from the program.

(e)~~(d)~~ Programs designated as Vital Local Cultural Programs shall be precluded from receiving funds from other art grants programs administered pursuant to this section by the Division of Cultural Affairs unless such grant application is determined by the department to be of statewide cultural significance.

(f)~~(e)~~ Grants awarded to Vital Local Cultural Programs are not subject to the provisions of subsection (2). The state grant to a Vital Local Cultural Program must be matched by a contribution from the recipient of the grant, in an amount to be determined by the Department of State, *but shall not be less than a ratio of 60-percent local to 40-percent state.*

(g)~~(f)~~ The Department of State shall adopt rules necessary to implement the provisions of this subsection.

Section 3. Paragraph (c) of subsection (2) of section 265.2861, Florida Statutes, 1988 Supplement, is amended to read:

265.2861 State Major Cultural Institution Program; trust fund.—

(2) STATE MAJOR CULTURAL INSTITUTION PROGRAM.—

(c)1. The following major cultural institutions designated pursuant to this chapter shall be recognized initially as State Major Cultural Institutions:

a. Jacksonville Symphony Association, Jacksonville.

b. Jacksonville Art Museum, Jacksonville.

c. Cummer Art Gallery, Jacksonville.

d. Florida Symphony Orchestra, Orlando.

e. Orlando Museum of Art, Orlando.

f. Florida Orchestra, Tampa.

g. Museum of Fine Art, St. Petersburg.

h. Norton Gallery, Palm Beach.

i. The Sarasota Opera, Sarasota.

j. Greater Miami Opera, Miami.

k. Lowe Art Museum, Miami.

l. Bass Museum of Art, Miami.

m. Museum of Art, Ft. Lauderdale.

n. Philharmonic Orchestra, Ft. Lauderdale.

o. Miami City Ballet, Miami.

p. Center of the Arts, Miami.

q. The Tampa Museum of Art, Tampa.

2. A review of State Major Cultural Institutions shall be conducted periodically by the Florida Arts Council. The council may recommend the deletion of certain State Major Cultural Institutions if they fail to meet criteria established by the council pursuant to paragraph (b). The council may also recommend the addition of institutions to the State Major Cultural Institution Program if the institutions meet the criteria established pursuant to paragraph (b). These recommendations are subject to approval by the Secretary of State. Any institution recommended for deletion from the program by the Secretary of State shall be placed on a 1-year probation period during which it may correct its deficiencies. If it does not correct its deficiencies within the probation period, the Secretary of State may delete the institution from the State Major Cultural Institution Program.

Section 4. Subsection (7) is added to section 267.021, Florida Statutes, to read:

267.021 Definitions.—For the purpose of this act, the term:

(7) "Florida history museum" means a public or private nonprofit institution which is established permanently in this state for the purpose of promoting and encouraging knowledge and appreciation of Florida history through the collection, preservation, exhibition, and interpretation of artifacts and other historical properties related to Florida history and the primary role of which is to collect and care for artifacts and other objects of intrinsic historical or archaeological value and exhibit them regularly through a facility or facilities owned or operated by the institution.

Section 5. Section 267.072, Florida Statutes, is amended to read:

267.072 Museum of Florida history programs; trust fund.—

(1) There is created the Museum of Florida History Trust Fund to be administered by the Department of State for the purposes set forth in this *section* ~~act~~.

(2) ~~It is the duty of~~ The division *shall* ~~to~~:

(a) Establish and administer a museum store in the Museum of Florida History to provide information and materials relating to museum exhibits, collections, and programs to the public. The store may produce, acquire, and sell craft products, replicas and reproductions of artifacts, documents, and other merchandise relating to historical and cultural resources and may make a reasonable charge for such merchandise. All proceeds received from sales *must* ~~shall~~ be deposited into the Museum of Florida History Trust Fund *and may only* ~~to~~ be used to support the programs of the Museum *of Florida History. The museum store may enter into agreements and accept credit-card payments as compensation for goods and products sold. The division may establish accounts in credit-card banks for the deposit of credit-card sales invoices and to pay discounts and service charges in connection with the use of credit cards.*

(b) Support the establishment and operation of a nonprofit organization or association to promote and encourage knowledge and appreciation of Florida history and the programs of the Museum of Florida History and to cooperate with historical societies and other organizations to provide funding and promotional support for the programs of the museum. Such organization or association may, with the consent of the division, operate the museum store or conduct special events and programs in the museum. All proceeds *must* ~~shall~~ be used to support the programs of the Museum of Florida History.

(c)~~(3)~~ *Deposit* ~~The division is authorized to accept~~ gifts and donations for the purpose of assisting the Museum of Florida History and its programs~~, which shall be deposited~~ in the Museum of Florida History Trust Fund to be used exclusively for the acquisition and production of exhibits or for the purchase of items for resale in the museum store.

(3)(a) The division may conduct a program to provide:

1. Grants from the Museum of Florida History Trust Fund, including matching grants, to a department or agency of the state, a unit of county, municipal, or other local government, or a public or private profit or nonprofit corporation, partnership, or other organization to assist in the development of public educational exhibits relating to the historical resources of Florida; and

2. Grants from the Museum of Florida History Trust Fund to Florida history museums that are not state-operated to assist such museums in paying for operating costs.

(b) In order to be eligible to receive a grant from the trust fund to assist in paying operating costs, a Florida history museum must fulfill the following criteria:

1. The mission of the museum must relate directly and primarily to the history of Florida. If the museum has more than one mission, the museum is eligible to receive a grant for that portion of the operating costs which is reasonably attributable to its mission relating to the history of Florida;

2. The museum must have been operating and open to the public for at least 180 days each year during the 2-year period immediately preceding the date upon which the museum applies for the grant; and

3. The museum must be open and providing museum services to the public for at least 180 days each year; and

4. The museum must currently employ, and must have employed during the 2-year period immediately preceding the date upon which the museum applies for the grant, at least one full-time staff member or the equivalent thereof whose primary responsibility is to acquire, maintain, and exhibit to the public objects that are owned by, or are on loan to, the museum.

(c) An application for a grant from the trust fund must be made to the division on a form provided by the division. The division shall adopt rules prescribing categories of grants, application requirements, criteria and procedures for the review and evaluation of applications, and other procedures necessary for the administration of the program, subject to the requirements of this section. The division shall provide opportunities for persons from different areas of the state who, due to education, experience, or special interest, are knowledgeable about the development and operation of historical museums or historical exhibits for public education to evaluate the applications and shall consider their evaluations and recommendations in selecting the applicants that it will recommend to the Secretary of State to receive grants. The division shall submit a list of such applicants, arranged in order of priority, to the Secretary of State. The division may award a grant to a Florida history museum only if the award has been approved by the Secretary of State.

(d) Money received as an appropriation or contribution to the grants program must be deposited into the trust fund. Money appropriated from general revenue to the trust fund for the program may not be granted to a private for profit museum. Money appropriated from any source to the trust fund for the program may not be granted to pay the cost of locating, identifying, evaluating, acquiring, preserving, protecting, restoring, rehabilitating, stabilizing, or excavating an archaeological or historic site or a historic building or the planning of any of those activities.

(e) The division may grant moneys quarterly from the trust fund to history museums in advance of an exhibit or program for which the moneys are granted.

~~(4) The museum store of the Museum of Florida History is authorized to enter into agreements and accept credit card payments as compensation for goods and products sold. The division is further authorized to establish accounts in credit card banks for the deposit of credit card sales invoices and to pay discounts and service charges in connection with the use of credit cards.~~

Section 6. *The Division of Corporations of the Department of State shall annually transfer no less than $550,000 from the Corporations Trust Fund to the Science Museum Trust Fund and shall annually transfer no less than $550,000 from the Corporations Trust Fund to the Museum of Florida History Trust Fund.*

Section 7. Section 15.091, Florida Statutes, is amended to read:

15.091 Fees; filing under ch. 679, Uniform Commercial Code.—

(1) The fees for filing of any financing statement or other writing required or permitted to be filed by any provision of chapter 679 of the Uniform Commercial Code are *$7* ~~$5.25~~ for the first page of each financing statement or other writing and $2 for each additional page thereof.

(2) Notwithstanding the provisions of s. 15.09, the fee for searching of papers or records is *$11* ~~$7.50~~ and the fee for copying any documents is $1 per page or fraction thereof.

Section 8. Subsection (1) of section 495.071, Florida Statutes, is amended to read:

495.071 Duration and renewal.—

(1) Registration of a mark hereunder shall be effective for a term of 10 years from the date of registration and, upon application filed within 6 months prior to the expiration of such term, on a form to be furnished by the Department of State, the registration may be renewed for a like term. A renewal fee of *$50* ~~$15~~ for each class of goods or services with respect to which such renewal is sought, payable to the Department of State, shall accompany the application for renewal of the registration.

Section 9. Subsections (1), (6), and (7) of section 620.182, Florida Statutes, are amended to read:

620.182 Fees of the Department of State.—The fees of the Department of State under this act are as follows:

(1) For furnishing a certified copy, *$30* ~~$15~~ for the first 15 pages plus 50 cents for each additional page.

(6) For filing a certificate:

(a) Designating a registered agent, *$20;*

(b) Changing a registered agent, *$20;* or

(c) Resigning as a registered agent, *$50* ~~$3~~.

(7) For filing an application to reserve a limited partnership name or a notice of transfer of a reserved limited partnership name, *$20* ~~$5~~.

Section 10. *Section 617.015, Florida Statutes, is hereby repealed.*

(Renumber subsequent sections.)

Amendment 5—On page 1, line 14, insert: creating the Science Museum Trust Fund; authorizing the Division of Cultural Affairs of the Department of State to provide grants from the trust fund to science museums; specifying criteria for receipt of grants; requiring an accounting of moneys granted from the trust fund; providing for an independent audit of such moneys; amending s. 265.286, F.S.; providing for an annual transfer of funds from the State Major Cultural Institute Trust Fund to the Vital Local Cultural Program; providing for addition or deletion of programs; providing a limitation on grants; amending s. 265.2861, F.S.; adding to the list of State Major Cultural Institution Program; amending s. 267.021, F.S.; defining the term "Florida history museum"; amending s. 267.072, F.S.; authorizing the Division of Historical Resources of the Department of State to conduct a program to provide grants from the trust fund to state or local governmental agencies and public or private organizations to finance public exhibits on Florida historical resources and to provide grants to Florida history museums to help pay operating costs; specifying criteria for receipt of grants; providing for applications for grants; providing procedures for grant application evaluation and approval; providing for approval of grant applications by the Secretary of State; providing for the deposit of moneys appropriated or donated to the program; prohibiting grants to museums for the payment of the costs of specified activities; directing the Division of Corporations to annually transfer specified amounts of money from the Corporations Trust Fund to the Science Museum Trust Fund and the Museum of Florida History Trust Fund; amending ss. 15.091, 495.071, and 620.182, F.S.; increasing fees paid to the department and deposited in the Corporations Trust Fund for filing, searching, and copying documents filed with the department pursuant to ch. 679, F.S., the Uniform Commercial Code-Secured Transactions, for filing certain documents with the department pursuant to ch. 620, F.S., the Florida Revised Uniform Limited Partnership Act, and obtaining certified copies thereof and for renewal of a registration mark; repealing s. 617.015, F.S., relating to filing fees for corporations not for profit, so that such fees will be charged, collected, and deposited into the Corporations Trust Fund under s. 607.361, F.S., as made applicable by s. 617.002, F.S.;

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

CS for SB 654 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	Deratany	Johnson	Thomas
Bankhead	Dudley	Langley	Thurman
Beard	Forman	Malchon	Walker
Brown	Gardner	Meek	Weinstein
Bruner	Girardeau	Myers	Weinstock
Casas	Gordon	Peterson	Woodson-Howard
Childers, D.	Grant	Plummer	
Childers, W. D.	Grizzle	Ros-Lehtinen	
Davis	Jennings	Stuart	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Reconsideration

On motion by Senator Thurman, the Senate reconsidered the vote by which—

CS for CS for CS for HB 950—A bill to be entitled An act relating to health care; providing legislative findings and intent with respect to rural hospitals; amending s. 381.706, F.S.; exempting certain rural hospital programs from certificate-of-need requirements; exempting rural hospitals and emergency care hospitals from certificate-of-need application fees; amending s. 395.002, F.S.; defining "emergency care hospital"; providing for licensure; providing for participation in Medicaid and other programs and services; providing an exemption from certificate-of-need requirements; providing for rules; providing for a feasibility study for developing certain postsecondary allied health training and scholarship programs; providing for a rural hospital impact statement; amending s. 395.102, F.S.; clarifying the definition of "rural hospital"; including specified health personnel in a loan forgiveness program; providing for an alternative use of funds if federal matching funds are available; amending s. 400.602, F.S., authorizing the transfer of a hospice to certain entities; amending s. 407.002, F.S.; clarifying the definition of "rural hospital"; providing an appropriation; providing effective dates.

—as amended passed this day.

On motion by Senator Thurman, the Senate reconsidered the vote by which CS for CS for CS for HB 950 was read the third time.

On motion by Senator Thurman, the Senate reconsidered the vote by which **Amendment 7** was adopted June 1. **Amendment 7** was withdrawn.

On motion by Senator Thurman, by two-thirds vote CS for CS for CS for HB 950 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 3, 4, 5 and 10; has refused to concur in Senate Amendments 1, 2, 8 and 9 and requests the Senate to recede; has amended Senate Amendments 6 and 7, concurred in same as amended and passed HB 1054, as further amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1054—A bill to be entitled An act relating to the Homestead Property Tax Deferral Act; amending s. 197.252, F.S.; allowing deferral of a portion of certain non-ad valorem assessments, as well as a portion of ad valorem taxes, levied on homestead property; allowing deferral of all such ad valorem taxes and non-ad valorem assessments for persons over a certain age whose household income is below a specified minimum; changing the rate of interest which accrues on deferred taxes and assessments plus interest; amending s. 197.254, F.S.; amending the annual notification to taxpayers regarding deferred payments; amending s. 197.262, F.S.; changing the maximum rate of interest for deferred payment tax certificates; amending s. 197.292, F.S.; amending provisions as to how the act shall be construed; providing an effective date.

Amendment 1 to Senate Amendment 6—On page 1, line 17, after the period (.) insert:

Section 4. Section 196.101, Florida Statutes, 1988 Supplement, is amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(1) Any real estate used and owned as a homestead by any quadriplegic is exempt from taxation.

(2) Any real estate used and owned as a homestead by a paraplegic, hemiplegic, or other totally and permanently disabled person, as defined in s. 196.012(11), who must use a wheelchair for mobility or who is legally blind, is exempt from taxation.

(3) The production by any totally and permanently disabled person entitled to the exemption in subsection (1) or subsection (2) of a certificate of such disability from two licensed doctors of this state or from the Veterans Administration to the property appraiser of the county wherein the property lies is prima facie evidence of the fact that he is entitled to such exemption.

(4)(a) A person entitled to the exemption in subsection (2) must be a permanent resident of this state. Submission of an affidavit that the applicant claiming the exemption under subsection (2) is a permanent resident of this state is prima facie proof of such residence. However, the gross income of all persons residing in or upon the homestead for the prior year shall not exceed $12,000. For the purposes of this section, the term "gross income" includes Veterans Administration benefits and any social security benefits paid to the persons.

(b) The maximum income limitations permitted in this subsection shall be adjusted annually on January 1, beginning January 1, 1990, by the percentage change in the average cost-of-living index in the period January 1 through December 31 of the immediate prior year compared with the same period for the year prior to that. The index is the average of the monthly consumer price index figures for the stated 12-month period, relative to the United States as a whole, issued by the United States Department of Labor.

(c)~~(b)~~ The department shall require by rule that the taxpayer annually submit a sworn statement of gross income, pursuant to paragraph (a). The department shall require that the filing of such statement be accompanied by copies of federal income tax returns for the prior year, wage and earnings statements (W-2 forms), and other documents it deems necessary, for each member of the household. The taxpayer's statement shall attest to the accuracy of such copies. The department shall prescribe and furnish a form to be used for this purpose which form shall include spaces for a separate listing of Veterans Administration benefits and social security benefits. Notwithstanding s. 119.14, all records produced by the taxpayer under this paragraph are confidential in the hands of the property appraiser, the department, the tax collector, and the Auditor General and shall not be divulged to any person, firm, or corporation except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, and such records are exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(5) The physician's certification shall read as follows:

PHYSICIAN'S CERTIFICATION
OF
TOTAL AND PERMANENT DISABILITY

I, . . . (name of physician) . . ., a physician licensed pursuant to chapter 458, Florida Statutes, hereby certify Mr. . . . . Mrs. . . . . Miss . . . . Ms. . . . . (name of totally and permanently disabled person) . . ., social security number . . . . , is totally and permanently disabled as of January 1, . . . (year) . . ., due to the following mental or physical condition(s):

. . . . Quadriplegia

. . . . Paraplegia

. . . . Hemiplegia

. . . . Other total and permanent disability requiring use of a wheelchair for mobility

. . . . Legal Blindness

It is my professional belief that the above-named condition(s) render Mr. . . . . Mrs. . . . . Miss . . . . Ms. . . . . totally and permanently disabled, and that the foregoing statements are true, correct, and complete to the best of my knowledge and professional belief.

Signature.....
Date.....
Florida Board of *Medicine* ~~Medical Examiners~~ license number .....
Issued on.....

NOTICE TO TAXPAYER: Each Florida resident applying for a total and permanent disability exemption must present to the county property appraiser, on or before March 1 of each year, a copy of this form (or a letter from the United States Veterans Administration). Each form is to be completed by a licensed Florida physician.

NOTICE TO TAXPAYER AND PHYSICIAN: Section 196.131(2), Florida Statutes, provides that any person who shall knowingly give false information for the purpose of claiming homestead exemption shall be guilty of a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year or a fine not exceeding $2,500, or both.

Section 5. This act applies to taxes based upon the assessment rolls for 1990 and for any year thereafter.

(Renumber subsequent sections.)

Amendment 1 to Senate Amendment 7—On page 1 in title, line 19, after the semicolon (;) insert: amending s. 196.101, F.S.; providing for annual adjustments to the maximum allowable gross income for persons who may qualify for an ad valorem tax exemption for totally and permanently disabled persons;

On motions by Senator Bankhead, the Senate receded from Amendments 1, 2, 8 and 9; and concurred in the House amendments to Senate Amendments 6 and 7.

HB 1054 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kirkpatrick	Scott
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Plummer	
Davis	Johnson	Ros-Lehtinen	

Nays—None

Motion to Reconsider

Senator Margolis moved that the Senate reconsider the vote by which CS for SB 654 passed this day.

SPECIAL ORDER, continued

On motions by Senator Weinstein, by two-thirds vote—

CS for HB 1356—A bill to be entitled An act relating to civil traffic infraction hearing officers; providing legislative intent; establishing a pilot program to study the feasibility of establishing a statewide program; authorizing counties to establish such programs using their own funds under specified conditions; providing for jurisdiction, appeals, qualifications, term of office, code of conduct, and funding; providing for nonseverability; providing an effective date.

—a companion measure, was substituted for SB 756 and by two-thirds vote read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 1356 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dudley	Kirkpatrick	Souto
Bankhead	Forman	Kiser	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Deratany

On motions by Senator Weinstein, by two-thirds vote CS for HB 1005 was withdrawn from the Committees on Governmental Operations; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Weinstein—

CS for HB 1005—A bill to be entitled An act relating to investment of public funds; amending s. 218.345, F.S.; authorizing the governing body of a special district to invest surplus funds in specified securities; amending s. 236.24, F.S.; authorizing district school boards to invest surplus funds in specified securities; amending s. 236.49, F.S.; providing for certain investments of proceeds from the sale of bonds for a school district; providing an effective date.

—a companion measure, was substituted for SB 869 and read the second time by title. On motion by Senator Weinstein, by two-thirds vote CS for HB 1005 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Johnson	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Davis	Jennings	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

On motions by Senator Meek, by two-thirds vote HB 1438 was withdrawn from the Committees on Community Affairs; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Meek—

HB 1438—A bill to be entitled An act relating to bond financing and investment; changing references to "industrial development", "industrial revenue", "industrial development revenue", and "revenue" bonds in the Florida Statutes; updating obsolete references to the Internal Revenue Code in ss. 218.31 and 290.014, F.S.; amending s. 125.01, F.S., relating to the powers and duties of county governments; amending s. 159.34, F.S., relating to the issuance of bonds by local agencies; amending s. 159.47, F.S., relating to the powers of industrial development authorities; amending s. 159.705, F.S., relating to the powers of research and development authorities; amending s. 218.31, F.S., containing definitions for use in the "Uniform Local Government Financing Management and Reporting Act"; deleting a definition for "industrial development" bond and creating a definition for "private activity" bond; amending s. 218.32, F.S., relating to local government financial reporting; amending s. 288.075, F.S., relating to confidentiality of records; amending s. 290.0065, F.S., relating to state approval of areas authorized to be enterprise zones; amending s. 290.007, F.S., relating to enterprise zone incentives; amending s. 290.014, F.S., relating to enterprise zone annual reports; amending s. 658.67, F.S., relating to investment powers and limitations of banks and trust companies; providing an effective date.

—a companion measure, was substituted for CS for SB 1025 and read the second time by title.

Senator Meek moved the following amendment:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Paragraph (z) of subsection (1) of section 125.01, Florida Statutes, 1988 Supplement, is amended to read:

125.01 Powers and duties.—

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(z) Approve or disapprove the issuance of *private activity* ~~industrial development~~ bonds authorized by law for entities within its geographic jurisdiction.

Section 2. Subsection (5) of section 159.27, Florida Statutes, 1988 Supplement, is amended, and subsections (25) and (26) are added to said section to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(5) "Project" means any capital project comprising an industrial or manufacturing plant, a research and development park, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise

zone, a pollution-control facility, *a sewer facility, a water facility,* a hazardous or solid waste facility, a social service center, or a mass commuting facility, including one or more buildings and other structures, whether or not on the same site or sites; any rehabilitation, improvement, renovation, or enlargement of, or any addition to, any buildings or structures for use as a factory, a mill, a processing plant, an assembly plant, a fabricating plant, an industrial distribution center, a repair, overhaul, or service facility, a test facility, an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, a commercial project in an enterprise zone, a pollution-control facility, *a sewer facility, a water facility,* a hazardous or solid waste facility, a social service center, or a mass commuting facility, and other facilities, including research and development facilities, for manufacturing, processing, assembling, repairing, overhauling, servicing, testing, or handling of any products or commodities embraced in any industrial or manufacturing plant, in connection with the purposes of a research and development park, or other facilities for or used in connection with an agricultural processing or storage facility, a warehousing or distribution facility, a headquarters facility, a tourism facility, a convention or trade show facility, an urban parking facility, a trade center, a health care facility, an educational facility, a correctional or detention facility, a motion picture production facility, a preservation or rehabilitation of a certified historic structure, an airport or port facility, or a commercial project in an enterprise zone or for controlling air or water pollution *or for the production, transmission, treatment or distribution of water or the collection, transmission, treatment or disposal of wastewater or sewage effluent,* or for the disposal, processing, conversion, or reclamation of hazardous or solid waste, a social service center, or a mass commuting facility; and including also the sites thereof and other rights in land therefor whether improved or unimproved, machinery, equipment, site preparation and landscaping, and all appurtenances and facilities incidental thereto, such as warehouses, utilities, access roads, railroad sidings, truck docking and similar facilities, parking facilities, office or storage or training facilities, public lodging and restaurant facilities, dockage, wharfage, solar energy facilities, and other improvements necessary or convenient for any manufacturing or industrial plant, research and development park, agricultural processing or storage facility, warehousing or distribution facility, tourism facility, convention or trade show facility, urban parking facility, trade center, health care facility, educational facility, a correctional or detention facility, motion picture production facility, preservation or rehabilitation of a certified historic structure, airport or port facility, commercial project in an enterprise zone, *sewer facility, water facility,* pollution-control facility, hazardous or solid waste facility, social service center, or a mass commuting facility and any one or more combinations of the foregoing.

(25) "Sewer facility" means sewage disposal systems or sanitary sewer systems and any integral part thereof and includes, but is not limited to, sewage treatment plants or wastewater or sewage effluent disposal facilities, transmission and collection facilities and equipment, sanitary sewers, pumping stations, intercepting or trunk or lateral sewers, and any other properties or work or equipment necessary for the collection, treatment and disposal of sewage and waste matter, including industrial wastes.

(26) "Water facility" means water supply systems, water distribution systems, and any integral part thereof, and includes, but is not limited to, reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, filter stations, purification plants, hydrants, meters, valves and equipment, and any other properties or work or equipment necessary for the production, transmission, treatment and distribution of water.

Section 3. Subsections (1) and (2) of section 159.34, Florida Statutes, are amended to read:

159.34 Bonds.—

(1) The local agency is authorized to provide for the issuance, at one time or from time to time, of *private activity* ~~industrial revenue~~ bonds of the local agency for the purpose of paying all or any part of the cost of any project or projects. The bonds shall be designated, subject to such additions or changes as the local agency deems advisable, ". . . . *Private Activity* ~~Industrial Development Revenue~~ Bonds" (inserting in the blank space the name of the local agency which issues the bonds). The principal of, and the interest on, such bonds shall be payable solely from the funds herein provided for payment. The bonds of each issue shall be dated; shall bear interest at such rate or rates, including variable rates, notwithstanding any limitation in other laws relating to the maximum interest rate permitted for bonds of any county, municipality, or of the state or any agency of the foregoing; and shall mature at such time or times from their date or dates as may be determined or provided for by the local agency; and may be made redeemable before maturity at the option of the local agency at such price or prices and under such terms and conditions as may be fixed by the local agency prior to the issuance of the bonds. The local agency shall determine the form and the manner of execution of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state. In case any officer whose signature, or a facsimile of whose signature, shall appear on any bonds or coupons shall cease to be that officer before the delivery of the bonds, the signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until delivery. The local agency may also provide for the authentication of the bonds by a trustee or fiscal agent. The bonds may be issued in coupon form or in registered form, or both, as the local agency may determine, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest; and for the reconversion into coupon bonds of any bonds registered as to both principal and interest; and for the interchange of registered and coupon bonds. The local agency may sell the bonds in such manner, either at public or private sale, and for such price as it may determine will best effectuate the purpose of this part, notwithstanding any limitation in other laws relating to the maximum interest rate permitted for bonds of a county, a municipality, or the state or any agency of the foregoing.

(2) *Private activity* ~~Revenue~~ bonds may be issued only if they are payable solely from revenue derived from the sale, operation, or leasing of any project or projects or other payments received under financing agreements with respect thereto.

Section 4. Paragraphs (a), (b), (c), (d), (e), (g), and (i) of subsection (1) of section 159.47, Florida Statutes are amended to read:

159.47 Powers of the authority.—

(1) The authority is authorized and empowered:

(a) To have perpetual succession as a body politic and corporate and to adopt bylaws for the regulation of its affairs and the conduct of its business.;

(b) To adopt an official seal and alter the same at pleasure.;

(c) To maintain an office at such place or places in the county as it may designate.;

(d) To sue and be sued in its own name and to plead and be impleaded.;

(e) To enter into contracts for any of the purposes enumerated in ss. 159.44-159.53 and in the Florida Industrial Development Financing Act.;

(g) To exercise all the powers in connection with the authorization, issuance, and sale of revenue bonds to finance the cost of projects conferred on counties, municipalities, special districts, and other local governmental bodies by the Florida Industrial Development Financing Act. All of the privileges, benefits, powers, and terms of that act shall be fully applicable to authorities created pursuant to s. 159.45. *Private activity* ~~Industrial development revenue~~ bonds may be authorized, issued, and sold by authorities in compliance with the criteria and requirements set forth in the Florida Industrial Development Financing Act. The bonds of each issue shall be dated; bear interest at such rate or rates, including variable rates; mature at such time or times; be redeemable prior to maturity at such price or prices; be in such denominations; contain such recitals; and be sold for such price or prices and in such manner as provided in the Florida Industrial Development Financing Act. Projects may be acquired, constructed, leased, operated, or sold in the manner provided in the Florida Industrial Development Financing Act, and the items of cost as enumerated therein may be included as project costs. The repayment of bonds issued by the authorities may be secured by trust agreements or security agreements as set forth in that act; and fees, rents, and charges for the use of any project or any part of any project may be collected and fixed by the authority in the manner provided in that act.

All moneys received pursuant to the provisions of ss. 159.44-159.53 shall constitute trust funds as provided in the Florida Industrial Development Financing Act. The remedies provided by the Florida Industrial Development Financing Act shall also be applicable to bonds issued pursuant to ss. 159.44-159.53, and bonds of the authority may be refunded in the manner provided therein and shall be eligible for investment as provided in that act.

(i) To secure the issuance and repayment of *private activity* ~~industrial development~~ bonds by a lease, mortgage, or other security instrument encumbering only the capital improvements which are financed by the authority in any case in which an addition to a project is financed or in which less than the entire project is financed or refinanced by *private activity* ~~industrial development~~ bonds, subject to the approval or disapproval of the commission pursuant to s. 125.01(1)(z). The lease, mortgage, or other security instrument may include a security interest in both the land and personal property or may include a lease, mortgage, or other security instrument sufficient for the purpose encumbering only the personal property, including machinery and equipment, which is being financed. In financing projects, authorities may enter into financing agreements of such types as they may approve with such security instruments or trust agreements as the authority shall deem adequate.

Section 5. Subsections (7) and (9) of section 159.705, Florida Statutes, 1988 Supplement, are amended to read:

159.705 Powers of the authority.—The authority is authorized and empowered:

(7) To exercise all the powers in connection with the authorization, issuance, and sale of revenue bonds to finance the cost of capital projects conferred on counties, municipalities, special districts, and other local governmental bodies by the Florida Industrial Development Financing Act. All of the privileges, benefits, powers, and terms of that act shall be fully applicable to authorities created pursuant to ss. 159.701-159.7095. *Private activity* ~~Industrial development revenue~~ bonds may be authorized, issued, and sold by authorities in compliance with the criteria and requirements set forth in the Florida Industrial Development Financing Act. The bonds of each issue shall be dated, bear interest at such rate or rates, mature at such time or times, be redeemable prior to maturity at such price or prices, be in such denominations, contain such recitals, and be sold for such price or prices and in such manner as provided in that act. Projects may be acquired, constructed, leased, operated, or sold in the manner provided in that act, and the items of cost as enumerated therein may be included as project costs. The repayment of bonds issued by the authorities may be secured by trust agreements or security agreements as set forth in that act; and fees, rents, and charges for the use of any project or any part of any project may be collected and fixed by the authority in the manner provided in that act. All moneys received pursuant to the provisions of ss. 159.701-159.7095 shall constitute trust funds as provided in the Florida Industrial Development Financing Act. The remedies provided by that act shall also be applicable to bonds issued pursuant to ss. 159.701-159.7095, and bonds of the authority may be refunded in the manner provided therein and shall be eligible for investment as provided in that act.

(9) In any case in which an addition to a project is financed or in which less than the entire project is financed or refinanced by *private activity* ~~industrial development~~ bonds, to secure the issuance and repayment of such bonds by a lease, mortgage, or other security instrument encumbering only the capital improvements which are financed by the authority. Such lease, mortgage, or other security instrument may include a security interest in both the land and personal property or may include a lease, mortgage, or other security instrument sufficient for the purpose encumbering only the personal property, including machinery and equipment, which is being financed. In financing projects, authorities may lease such projects to the industry which is the ultimate user until the debt obligations issued for such purpose are retired, or it may sell such capital projects to the industry using the project on an installment purchase contract or other type of purchase contract with such security instruments or trust agreements as the authority shall deem adequate, in which case the transaction shall be deemed to be a sale and not a lease of such project.

Section 6. Subsection (13) of section 218.31, Florida Statutes, is amended to read:

218.31 Definitions.—As used in this part, except where the context clearly indicates a different meaning:

(13) "*Private activity* ~~Industrial development~~ bond" means any obligation *which is a private activity bond under the provisions of s. 141(a) of the Internal Revenue Code of 1986, as amended, and the interest on which is excludable from gross income for federal income tax purposes under the provisions of s. 103 of the Internal Revenue Code of 1986, as amended.* ~~the interest on which is exempt from income taxes under the provisions of s. 103(b) of the United States Internal Revenue Code and the payment of the principal or interest on which under the terms of such obligation or any underlying arrangement is, in whole or in major part:~~

~~(a) Secured by any interest in property used or to be used in a trade or business or in payments in respect of such property.~~

~~(b) To be derived from payments in respect of property, or borrowed money, used or to be used in a trade or business.~~

Section 7. Paragraph (b) of subsection (2) of section 218.32, Florida Statutes, is amended to read:

218.32 Financial reporting; units of local government.—

(2) The department shall annually file a verified report by May 1 with the Governor and Legislature, showing, in detail, the numbers and types of units of local government and the revenues, both locally derived and derived from intergovernmental transfers, and expenditures of such units. The report shall include, but shall not be limited to, analyses of:

(b) Bonded indebtedness of all units of local government, including general obligation bonds, revenue bonds, *private activity* ~~industrial development~~ bonds, limited revenue bonds, special assessment bonds, and short-term debt, as provided by the Division of Bond Finance of the Department of General Services, and any additional items of data or analyses thereof as developed by the department.

Section 8. Subsection (1) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(1) "Economic development agency" means the Division of Economic Development of the Department of Commerce, any industrial development authority created in accordance with part III of chapter 159 or by special law, the public economic development agency which advises the county commission on the issuance of *private activity* ~~industrial revenue~~ bonds of a county which does not have an industrial development authority created in accordance with part III of chapter 159 or by special law, or any research and development authority created in accordance with part V of chapter 159.

Section 9. Paragraph (c) of subsection (4) of section 290.0065, Florida Statutes, 1988 Supplement, is amended to read:

290.0065 State approval of areas authorized to be enterprise zones.—

(4)

(c) Such rules shall provide for the evaluation of the level of local government participation authorized by governing bodies pursuant to s. 290.0055(1)(c) based on the following factors:

1. The adoption of the local option economic development property tax exemption referendum pursuant to s. 196.1995 and a commitment from the applying governing body or bodies to grant such exemptions in the area authorized to be an enterprise zone.

2. The adoption of occupational license fee abatement pursuant to s. 205.054.

3. The adoption of utility tax abatement pursuant to s. 166.231(8).

4. The targeting of locally generated funds to be expended for capital projects in specified amounts to the area authorized to be an enterprise zone in a manner that demonstrates the priority which the county or municipality places on community redevelopment in that area.

5. The eligibility of the area authorized to be an enterprise zone for the Urban Development Action Grant Program.

6. The commitment of specific additional local government services to the area authorized to be an enterprise zone in a manner that demonstrates the priority which the county or municipality places on community redevelopment in that area.

7. The targeting of federal community development funds in specified amounts to the area authorized to be an enterprise zone in a manner that demonstrates the priority which the county or municipality places on community redevelopment in that area.

8. The adoption of a community redevelopment plan pursuant to s. 163.360 and an ordinance funding a community redevelopment trust fund pursuant to s. 163.387 for the area authorized to be an enterprise zone.

9. A commitment to reduce the impact of specific local government regulations within the area authorized to be an enterprise zone in a manner that demonstrates the priority which the county or municipality places on community redevelopment in that area.

10. A commitment to issue *private activity* ~~industrial revenue~~ bonds for projects located in the area authorized to be an enterprise zone.

These rules shall assign a relative weight to each of such factors in the order listed, from the most important factor to the least important factor. However, no factor may be weighted greater than 20 percent of the total weight allocated for local government participation under subsection (2), and no factor may have the same weight as any other factor. The department may provide for a variation of the value of a particular factor, when appropriate, based on expenditures or revenues forgone per resident of the area authorized to be an enterprise zone.

Section 10. Paragraph (b) of subsection (2) of section 290.007, Florida Statutes, 1988 Supplement, is amended to read:

290.007 Incentives and programs available in enterprise zones.—

(2) LOCAL INCENTIVES.—The following incentives are available from local governments to encourage the revitalization of enterprise zones:

(b) The use of *private activity* ~~industrial revenue~~ bonds pursuant to the Florida Industrial Development Financing Act.

Section 11. Paragraph (d) of subsection (1) of section 290.014, Florida Statutes, is amended to read:

290.014 Annual reports on enterprise zones.—

(1) Each county or municipality, or county and municipality together, that authorized the creation of an enterprise zone pursuant to s. 290.0055, which zone was approved pursuant to s. 290.0065, shall submit an annual report to the department, in such form as the department may require, on or before March 1 of each year, which report shall include, but is not limited to:

(d) A copy of the report required pursuant to *s. 149(e)* ~~s. 103~~ of the Internal Revenue Code of *1986* ~~1954~~, as amended, for all *private activity* ~~industrial revenue~~ bonds issued to finance projects located in such area during the prior year.

Section 12. Paragraph (a) of subsection (4) of section 658.67, Florida Statutes, is amended to read:

658.67 Investment powers and limitations.—A bank may invest its funds, and a trust company may invest its corporate funds, subject to the following definitions, restrictions, and limitations:

(4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR LESS OF CAPITAL ACCOUNTS.—

(a) Up to 10 percent of the capital accounts of the purchasing bank or trust company may be used to invest in any single issue of *private activity* ~~industrial development~~ bonds issued for the benefit of a specified corporation.

Section 13. Present subsection (9) of section 627.971, Florida Statutes, 1988 Supplement, is repealed, present subsections (10) and (11) of said section are renumbered as subsections (9) and (10), respectively, present subsections (12) and (13) of said section are amended and renumbered as subsections (11) and (12), respectively, and a new subsection (13) is added to said section to read:

627.971 Definitions.—As used in this part:

(11)~~(12)~~ "Municipal bonds" means municipal obligation bonds and *private activity* ~~industrial development~~ bonds.

(12)~~(13)~~ "Municipal obligation bond" means any security or other instrument, including a lease, under which a payment obligation is created, other than *a private activity* ~~an industrial development~~ bond, which is issued by or on behalf of or payable or guaranteed by a governmental unit, including certificates of participation evidencing proportionate ownership in payments to be made by a governmental unit, or issued by an entity other than a governmental unit if such security or instrument is eligible for issuance by a governmental unit but would not be *a private activity* ~~an industrial development~~ bond if so issued.

(13) "Private activity bond" means any obligation which is a private activity bond under the provisions of s. 141(a) of the Internal Revenue Code of 1986, as amended, and the interest on which is excludable from gross income for federal income tax purposes under the provisions of s. 103 of the Internal Revenue Code of 1986, as amended.

Section 14. Paragraph (a) of subsection (3) of section 627.972, Florida Statutes, 1988 Supplement, is amended to read:

627.972 Organization; financial requirements.—

(3) An insurer may not transact financial guaranty insurance unless it establishes a contingency reserve, net of reinsurance, as follows:

(a) A contingency reserve, net of reinsurance, must be established in a minimum amount calculated by applying the following percentages to the net principal outstanding each calendar year of guaranties of:

1. Municipal obligation bonds, 0.8 percent;

2. Investment grade obligations with a term of less than 3 years, 1.0 percent;

3. All other investment grade obligations, including investment grade *private activity* ~~industrial development~~ bonds and investment grade consumer debt obligations, 1.6 percent;

4. Noninvestment grade consumer debt obligations, 2.5 percent; and

5. All other obligations guaranteed, 3.0 percent.

Section 15. Subsection (4) of section 627.973, Florida Statutes, 1988 Supplement, is amended to read:

627.973 Limitations.—

(4) An insurer transacting financial guaranty insurance must at all times maintain capital, surplus, and contingency reserves, subject to the restrictions in subsection (1)(d) if applicable, in the aggregate no less than the sum of:

(a) One-third of one percent of the total liabilities outstanding under guaranties of municipal obligation bonds;

(b) One percent of the total liabilities outstanding under guaranties of investment grade obligations, including *private activity* ~~industrial development~~ bonds and investment grade consumer debt obligations;

(c) One and one-third percent of the total liabilities outstanding under guaranties of noninvestment grade consumer debt obligations;

(d) Two percent of the total liabilities outstanding under guaranties of other obligations not of investment grade, other than consumer debt obligations; and

(e) Surplus determined by the department to be adequate to support the writing of residual value insurance, surety insurance, and credit insurance, if the corporation has elected to transact these kinds of insurance pursuant to s. 627.972(1).

Section 16. This act shall take effect upon becoming a law.

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

Amendment 1A—On page 17, lines 23 and 24, insert:

Section 16. Subsection (18) of section 154.209, Florida Statutes, is renumbered as subsection (19) and a new subsection (18) is added to said section to read:

154.209 Powers of authority.—The purpose of the authority shall be to assist health facilities in the acquisition, construction, financing, and refinancing of projects in any corporated or unincorporated area within the geographical limits of the local agency. For this purpose, the authority is authorized and empowered:

(18) To participate in an accounts receivable cash-flow pool and issue bonds and other forms of indebtedness for the purpose of establishing and maintaining an accounts receivable cash-flow pool and to provide reserve funds in connection therewith on behalf of a health facility or a group of health facilities. Notwithstanding any other provisions of this part, the structuring and financing of an accounts receivable transaction for purposes of this subsection constitutes a project and may be structured for the benefit of health facilities within or outside the geographical limits of the local agency if undertaken pursuant to an interlocal agreement with the local agencies participating in such transactions.

(19)~~(18)~~ To do all things necessary to carry out the purposes of this part.

(Renumber subsequent sections.)

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

Amendment 1B—On page 17, between lines 22 and 23, insert:

Section 16. Subsection (8) of section 154.205, Florida Statutes, 1988 Supplement, 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:

(8) "Health facility" means any private corporation organized not for profit and authorized by law to provide hospital or nursing home care services in accordance with chapter 395 or chapter 400 or life care services in accordance with chapter 651, *and also includes facilities licensed under chapters 393 and 394.*

Section 17. Section 154.241, Florida Statutes, is amended to read:

154.241 Issuance of bonds.—Bonds issued under the provisions of this part *may* ~~shall~~ be validated in the manner prescribed by chapter 75.

Section 18. Section 154.245, Florida Statutes, is amended to read:

154.245 Department of Health and Rehabilitative Services certificate of need required as a condition to *disbursement of* bond *proceeds* ~~validation and project construction~~.—Notwithstanding any provision of this part to the contrary, *bond proceeds may not be disbursed to a health care facility for* ~~before~~ any project *until* ~~authorized by this part is approved by the authority, and before revenue bonds are validated for the project,~~ the Department of Health and Rehabilitative Services *has issued* ~~shall issue~~ a certificate of need for such project, ~~which shall be a condition precedent to the validation and issuance of any bonds hereunder, other than bonds for refunding or refinancing purposes, and to the construction of the project~~. However, any portion of a life care facility not requiring licensure under chapter 395 or part I of chapter 400 shall be exempt from the certificate-of-need requirement. *The department may not consider the availability of bond proceeds in determining whether to issue or deny a certificate of need.*

Section 19. Paragraph (d) of subsection (7) of section 163.01, Florida Statutes, 1988 Supplement, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7)

(d) Notwithstanding the provisions of paragraph (c), *or of s. 163.01(4),* any separate legal entity, wholly owned by the municipalities or counties of this state, *or by one or more municipalities and one or more counties of this state* the membership of which consists or is to consist ~~only~~ of municipalities *only,* ~~or~~ counties *only, or one or more municipalities and one or more counties,* created pursuant to the provisions of this section, may, for the purpose of financing or refinancing any capital projects, exercise all powers in connection with the authorization, issuance, and sale of bonds. All of the privileges, benefits, powers, and terms of *part I of chapter 125, part II of chapter 166, and* part I of chapter 159 ~~and, in the case of counties, part I of chapter 125, and, in the case of municipalities, part II of chapter 166, notwithstanding any limitations provided above,~~ shall be fully applicable to such entity *and such entity has all the privileges, benefits, and powers of a local government under part II of chapter 159. Bonds issued by such entity shall be deemed issued on behalf of counties, municipalities, or public agencies which enter into loan agreements with such entity as provided in this paragraph. Proceeds of bonds issued by such entity may be loaned to counties, municipalities, or other public agencies of this state, whether or not such counties, municipalities, or other public agencies are also members of the entity issuing the bonds. The issuance of bonds by such entity to fund a loan program to make loans to municipalities, counties, public agencies, or a combination of municipalities or counties with one another or with public agencies, in this state for capital projects to be identified subsequent to the issuance of the bonds to fund such loan programs is deemed to be a paramount public purpose. Furthermore, such entity may enter into a loan agreement or financing agreement with entities to finance projects as defined in s. 159.27(5) in compliance with the criteria and requirements set forth in the Florida Industrial Development Financing Act with the consent of the governing body of the county or municipality in which a project is located.* Any entity so created may also issue bond anticipation notes, as provided by s. 215.431, in connection with the authorization, issuance, and sale of such bonds. In addition, the governing body of such legal entity may also authorize bonds to be issued and sold from time to time and may delegate, to such officer, official, or agent of such legal entity as the governing body of such legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of such legal entity. However, the amounts and maturities of such bonds and the interest rate or rates of such bonds shall be within the limits prescribed by the governing body of such legal entity and its resolution delegating to such officer, official, or agent the power to authorize the issuance and sale of such bonds. Bonds issued pursuant to this paragraph may be validated as provided in chapter 75. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06 in Leon County and in each county where the public agencies which were initially a party to the agreement are located. *Obligations of any county, municipality, or other public agency pursuant to a loan agreement as described in this paragraph may be validated as provided in chapter 75.*

(Renumber subsequent section.)

Amendment 1 as amended was adopted.

Senator Meek moved the following amendment:

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to bond financing and investment; replacing references in the Florida Statutes to industrial development bonds, industrial revenue bonds, and industrial development revenue bonds with references to private activity bonds, to conform to changes in exemption allowances made by the Internal Revenue Code of 1986; amending s. 125.01, F.S.; providing that a county government has the power to approve or disapprove the issuance of private activity bonds for entities within the county; amending s. 159.27, F.S.; adding water and sewer facilities to the list of statutory uses of private activity bonds; amending s. 159.34, F.S.; allowing certain local agencies to provide for the issuance of private activity bonds; amending s. 159.47, F.S.; allowing industrial development authorities to authorize, issue, and sell private activity bonds; amending s. 159.705, F.S.; allowing research and development authorities to authorize, issue, and sell private activity bonds and placing limitations on security instruments for certain of those bonds; amending s. 218.31, F.S.; deleting a definition of "industrial development bond" and creating a definition of "private activity bond"; updating obsolete references to the Internal Revenue Code; amending s. 218.32, F.S.; requiring a local government to provide in its annual financial report to the Governor and the Legislature an analysis of bonded indebtedness, including private activity bonds; amending s. 288.075, F.S.; replacing the term "industrial revenue bond" with "private activity bond" in the definition of "economic development agency"; amending s. 290.0065, F.S.; providing that a commitment to issue private activity bonds shall be a factor in state approval of areas authorized to be enterprise zones; amending s. 290.007, F.S.; providing that private activity bonds are among the available enterprise zone incentives; amending s. 290.014, F.S.; requiring the annual report on an enterprise zone to include a copy of the report on all

private activity bonds that is required by the Internal Revenue Code of 1986; amending s. 658.67, F.S.; prescribing restrictions on the amount of its capital accounts that a bank or trust company may invest in an issue of private activity bonds; amending ss. 627.971, 627.972, 627.973, F.S.; substituting private activity bonds for industrial development bonds in provisions regulating financial guaranty insurance; providing an effective date.

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

Amendment 2A—In title, on page 3, line 4, after the semicolon (;) insert: amending s. 154.209, F.S.; authorizing health facilities authorities to incur indebtedness for accounts receivable cash-flow pools;

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

Amendment 2B—In title, on page 3, line 1, after the semicolon (;) insert: amending s. 154.205, F.S.; amending the definition of health facility; amending ss. 154.241, 154.245, F.S.; providing clarifying language related to the release of certain bond proceeds used to finance health care facilities; amending s. 163.01, F.S.; providing that all of the privileges, benefits, powers, and terms of part I of ch. 125, part II of ch. 166, and part I of ch. 159, F.S., are applicable to interlocal agencies that meet specified criteria; providing that such entity has the privileges, benefits, and powers of a local government under part II of ch. 159, F.S.; providing that the proceeds of bonds issued by such entity may be used to make loans to municipalities, counties and public agencies; providing that the issuance of bonds by any such entity to fund a loan program to make loans to municipalities, counties and public agencies in the state for projects to be identified subsequent to the issuance of the bonds is deemed to be a paramount public purpose;

Amendment 2 as amended was adopted.

On motion by Senator Meek, by two-thirds vote HB 1438 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Bankhead	Dudley	Kiser	Souto
Beard	Forman	Langley	Stuart
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has reconsidered passage; has reconsidered amendments 1 and 2, has adopted substitute amendments and has passed as further amended CS for SB 896 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 896—A bill to be entitled An act relating to insurance; amending ss. 112.3145, 120.52, 287.012, 381.609, 413.341, 440.02, 440.021, 440.09, 440.10, 440.12, 440.13, 440.14, 440.15, 440.16, 440.17, 440.185, 440.19, 440.20, 440.24, 440.25, 440.271, 440.28, 440.29, 440.30, 440.31, 440.32, 440.33, 440.34, 440.385, 440.39, 440.41, 440.42, 440.44, 440.442, 440.45, 440.47, 440.49, 440.54, 440.56, 440.57, 442.115, 455.241, 489.131, 549.08, 626.869, 627.311, 766.101, 766.302, 766.304, 766.307, 766.308, 766.309, 766.31, 766.311, 766.312, 960.03, 960.09, 960.15, F.S.; creating ss. 440.115, 440.295, 489.114, 489.510, 624.22, F.S.; changing the name of the position of Chief Commissioner within the office of the secretary of the Department of Labor and Employment Security to Chief Judge; changing the name of the positions of deputy commissioner within such office to judge of compensation claims; providing that training and educational services are not contractual services for purposes of state purchasing contracts; providing for a judge of compensation claims to authorize access to a human immunodeficiency virus test result; providing definitions; providing an offset for professional athletes' compensation benefits; requiring certain employers to show proof of having secured workers' compensation coverage for their employees; providing for drug testing; authorizing rules; providing for weekly payment of compensation; providing for the deauthorization of health care without order of a judge of compensation claims under certain circumstances; providing an exception to the confidentiality of certain medical records; limiting the hours of compensable attendant care that may be provided by a family member; requiring the panel that determines certain reimbursement allowances to review recommendations of a committee appointed by the Insurance Commissioner; providing requirements for utilization review by health care providers; providing employee's choice of physician; providing for the payment of compensation on a weekly basis; providing for determining average weekly wage; providing requirements for payment of temporary total disability benefits; providing requirements for payment of wage-loss benefits; providing requirements for payment of temporary partial wage-loss benefits; requiring full-pay status for law enforcement officers; providing that certain death benefits do not cease upon the remarriage of the deceased's spouse; increasing certain penalties for failure to give timely notice of injury or death; providing that the statute of limitations for specified claims is not tolled or extended by the failure of the division, an employer, or a carrier to file certain notices or reports or to provide certain information; providing that certain benefits shall be paid at stated intervals; requiring the Division of Workers' Compensation of the department to monitor compensation payment practices; requiring the judges of compensation claims and the Chief Judge to make certain reports; providing additional requirements for investigations by the division; authorizing the secretary of the department to issue subpoenas; requiring mediation; requiring the division to have mediation officers; authorizing the Governor to appoint a qualifications advisory committee; providing terms; requiring examinations; authorizing a judge of compensation claims to order that certain evaluations be conducted prior to the adjudication of a claim for permanent total disability benefits; revising circumstances under which attorney's fees may be awarded; modifying provisions relating to actions against a third party for compensation for employee injuries; providing duties of the advisory council appointed by the secretary of the department; requiring the Governor to appoint a workers' compensation oversight board; providing duties and responsibilities of the board; specifying the salary of judges of compensation claims; requiring the division to provide training and education benefits; providing a definition of voluntary vocational rehabilitation services; providing a rotation system for selection of training and education providers; providing payments of training and education from the Workers' Compensation Administration Trust Fund; providing for the development of training and education standards; providing for certain reimbursement to the subsequent employer of a permanently impaired worker; requiring the division to identify employers whose employees have a high frequency of or severe work-related injuries; providing requirements for employers so identified; increasing penalties; authorizing the cancellation of the contract for insurance if an employer fails to implement a safety training program as required by the division; providing that certain dividends or refunds issued by a self-insurer may not be contingent upon policy renewal; requiring evidence of workers' compensation coverage as a condition for issuance or renewal of certification or registration as a contractor or electrical contractor; requiring certain proof of coverage for out-of-state contractors; defining the term "motorsports teams"; providing continuing education requirements for adjusters of workers' compensation claims; creating s. 624.22, F.S.; providing legislative intent; creating s. 624.23, F.S.; directing the Joint Legislative Auditing Committee to appoint a Public Insurance Counsel to represent the general public before the Department of Insurance in matters pertaining to health and motor vehicle insurance; providing for oath; providing restrictions on the counsel and his employees; creating s. 624.24, F.S.; providing for the duties and powers of the counsel; creating s. 624.25, F.S.; providing for the location of the counsel office; creating s. 624.26, F.S.; providing that the Joint Legislative Auditing Committee may authorize the counsel to employ certain assistants; creating s. 624.27, F.S.; providing for expenses; creating the Public Insurance Counsel Trust Fund; providing legislative intent; amending s. 624.319, F.S.; providing that the Public Insurance Counsel shall have access to certain examination and investigation files and reports; amending s. 624.523, F.S.; providing for the transfer of certain funds to the Public Insurance Counsel Trust Fund; providing for review and repeal; providing immunity from liability for peer review or utilization committees; providing conforming language; requiring the division to

conduct a cost analysis of employee rehabilitation; providing for a schedule of maximum reimbursements based upon such analysis; requiring a report by the Department of Labor and Employment Security; requiring the Center for Public Policy at Florida State University to conduct a cost comparison study; requiring a report; providing for funding; requiring the division to publish a guide to the workers' compensation system; providing an appropriation; correcting cross-references; providing a study commission; providing for future repeal and review of ch. 440, F.S.; providing an effective date.

Substitute Amendment 1—On page 6, line 10, strike everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (4) of section 287.012, Florida Statutes, 1988 Supplement, is amended to read:

287.012 Definitions.—The following definitions shall apply in this part:

(4)

(b) "Contractual service" does not include:

1. Artistic services.

2. Academic program reviews or lectures by individuals.

3. Auditing services.

4. Legal services including paralegals, expert witnesses including appraisal services, and court reporters.

5. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.

6. Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954 or when such services are governed by the provisions of Office of Management and Budget Circular A-122. However, in acquiring such services, the agency shall consider the ability of the contractor, past performances, willingness to meet time requirements, and price.

7. Medicaid services delivered to an eligible Medicaid recipient by a health care provider who has not previously applied for and received a Medicaid provider number from the Department of Health and Rehabilitative Services shall be exempt from the provisions of this section. However, this exception shall be valid for a period not to exceed 90 days after the date of delivery of service to the Medicaid recipient and shall not be renewed by the department.

8. Family placement services.

9. Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated by not-for-profit corporations. However, in acquiring such services, the agency shall consider the ability of the contractor, past performance, willingness to meet time requirements, and price.

10. Training and education services provided to injured employees pursuant to s. 440.49(1).

Section 2. Paragraph (f) of subsection (2) of section 381.609, Florida Statutes, 1988 Supplement, is amended to read:

381.609 Testing for human immunodeficiency virus.—

(2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

(f) No person who has obtained or has knowledge of a test result pursuant to this section may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons:

1. The subject of the test or the subject's legally authorized representative.

2. Any person designated in a legally effective release of the test results executed prior to or after the test by the subject of the test or the subject's legally authorized representative.

3. An authorized agent or employee of a health facility or health care provider if the health facility or health care provider itself is authorized to obtain the test results, the agent or employee provides patient care or handles or processes specimens of body fluids or tissues, and the agent or employee has a need to know such information.

4. Health care providers consulting between themselves or with health care facilities to determine diagnosis and treatment.

5. The department, in accordance with rules for reporting and controlling the spread of disease, as otherwise provided by state law.

6. A health facility or health care provider which procures, processes, distributes, or uses:

a. A human body part from a deceased person, with respect to medical information regarding that person; or

b. Semen provided prior to July 6, 1988, for the purpose of artificial insemination.

7. Health facility staff committees, for the purposes of conducting program monitoring, program evaluation, or service reviews.

8. Authorized medical or epidemiological researchers who may not further disclose any identifying characteristics or information.

9. A person allowed access by a court order which is issued in compliance with the following provisions:

a. No court of this state shall issue such order unless the court finds that the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means. In assessing compelling need, the court shall weigh the need for disclosure against the privacy interest of the test subject and the public interest which may be disserved by disclosure which deters blood, organ, and semen donation and future human immunodeficiency virus-related testing or which may lead to discrimination. This paragraph shall not apply to blood bank donor records.

b. Pleadings pertaining to disclosure of test results shall substitute a pseudonym for the true name of the subject of the test. The disclosure to the parties of the subject's true name shall be communicated confidentially in documents not filed with the court.

c. Before granting any such order, the court shall provide the individual whose test result is in question with notice and a reasonable opportunity to participate in the proceedings if he is not already a party.

d. Court proceedings as to disclosure of test results shall be conducted in camera, unless the subject of the test agrees to a hearing in open court or unless the court determines that a public hearing is necessary to the public interest and the proper administration of justice.

e. Upon the issuance of an order to disclose test results, the court shall impose appropriate safeguards against unauthorized disclosure which shall specify the persons who may have access to the information, the purposes for which the information shall be used, and appropriate prohibitions on future disclosure.

10. A person allowed access by order of a judge of compensation claims of the Division of Workers' Compensation of the Department of Labor and Employment Security. A judge of compensation claims shall not issue such order unless he finds that the person seeking the test results has demonstrated a compelling need for the test results which cannot be accommodated by other means.

No person to whom the results of a test have been disclosed may disclose the test results to another person except as authorized by this subsection. Whenever disclosure is made pursuant to this subsection, it shall be accompanied by a statement in writing which includes the following or substantially similar language: "This information has been disclosed to you from records whose confidentiality is protected by state law. State law prohibits you from making any further disclosure of such information without the specific written consent of the person to whom such information pertains, or as otherwise permitted by state law. A general authorization for the release of medical or other information is NOT sufficient for this purpose." An oral disclosure shall be accompanied by oral notice and followed by a written notice within 10 days.

Section 3. Paragraphs (b) and (c) of present subsection (13) of section 440.02, Florida Statutes, 1988 Supplement, are amended, present subsec-

tions (7) through (13) are renumbered as subsections (8) through (14), respectively, present subsections (14) through (23) are renumbered as subsections (16) through (25), respectively, and new subsections (7) and (15) are added to said section, to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(7) "Construction industry" means for-profit activities involving the carrying out of any building, clearing, filling, excavation, or substantial improvement in the size or use of any structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction. However, "construction" shall not mean a landowner's act of construction or the result of a construction upon his or her own premises, provided such premises are not intended to be sold or resold.

(14)~~(13)~~

(b) "Employment" includes:

1. Employment by the state and all political subdivisions thereof and all public and quasi-public corporations therein, including officers elected at the polls.

2. All private employments in which three or more employees are employed by the same employer *or, with respect to the construction industry, all private employment in which one or more employees are employed by the same employer.*

(c) "Employment" does not include service performed by or as:

1. Domestic servants in private homes.

2. Agricultural labor performed on a farm in the employ of a bona fide farmer, or association of farmers, who employs 5 or fewer regular employees and who employs fewer than 12 other employees at one time for seasonal agricultural labor that is completed in less than 30 days, provided such seasonal employment does not exceed 45 days in the same calendar year. The term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, fish, and truck farms, ranches, nurseries, and orchards. The term "agricultural labor" includes field foremen, timekeepers, checkers, and other farm labor supervisory personnel.

3. Professional athletes, such as professional boxers, ~~and~~ wrestlers, ~~and~~ baseball, football, basketball, hockey, polo, tennis, jai alai, and similar players, *and motorsports teams competing in a motor racing event as defined in s. 549.08.*

4. Labor under a sentence of a court to perform community services as provided in s. 316.193.

(15) "Misconduct" includes, but is not limited to, the following, which shall not be construed in pari materia with each other:

(a) Conduct evincing such willful or wanton disregard of an employer's interests as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of his employee; or

(b) Carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of an employer's interests or of the employee's duties and obligations to his employer.

Section 4. Subsection (4) of section 440.09, Florida Statutes, is amended to read:

440.09 Coverage.—

(4) Where injury is caused by the willful refusal of the employee to use a safety appliance or observe a safety rule required by statute or lawfully promulgated by the division, and brought prior to the accident to his or her knowledge, *or where injury is caused by the willful refusal of the employee to use a safety appliance provided by the employer* the compensation as provided in this chapter shall be reduced 25 percent.

Section 5. Subsection (6) of section 440.09, Florida Statutes, is created to read:

440.09 Coverage.—

(6)(a) To ensure that the workplace is a drug and alcohol free environment and to deter the use of drugs and alcohol at the work place, if the employer has reason to suspect that the injury was occasioned primarily by the intoxication of the employee or by the use of any non-prescription controlled substances as defined in s. 893.02, which affected the employee to the extent that the employee's normal faculties were impaired, the employer may require the employee to submit to a test for the presence of non-prescription controlled substances or alcohol in his system. When a non-prescription controlled substance or alcohol is found to be present in the employee's system and the injury was not occasioned primarily by the use of a non-prescription controlled substance or alcohol, 25 percent per week of the employee's indemnity benefits, up to $5,000, shall be paid solely to a DATAP program as defined in s. 397.021 for the rehabilitation of the employee pertaining to the use of non-prescription controlled substances or alcohol.

(b) The division shall provide by rule for the authorization and regulation of drug testing policies, procedures and methods. Testing of injured employees shall not commence until such rules are adopted.

Section 6. Subsection (7) is added to section 440.09, Florida Statutes, to read:

440.09 Coverage.—

(7) If by operation of s. 440.04, benefits become payable to a professional athlete under this chapter, such benefits shall be reduced or setoff in the total amount of injury benefits or wages payable during the period of disability by the employer under a collective bargaining agreement or contract for hire.

Section 7. Subsection (1) of section 440.10, Florida Statutes, is amended to read:

440.10 Liability for compensation.—

(1) Every employer coming within the provisions of this chapter, including any brought within the chapter by waiver of exclusion or of exemption, shall be liable for, and shall secure, the payment to his employees, or any physician, surgeon, or pharmacist providing services under the provisions of s. 440.13, of the compensation payable under ss. 440.13, 440.15, and 440.16. *Every contractor or subcontractor shall, as a condition to receiving a building permit, show proof that he has secured compensation for his employees under this chapter as provided in s. 440.38.* In case a contractor sublets any part or parts of his contract work to a subcontractor or subcontractors, all of the employees of such contractor and subcontractor or subcontractors engaged on such contract work shall be deemed to be employed in one and the same business or establishment; and the contractor shall be liable for, and shall secure, the payment of compensation to all such employees, except to employees of a subcontractor who has secured such payment. A subcontractor is not liable for the payment of compensation to the employees of another subcontractor on such contract work and is not protected by the exclusiveness of liability provisions of s. 440.11 from action at law or in admiralty on account of injury of such employee of another subcontractor.

Section 8. Subsection (1) of section 440.11, Florida Statutes, 1988 Supplement, is amended, subsections (2) and (3) are renumbered as subsections (3) and (4), respectively, and a new subsection (2) is added to said section, to read:

440.11 Exclusiveness of liability.—

(1) The liability of an employer prescribed in s. 440.10 shall be exclusive and in place of all other liability of such employer to any third-party tortfeasor and to the employee, the legal representative thereof, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this chapter, an injured employee, or the legal representative thereof in case death results from the injury, may elect to claim compensation under this chapter or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by negligence of a fellow servant, that the employee assumed the risk of the employment, or that the injury was due to the comparative negligence of the employee. The same immunities from liability enjoyed by an employer shall extend as well to each employee of the employer when such employee is acting in furtherance of the employer's business and the injured employee is entitled to receive benefits under this chap-

ter. Such fellow-employee immunities shall not be applicable to an employee who acts, with respect to a fellow employee, with willful and wanton disregard or unprovoked physical aggression or with gross negligence when such acts result in injury or death or such acts proximately cause such injury or death, nor shall such immunities be applicable to employees of the same employer when each is operating in the furtherance of the employer's business but they are assigned primarily to unrelated works within private or public employment. The same immunity provisions enjoyed by an employer shall also apply to any sole proprietor, partner, corporate officer or director, supervisor, or other person who in the course and scope of his duties acts in a managerial or policymaking capacity and the conduct which caused the alleged injury arose within the course and scope of said managerial or policymaking duties and was not a violation of a law, whether or not a violation was charged, for which the maximum penalty which may be imposed exceeds 60 days imprisonment as set forth in s. 775.082.

(2) The immunity from liability described in subsection (1) shall extend to an employer and to each employee of the employer which utilizes the services of the employees of a help supply services company, as set forth in Standard Industry Code Industry Number 7363, when such employees, whether management or staff, are acting in furtherance of the employer's business. An employee so engaged by the employer shall be considered a borrowed employee of the employer, and, for the purposes of this section, shall be treated as any other employee of the employer. The employer shall be liable for and shall secure the payment of compensation to all such borrowed employees as required in s. 440.10, except when such payment has been secured by the help supply services company.

Section 9. Subsection (3) of section 440.12, Florida Statutes, is amended to read:

440.12 Time for commencement and limits on weekly ~~and monthly~~ rate of compensation.—

~~(3) Monthly wage-loss benefits shall not exceed 4.3 times the maximum weekly benefit as computed pursuant to subsection (2).~~

Section 10. Paragraph (g) of subsection (1), paragraphs (a), (b), (c), and (e) of subsection (2), and paragraphs (a), (b), and (d) of subsection (4) of section 440.13, Florida Statutes, 1988 Supplement, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) As used in this section, the term:

(g) "Utilization review" means the ~~initial~~ evaluation of appropriateness in terms of both the level and the quality of health care and health services provided a patient, based on medically accepted standards. Such evaluation shall be accomplished by means of a system which identifies the utilization of medical services, based on medically accepted standards, and which refers instances of possible inappropriate utilization to the division for referral to a peer review committee or to obtain opinions and recommendations of expert medical consultants, *with similar qualifications as those providing the care under review,* recommended by the division and approved by the three-member panel referred to in paragraph (4)(a) to review individual cases for which administrative action may be deemed necessary. *Utilization review also includes reviewing cases where medical costs exceed $20,000 and reviewing requests for sequential health care by different medical care providers, and review of disputes between health care providers and reimbursement sources concerning interpretation of the schedules of maximum reimbursement allowances and coding procedures under said allowances.*

(2)(a) Subject to the limitations specified in s. 440.19(1)(b), the employer shall furnish to the employee such medically necessary remedial treatment, care, and attendance by a health care provider and for such period as the nature of the injury or the process of recovery may require, including medicines, medical supplies, durable medical equipment, orthoses, prostheses, and other medically necessary apparatus. The carrier shall not deauthorize a health care provider furnished by the employer to provide remedial treatment, care, and attendance, without the agreement of the employer, unless a *judge of compensation claims* ~~deputy commissioner~~ determines that the deauthorization of the health care provider is in the best interests of the injured employee, *or a determination has been made that the health care provider is overutilizing care. Overutilization review shall be by physicians licensed under the same licensing chapter as the physician reviewed. Overutilization of health care shall be a basis for deauthorizing such care without order of the judge of compensation claims, provided a determination has been made as provided in this section and alternate medical care has been offered by the employer or carrier. Findings of overutilization as provided in this section shall presumptively establish, in the absence of substantial and compelling evidence to the contrary, that such treatment is not in the best interest of the injured employee. A physician shall be barred from payment under this chapter for treatment of injured employees upon three findings of overutilization.* The division may assess a civil penalty of $100 against a carrier which deauthorizes a health care provider who has been authorized by the employer without first obtaining the approval of such deauthorization from the employer or an order from a *judge of compensation claims* ~~deputy commissioner~~ approving the deauthorization. Any list of health care providers developed by a carrier, not including pharmacists, from which health care providers are selected to provide remedial treatment, care, and attendance shall include representation of each type of health care provider defined in s. 440.13(3)(d)1.d., Florida Statutes, 1981, and shall not discriminate against any of the types of health care providers as a class.

(b) If the employer fails to provide such treatment, care, and attendance after request by the injured employee, the employee may do so at the expense of the employer, the reasonableness and the necessity to be approved by a *judge of compensation claims* ~~deputy commissioner~~. The employee shall not be entitled to recover any amount personally expended for such treatment or service unless he has requested the employer to furnish the same and the employer has failed, refused, or neglected to do so or unless the nature of the injury required such treatment, nursing, and services and the employer or the superintendent or foreman thereof, having knowledge of such injury, has neglected to provide the same. Nor shall any claim for medical, surgical, or other remedial treatment be valid and enforceable unless, within 10 days following the first treatment, except in cases where first-aid only is rendered, and thereafter at such intervals as the division by regulation may prescribe, the health care provider or health care facility giving such treatment or treatments furnishes to the employer, or to the carrier if the employer is not self-insured, a report of such injury and treatment on forms prescribed by the division; however, a deputy commissioner, for good cause, may excuse the failure of the health care provider or health care facility to furnish any report within the period prescribed and may order the payment to such employee of such remuneration for treatment or service rendered as the deputy commissioner finds equitable. Along with such reports, the health care provider shall furnish a sworn statement that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained. The sworn statement shall read as follows: "Under penalty of perjury, I declare that I have read the foregoing; that the facts alleged are true, to the best of my knowledge and belief; and that the treatment and services rendered were reasonable and necessary with respect to the bodily injury sustained."

(c) Each medical report or bill obtained or received by the employer, the carrier, or the injured employee, or the attorney for any of them, with respect to the remedial treatment, care, and attendance of the injured employee, including any report of an examination, diagnosis, or disability evaluation, shall be filed with the Division of Workers' Compensation by a deadline specified by the division and pursuant to rules adopted by the division. The health care provider or health care facility shall also furnish to the injured employee, or to his attorney, on demand, a copy of his office chart, records, and reports and may charge the injured employee an amount authorized by the division for the copies. Each such health care provider or health care facility shall provide to the division such additional information with respect to the remedial treatment, care, and attendance that the division may reasonably request as part of its investigation of a claim filed by an injured worker for benefits under this chapter. *Notwithstanding the limitations in s. 455.241 and subject to the limitations in s. 381.609, upon the request of the employer, the carrier, the attorney for either of them, or the rehabilitation provider, the medical records of an injured employee shall be furnished to such persons and the medical condition of the injured employee shall be discussed with such persons, provided the records and the discussions are restricted to conditions relating to the workplace injury or to situations where the employer or carrier has reason to believe there is a probable basis for filing a claim against the Special Disability Trust Fund as a result of such injury and the employee or his attorney has been furnished a copy of such claim. No records so provided or discussions held pursuant to this exemption, or any information contained therein, shall be disclosed to any other person, nor shall the same be discoverable in any civil or criminal action.*

(e) The value of nonprofessional attendant or custodial care provided by a family member shall be determined as follows:

1. If the family member is not employed, the per hour value shall be that of the federal minimum wage.

2. If the family member is employed and elects to leave that employment to provide attendant or custodial care, the per hour value of that care shall be at the per hour value of such family member's former employment, not to exceed the per hour value of such care available in the community at large. *In no event shall a family member providing nonprofessional attendant or custodial care pursuant to this paragraph be compensated for more than 12 hours per day.* "Family member" is defined for purposes of this subsection to be a spouse, father, mother, brother, sister, child, grandchild, father-in-law, mother-in-law, aunt or uncle.

(4)(a) A three-member panel is created, consisting of the Insurance Commissioner and two members to be appointed by the Governor, subject to confirmation by the Senate, one member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employers, the other member who, on account of previous vocation, employment, or affiliation, shall be classified as a representative of employees. The panel, *after reviewing recommendations from the advisory committee,* shall annually determine schedules of maximum reimbursement allowances for such medically necessary remedial treatment, care, and attendance. Reimbursement for all fees and other charges for such treatment, care, and attendance, including treatment, care, and attendance provided by any hospital or other health care provider, shall not exceed the amounts provided by the schedules of maximum reimbursement allowances as determined by the panel and adopted by rule by the department. The schedules shall have statewide applicability and shall be uniform throughout the state. An individual health care provider or hospital shall be paid either his usual charge for treatment, care, and attendance or the maximum reimbursement allowance as set forth in the applicable schedule, whichever is less. In determining the schedules, the panel shall first approve the bodies of medical and hospital data which it finds representative of prevailing charges in the state for such treatment, care, and attendance in the state for similar treatment, care, and attendance of injured persons. In determining the schedule for hospitals after January 1, 1987, the panel shall approve and use charge data submitted by hospitals to the *Health Care* ~~Hospital~~ Cost Containment Board as representative of charges for the treatment, care, and attendance in the state of injured persons. Payment of a compensable charge to a hospital for treatment, care, and attendance not specifically itemized in the applicable schedule shall be at 80 percent of the hospital's usual charge for such treatment, care, and attendance. Each health care provider or health care facility receiving Workers' compensation payments shall maintain records verifying their usual charges. Using the approved bodies of data when arrayed, the panel shall establish percentiles upon which the schedules of maximum reimbursement allowances will be calculated. In establishing the schedules of maximum reimbursement allowances, the panel shall consider the following:

1. The levels of reimbursement for similar treatment, care, and attendance made by other health care programs or third-party providers;

2.a. The impact upon cost to employers for providing a level of reimbursement for treatment, care, and attendance which will ensure the availability of treatment, care, and attendance required by injured workers; and

b. The potential change in workers' compensation insurance premiums or costs attributable to the level of treatment, care, and attendance provided; and

3. The financial impact of the reimbursement allowances upon health care providers and health care facilities and its effect upon their ability to make available to injured workers such medically necessary remedial treatment, care, and attendance.

The schedules of maximum reimbursement allowances shall be reasonable, shall promote health care cost containment and efficiency with respect to the workers' compensation health care delivery system, and shall be sufficient to ensure availability of such medically necessary remedial treatment, care, and attendance to injured workers.

(b) There is created an advisory committee to aid and assist the panel in determining schedules of maximum charges for hospital *and health care provider* treatment and services payable through workers' compensation benefits to be appointed by and serve at the pleasure of the Insurance Commissioner.

(d)1. The division shall develop and implement, or contract with a qualified entity to develop and implement, utilization review of the services rendered by *a health care provider or* a physician, which services are paid for in whole or in part pursuant to this chapter. *Utilization review shall be accomplished either by request from any interested party or upon the request of the division. Findings of overutilization shall include deauthorization of the care under review or denial of payment for services rendered in the future, or both. During the utilization review process, the care under review shall continue. Utilization review under this section shall be exempt from the provisions of chapter 120.*

2. The division shall contract with a private nonprofit foundation or nonprofit organization to provide peer review or utilization review, as appropriate, of health care *and physician* services rendered pursuant to this chapter. Under the terms of such contract, the foundation or organization shall establish and maintain a procedure by which a peer review committee shall review the services rendered by a health care provider, *physician,* or health care facility, which services are paid for in whole or in part pursuant to this chapter. Such review shall occur upon a determination by the division that information referred to it by the entity responsible for utilization review contains reliable information that a health care provider or health care facility is rendering services in a manner which may be inappropriate with respect to either the level or the quality of care. The report and recommendations of the peer review committee shall be submitted to the division for such action as may be necessary in accordance with this section.

3. By accepting payment pursuant to this chapter for remedial treatment rendered to an injured employee, a health care provider or health care facility shall be deemed to consent to submitting all necessary records and other information concerning such treatment to utilization review and peer review as provided by this section. Such health care provider shall further agree to comply with any decision of the division pursuant to subparagraph 4.

4. If it is determined that a physician improperly overutilized, or otherwise rendered or ordered, inappropriate medical treatment or services, or that the reimbursement for such treatment or services was inappropriate, the division may order the physician to show cause why he should not be required to repay the amount which was paid for the rendering or ordering of such treatment or services and shall inform him of his right to a hearing under the provisions of s. 120.57. If a hearing is not requested within 30 days of receipt of the order and the division director decides to proceed with the matter, a hearing shall be conducted, a prima facie case established, and a final order issued. If the final order, including judicial review if the order is appealed, is adverse to the physician, the division shall provide the licensing board of the physician with full documentation of such determination.

5. A health care facility may not improperly charge or overcharge a workers' compensation insurer or charge for services not provided for the purpose of obtaining additional reimbursement.

6. Violations of this section which are willful or which demonstrate a pattern of improperly charging or overcharging workers' compensation insurers constitute grounds for the division or department to impose a fine not to exceed $5,000.

7. The referral by the entity responsible for the utilization review, the decision of the division to refer the matter to the peer review committee, the establishment by the foundation or organization of the procedures by which a peer review committee reviews the rendering of health care services, and the review proceedings, report, and recommendation of the peer review committee are not subject to the provisions of chapter 120.

8. The provisions of s. 766.101 apply to any officer, employee, or agent of the division and to any officer, employee, or agent of any entity with which the division has contracted pursuant to this section.

Section 11. Subsections (2) and (3) of section 440.14, Florida Statutes, 1988 Supplement, are amended, and new subsections (3) and (4) are added to said section, to read:

440.14 Determination of pay.—

~~(2) The average monthly wages of the injured employee at the time of the injury shall be 4.3 times the average weekly wage determined pursuant to this section.~~

(2)~~(3)~~ If, during the period of disability, the employer continues to provide consideration, including board, rent, housing, or lodging, the

value of such consideration shall be deducted when calculating the average weekly wage of the employee so long as these benefits continue to be provided.

(3) The division shall establish by rule a form which shall contain a simplified checklist of those items which may be included as "wage" for determining the average weekly wage.

(4) Upon termination of the employee or upon termination of the payment of fringe benefits of any employee who is collecting idemnity benefits pursuant to s. 440.15(2) or (3)(b), the employer shall within 7 days of such termination file a corrected 13-week wage statement reflecting the wages paid and the fringe benefits that had been paid to the injured employee as defined in s. 440.02(21).

Section 12. Subsections (2), (4), and (8), paragraph (b) of subsection (3), and paragraph (b) of subsection (10) of section 440.15, Florida Statutes, 1988 Supplement, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(2) TEMPORARY TOTAL DISABILITY.—

(a) In case of disability total in character but temporary in quality, 66⅔ percent of the average weekly wages shall be paid to the employee during the continuance thereof, not to exceed 350 weeks except as provided in s. 440.12(1).

(b) Notwithstanding the provisions of paragraph (a), an employee who has sustained the loss of an arm, leg, hand, or foot, or within a reasonable medical certainty the anticipated permanent and total loss of use of such member because of organic damage to the nervous system, or has lost the sight of both eyes shall be paid temporary total disability of 80 percent of his average weekly wage until such employee has completed his training in the use of artificial members or appliances as necessary and completed training or education under a ~~rehabilitative~~ program pursuant to s. 440.49, if provided. In no event should the increased temporary total disability compensation provided for in this paragraph extend beyond 6 months from the date of injury. The compensation provided by this paragraph is not subject to the limits provided in s. 440.12(2), but instead is subject to a maximum weekly compensation rate of $700. If, at the conclusion of this period of increased temporary total disability compensation, the employee is still temporarily totally disabled, the employee shall continue to receive temporary total disability compensation as set forth in *paragraphs* ~~paragraph~~ (a) and *(c)* ~~s. 440.49(1)(c)~~. The period of time the employee has received this increased compensation will be counted as part of, and not in addition to, the maximum periods of time for which the employee is entitled to compensation under paragraph (a) but not *paragraph (c)* ~~s. 440.49(1)(c)~~.

(c) Temporary total disability benefits paid pursuant to this subsection shall include such period as may be reasonably necessary for training in the use of artificial members and appliances, and shall include such period as the employee may be receiving training and education under a program pursuant to s. 440.49(1). Notwithstanding s. 440.02(8), the date of maximum medical improvement for purposes of paragraph (3)(b) shall be no earlier than the last day for which such temporary disability benefits are paid.

(3) PERMANENT IMPAIRMENT AND WAGE-LOSS BENEFITS.—

(b) Wage-loss benefits.—

1. Each injured worker who suffers *a* ~~any~~ permanent impairment, which permanent impairment is determined pursuant to the schedule adopted in accordance with subparagraph (a)3., may be entitled to wage-loss benefits under this subsection, *provided that such permanent impairment results in a work-related physical restriction which affects such employee's ability to perform the activities of his usual or other appropriate employment.* Such benefits shall be based on actual wage loss and shall not be subject to the minimum compensation rate set forth in s. 440.12(2). Subject to the maximum compensation rate as set forth in s. 440.12(2), such wage-loss benefits shall be equal to 95 percent of the difference between 85 percent of the employee's average *weekly* ~~monthly~~ wage and the salary, wages, and other remuneration the employee is able to earn after reaching maximum medical improvement, as compared *weekly* ~~monthly~~; however, the *weekly* ~~monthly~~ wage-loss benefits shall not exceed an amount equal to 66⅔ percent of the employee's average *weekly* ~~monthly~~ wage at the time of injury. In order to simplify the comparison of the preinjury average *weekly* ~~monthly~~ wage with the salary, wages, and other remuneration the employee is able to earn after reaching maximum medical improvement, the division may by rule provide for the modification of the *weekly* ~~monthly~~ comparison so as to coincide as closely as possible with the injured worker's pay periods. In determining the amount the employee is able to earn in any month after injury, commissions and similar irregular payments shall be allocated first to the *week* ~~month~~ in which they are received, in an amount which when added to other earnings for such *week* ~~month~~ does not exceed the employee's average *weekly* ~~monthly~~ wage, and the balance in the same manner to the subsequent *weeks* ~~months~~ until fully allocated, but not to exceed *52 weeks* ~~12 months~~ from the *week* ~~month~~ that the commission or a similar irregular payment was received.

2. The amount determined to be the salary, wages, and other remunerations the employee is able to earn after reaching the date of maximum medical improvement shall in no case be less than the sum actually being earned by the employee, including earnings from sheltered employment. ~~In the event the employee voluntarily limits his income or fails to accept employment commensurate with his abilities, the salary, wages, and other remuneration that the employee is able to earn after the date of maximum medical improvement shall be deemed to be the amount which would have been earned if the employee did not limit his income or accepted appropriate employment.~~ Whenever a wage-loss benefit as set forth in subparagraph 1. may be payable, the burden shall be on the employee to establish that any wage loss claimed is the result of the compensable injury. It shall also be the burden of the employee to show that his inability to obtain employment or to earn as much as he earned at the time of his industrial accident is due to physical limitation related to his accident and not because of economic conditions or the unavailability of employment *or his own misconduct. In the event the employee voluntarily limits his income or fails to accept employment commensurate with his abilities, or is terminated from employment due to his own misconduct, it shall be presumed, in the absence of substantial evidence to the contrary, that the salary, wages, and other remuneration that the employee was able to earn for such period that the employee voluntarily limited his income or failed to accept employment commensurate with his abilities or was terminated from employment due to his own misconduct is the amount which would have been earned if the employee had not limited his income or failed to accept appropriate employment or had not been terminated from employment due to his own misconduct. The amount deemed shall be applied against the next two biweekly payments. In the case of an employee who has not voluntarily limited his income or who has not failed to accept employment commensurate with his abilities or who was not terminated from employment due to his own misconduct, and who has made a good faith attempt to find employment after attaining maximum medical improvement but remains unemployed, it shall be presumed that the salary, wages, and other remuneration the employee is able to earn was zero for each week that the employee made a good faith attempt to find employment within his physical and vocational capabilities. However, beginning on the 13th week after the employee has attained maximum medical improvement, if an employee does not obtain and maintain employment, the employer may show that the salary, wages, and other remuneration the employee is able to earn is greater than zero by proving the existence of actual job openings within a reasonable geographical area which the employee is physically and vocationally capable of performing, in which case the amount the employee is able to earn may be deemed to be the amount the judge of compensation claims finds that the employee could earn in such jobs. The amount deemed shall be applied against the next two biweekly payments.*

3. An injured worker requesting wage-loss benefits for any period during which such injured worker was unemployed shall have a duty to make reasonable and good faith efforts to obtain suitable gainful employment on a consistent basis. "Suitable gainful employment" means employment which is reasonably attainable in light of the individual's age, education, personal aptitudes, previous vocational experience, and physical abilities. For any such period, the employer may require the injured worker's request for wage-loss benefits to include verification of the injured worker's efforts to obtain suitable gainful employment, which verification shall be made on forms prescribed by the division. In determining whether the injured worker has made reasonable and good faith efforts to obtain suitable gainful employment, the judge of compensation claims shall consider the availability of suitable employment in the area of the injured worker's residence, the injured worker's access to transportation, and the effect of the injured

worker's physical and mental impairments upon his ability to conduct job search activities. Unless otherwise provided under this section, an injured worker requesting wage-loss benefits for any period during which he shall have been unemployed shall not be entitled to such benefits if the injured worker failed or refused to make reasonable and good faith efforts to obtain suitable gainful employment during such period.

4.~~3.~~ The right to wage-loss benefits shall terminate:

a. As of the end of any 2-year period commencing at any time subsequent to the month when the injured employee reaches the date of maximum medical improvement, unless during such 2-year period wage-loss benefits shall have been payable during at least 3 consecutive months;

b. For injuries occurring on or before July 1, 1980, 350 weeks after the injured employee reaches the date of maximum medical improvement; or

c. For injuries occurring after July 1, 1980, 525 weeks after the injured employee reaches maximum medical improvement;

whichever comes first.

5.~~4.~~ If an employee is entitled to both wage-loss benefits and social security retirement benefits under 42 U.S.C. ss. 402 and 405, such social security retirement benefits shall be primary and the wage-loss benefits shall be supplemental only. The sum of the two benefits shall not exceed the amount of wage-loss benefits which would otherwise be payable. For the purposes of termination of wage-loss benefits pursuant to sub-subparagraph *4.*~~3.~~a., the term "payable" shall be construed to include payment of social security retirement benefits in lieu of wage-loss benefits. *However, the reduction of wage-loss benefits under the provisions of this subparagraph is not applicable to any wage-loss benefits payable to an employee for any month subsequent to the month in which the employee reaches the age of 70 years.*

6.~~5.~~ Beginning with the 25th month after maximum medical improvement and for the purpose of determining wage-loss benefits, the total wages, salary, and other remuneration for the *week* ~~month~~ in consideration shall be discounted as follows:

a. For those injuries occurring on or after July 1, 1979, and on or before July 1, 1980, by a factor of 3 percent and compounded annually at 3 percent thereafter; and

b. For those injuries occurring after July 1, 1980, by a factor of 5 percent and compounded annually at 5 percent thereafter.

However, with respect to any year in which the annual rate of inflation, calculated by using the national Consumer Price Index published by the United States Department of Labor, is less than the applicable discount factor, such rate shall be substituted for such discount factor for that year.

7.~~6.~~ The division shall keep such records and conduct such investigations as are necessary to determine the feasibility of providing additional protection from inflation for workers entitled to wage-loss benefits and shall report its findings to the Legislature not later than February 1, 1988.

(4) TEMPORARY PARTIAL DISABILITY.—

(a) In case of temporary partial disability, benefits shall be based on actual wage loss and shall not be subject to the minimum compensation rate set forth in s. 440.12(2). ~~It shall also be the burden of the employee to show that his inability to obtain employment or to earn as much as he earned at the time of his industrial accident is due to physical limitation related to his accident and not because of economic conditions or the unavailability of employment.~~ The compensation shall be equal to 95 percent of the difference between 85 percent of the employee's average weekly wage and the salary, wages, and other remuneration the employee is able to earn, as compared weekly; however, the weekly wage-loss benefits shall not exceed an amount equal to 66⅔ percent of the employee's average weekly wage at the time of injury. In order to simplify the comparison of the preinjury average weekly wage with the salary, wages, and other remuneration the employee is able to earn, the division may by rule provide for the modification of the weekly comparison so as to coincide as closely as possible with the injured worker's pay periods.

~~(b)~~ The amount determined to be the salary, wages, and other remuneration the employee is able to earn shall in no case be less than the sum actually being earned by the employee, including earnings from sheltered employment. ~~In the event the employee voluntarily limits his income or fails to accept employment commensurate with his abilities, the salary, wages, and other remuneration the employee is able to earn shall be deemed to be the amount which would have been earned if the employee did not limit his income or accepted appropriate employment.~~

(b) Whenever a *temporary partial* wage-loss benefit as set forth in paragraph (a) may be payable, the burden shall be on the employee to establish that any wage loss claimed is the result of the compensable injury. *It shall also be the burden of the employee to show that his inability to obtain employment or to earn as much as he earned at the time of his industrial accident is due to physical limitation related to his accident and not because of economic conditions or the unavailability of employment or his own misconduct. In the event the employee voluntarily limits his income or fails to accept employment commensurate with his abilities, or is terminated from employment due to his own misconduct, it shall be presumed, in the absence of substantial evidence to the contrary, that the salary, wages, and other remuneration that the employee was able to earn for such period that the employee voluntarily limited his income or failed to accept employment commensurate with his abilities or was terminated from employment due to his own misconduct is the amount which would have been earned if the employee had not limited his income or failed to accept appropriate employment or had not been terminated from employment due to his own misconduct. The amount deemed shall be applied against the next two biweekly payments. In the case of an employee who has not voluntarily limited his income or who has not failed to accept employment commensurate with his abilities or who was not terminated from employment due to his own misconduct, and who has made a good faith attempt to find employment but remains unemployed, it shall be presumed that the salary, wages, and other remuneration the employee is able to earn was zero for each week that the employee made a good faith attempt to find employment within his physical and vocational capabilities. However, beginning on the 13th week after the employee has received the first payment of a temporary partial wage-loss benefit, if the employee does not obtain and maintain employment, the employer may show that the salary, wages, and other remuneration the employee is able to earn is greater than zero by proving the existence of actual job openings within a reasonable geographical area which the employee is physically and vocationally capable of performing, in which case the amount the employee is able to earn may be deemed to be the amount the judge of compensation claims finds that the employee could earn in such jobs. The amount deemed shall be applied against the next two biweekly payments.*

(c) Such benefits shall be paid during the continuance of such disability, not to exceed a period of 5 years.

(8) EMPLOYEE BECOMES INMATE OF INSTITUTION.—In case an employee ~~who is permanently and totally disabled~~ becomes an inmate of a public institution, then no compensation shall be payable unless he has dependent upon him for support a person or persons defined as dependents elsewhere in this chapter, whose dependency shall be determined as if the employee were deceased and to whom compensation would be paid in case of death; and such compensation as is due such employee shall be paid such dependents during the time he remains such inmate.

(10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO HAS RECEIVED OR IS ENTITLED TO RECEIVE UNEMPLOYMENT COMPENSATION.—

(b) If an employee is entitled to both wage-loss benefits pursuant to subsection (3), or temporary partial benefits pursuant to subsection (4), and unemployment compensation benefits, such unemployment compensation benefits shall be primary and the wage-loss benefits or temporary partial benefits shall be supplemental only, the sum of the two benefits not to exceed the amount of wage-loss benefits or temporary partial benefits which would otherwise be payable. For purposes of termination of wage-loss benefits pursuant to sub-subparagraph (3)(b)*4.*~~3.~~a., the term "payable" shall be construed to include payment of unemployment compensation benefits in lieu of income supplement benefits as provided in this subsection.

(11) FULL-PAY STATUS FOR CERTAIN LAW ENFORCEMENT OFFICERS.—Any law enforcement officer as defined in s. 943.10(1), (2), or (3) and employed only by a state agency who, while acting within the course of employment as provided by s. 440.091, is maliciously or intentionally injured and who thereby sustains a job-connected disability compensable under this chapter shall be carried in full-pay status rather than being required to use sick, annual, or other leave. Full-pay

status shall be granted only after submission to the employing agency's head of a medical report which gives a current diagnosis of the employee's recovery and ability to return to work. In no case shall the employee's salary and workers' compensation benefits exceed the amount of the employee's regular salary requirements.

Section 13. Subsections (1) and (2) of section 440.16, Florida Statutes, are amended to read:

440.16 Compensation for death.—

(1) If death results from the accident within 1 year thereafter or follows continuous disability and results from the accident within 5 years thereafter, the employer shall pay:

(a) Actual funeral expenses not to exceed $2,500.

(b) Compensation, in addition to the above, in the following percentages of the average weekly wages to the following persons entitled thereto on account of dependency upon the deceased, and in the following order of preference, subject to the limitation provided in subparagraph 2., but such compensation shall be subject to the limits provided in s. 440.12(2), shall not exceed $100,000, and may be less than, but shall not exceed, for all dependents or persons entitled to compensation, 66⅔ percent of the average wage:

1. To the spouse, if there is no child, 50 percent of the average weekly wage, such compensation to cease upon the spouse's death ~~or remarriage~~.

2. To the spouse, if there is a child or children, the compensation payable under subparagraph 1. and, in addition, 16⅔ percent on account of the child or children. However, when the deceased is survived by a spouse and also a child or children, whether such child or children are the product of the union existing at the time of death or of a former marriage or marriages, the *judge of compensation claims* ~~deputy commissioner~~ may provide for the payment of compensation in such manner as may appear to the *judge of compensation claims* ~~deputy commissioner~~ just and proper and for the best interests of the respective parties and, in so doing, may provide for the entire compensation to be paid exclusively to the child or children; and, in the case of death ~~or remarriage~~ of such spouse, 33⅓ percent for each child.

3. To the child or children, if there is no spouse, 33⅓ percent for each child.

4. To the parents, 25 percent to each, such compensation to be paid during the continuance of dependency.

5. To the brothers, sisters, and grandchildren, 15 percent for each brother, sister, or grandchild.

(c) To the surviving spouse, payment of postsecondary student fees for instruction at any area vocational-technical center established under s. 230.63 for up to 1,800 classroom hours or payment of student fees at any community college established under part III of chapter 240 for up to 80 semester hours. The spouse of a deceased state employee shall be entitled to a full waiver of such fees as provided in ss. 230.645 and 240.345 in lieu of the payment of such fees. The benefits provided for in this paragraph shall be in addition to other benefits provided for in this section and shall terminate ~~upon the remarriage of such spouse or~~ 7 years after the death of the deceased employee, or when the total payment in eligible compensation under paragraph (b) has been received. To qualify for the educational benefit under this paragraph, the spouse shall be required to meet and maintain the regular admission requirements of, and be registered at, such area vocational-technical center or community college, and make satisfactory academic progress as defined by the educational institution in which the student is enrolled.

(2) ~~For the purpose of this chapter, the dependence of a spouse of a deceased employee shall terminate with remarriage.~~ The dependence of a child, except a child physically or mentally incapacitated from earning a livelihood, shall terminate with the attainment of 18 years of age, with the attainment of 22 years of age if a full-time student in an accredited educational institution, or upon marriage.

Section 14. Paragraph (f) of subsection (2), subsection (4), and subsection (9) of section 440.185, Florida Statutes, 1988 Supplement, are amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(2) Within 7 days of actual knowledge of injury or death, the employer shall report such injury or death to the carrier and the employee, on a form prescribed by the division, providing the following information:

(f) On the copy of the form furnished to the employee, a clear and understandable summary statement of the rights, benefits, and obligations of injured workers under the Workers' Compensation Law, *including an explanation of wage-loss benefits and the eligibility conditions for such benefits.*

The carrier or a self-insured employer shall, within 30 days after receipt of the form reporting the injury, mail the form containing the information required by this subsection to the division at its address in Tallahassee. However, the division may by rule provide for a different reporting system for those types of injuries which it determines should be reported in a different manner and for those cases which involve minor injuries requiring professional medical attention in which the employee does not lose more than 7 days of work as a result of the injury and is able to return to his job immediately after treatment and resume his regular work.

(4) The division shall review any such notice or indication of injury received; and, if it appears to the division that the injury will result in permanent impairment, the division shall, within 3 days of receipt of such notice or indication of injury, contact the injured worker or a family member serving as personal representative thereof, by telephone if possible, otherwise by mail, in order to discuss the rights and benefits of the injured employee under the Workers' Compensation Law and to assist the injured worker in securing any benefits provided for under this chapter to which such injured worker is entitled. The division shall monitor the furnishing of benefits by the employer or carrier to ascertain that correct benefits are being furnished in cases accepted as compensable injuries. *Upon receipt of a request for assistance by the injured worker, the employer, or carrier, or upon its own motion, the division shall be empowered to compel all parties to participate in any conferences held by the division to resolve the issues giving rise to the request for assistance.* In the event of controversion or the filing of a claim, the division shall attempt to resolve the claim~~, promptly review the controversion, and communicate the results of its investigation, along with its recommendations, to the parties~~. If the division determines that it cannot establish the relevant facts necessary to resolve the issues in a claim, the division may curtail its investigation and promptly forward the file to the appropriate *judge of compensation claims* ~~deputy commissioner~~ for any requested hearing on the claim. In either event, the division shall forward the file to the appropriate *judge of compensation claims* ~~deputy commissioner~~ no later than 15 days prior to the date set for such final hearing.

(9) Any employer or carrier who fails or refuses to timely send any form, report, or notice required by this section shall be subject to a civil penalty not to exceed *$500* ~~$100~~ for each such failure or refusal. However, any employer who fails to notify the carrier of the injury on the prescribed form or by letter within the 7 days required in subsection (2) shall be liable for the civil penalty, which shall be paid by the employer and not the carrier. Failure by the employer to meet its obligations under subsection (2) shall not relieve the carrier from liability for the civil penalty if it fails to comply with subsections (4) and (5).

Section 15. Paragraphs (a), (b), and (c) of subsection (1) of section 440.19, Florida Statutes, are amended to read:

440.19 Time and procedure for filing claims.—

(1)(a) The right to compensation for disability, rehabilitation, impairment, or wage loss under this chapter shall be barred unless a claim therefor which meets the requirements of paragraph (d) is filed within 2 years after the time of injury, except that, if payment of compensation has been made or remedial treatment or rehabilitative services have been furnished by the employer on account of such injury, a claim may be filed within 2 years after the date of the last payment of compensation or after the date of the last remedial treatment or rehabilitative services furnished by the employer. *This limitations period shall not be tolled or extended by the failure of the employer or carrier to file a notice of injury or any other report or notice required to be filed under this chapter or by the failure of the division, the employer, or the carrier to furnish to the employee or other claimant informational materials required under this chapter, unless such omission by the employer or carrier was intentional and done to deprive the employee of benefits due under this chapter.*

(b) All rights for remedial attention under this section shall be barred unless a claim therefor which meets the requirements of paragraph (d) is filed with the division within 2 years after the time of injury, except that, if payment of compensation has been made or remedial attention or rehabilitative services have been furnished by the employer without an award on account of such injury, a claim may be filed within 2 years after the date of the last payment of compensation or within 2 years after the date of the last remedial attention or rehabilitative services furnished by the employer; and all rights for remedial attention or rehabilitative services under this section pursuant to the terms of an award shall be barred unless a further claim therefor is filed with the division within 2 years after the entry of such award, except that, if payment of compensation has been made or remedial attention or rehabilitative services have been furnished by the employer under the terms of the award, a further claim may be filed within 2 years after the date of the last payment of compensation or within 2 years after the date of the last remedial attention or rehabilitative services furnished by the employer. However, no statute of limitations shall apply to the right for remedial attention relating to the insertion or attachment of a prosthetic device to any part of the body. Any claim for reimbursement by a provider of remedial attention shall be subject to the limitations of this paragraph. *This limitations period shall not be tolled or extended by the failure of the employer or carrier to file a notice of injury or any other report or notice required to be filed under this chapter or by the failure of the division, the employer, or the carrier to furnish the employee or other claimant informational materials required under this chapter, unless such omission by the employer or carrier was intentional and done to deprive the employee of benefits due under this chapter.*

(c) The right to compensation for death under this chapter shall be barred unless a claim therefor which meets the requirements of paragraph (d) is filed within 2 years after the death, except that, if payment of compensation has been made without an award on account of such death, a claim may be filed within 2 years after the date of the last payment. *This limitations period shall not be tolled or extended by the failure of the employer or carrier to file a notice of injury or any other report or notice required to be filed under this chapter or by the failure of the division, the employer, or the carrier to furnish the employee or other claimant informational materials required under this chapter, unless such omission by the employer or carrier was intentional and done to deprive the employee of benefits due under this chapter.*

Section 16. Subsections (2), (4), (5), (15), and (16) and paragraphs (a) and (b) of subsection (12) of section 440.20, Florida Statutes, 1988 Supplement, are amended to read:

440.20 Payment of compensation.—

(2) The first installment of compensation for total disability or death shall become due on the 14th day after the employer has knowledge of the injury or death, on which date all compensation then due shall be paid. Thereafter, compensation shall be paid in installments ~~weekly or~~ biweekly, except when the *judge of compensation claims* ~~deputy commissioner~~ determines that payments in installments should be made ~~monthly or~~ at some other period.

(4) Benefits payable pursuant to s. 440.15(3)(b) or (4) shall be paid *biweekly* ~~monthly~~, subsequent to the termination of the period for which such payments are due, within 14 days of the date upon which the carrier or employer has knowledge of the compensable wage loss.

(5) Upon making ~~the first~~ payment, and upon suspension of payment for any cause, the employer shall immediately notify the division, in accordance with a form prescribed by the division, that payment of compensation has begun or has been suspended, as the case may be. *The division shall monitor compensation payment practices for conformity with the provisions of this section.*

(12)(a) It is the stated policy for the administration of the workers' compensation system that it is in the best interests of the injured worker that he receive disability or wage-loss payments periodically. Lump-sum payments in exchange for the employer's or carrier's release from liability for future payments of compensation, death benefits, and rehabilitation expenses other than for medical expenses shall be allowed only under special circumstances, as when the claimant can demonstrate that lump-sum payments will definitely aid in his rehabilitation or are otherwise clearly in his best interests and that lump-sum payments will avoid undue expense or undue hardship to any party, or that such claimant has removed himself or is about to remove himself from the state. In no case may a lump-sum payment be allowed in exchange for the release of an employer's or carrier's liability for future medical expenses *and training and education*. In no case may a lump-sum settlement be allowed until 3 months after the date of maximum medical improvement has been reached; provided that such 3-month period shall be waived with respect to nonresident aliens of the United States or Canada. However, no such alien thus exempted shall be eligible for a lump-sum settlement under this exception more than one time in any 48-month period. *Upon the approval of a lump-sum settlement under this paragraph, the judge of compensation claims shall send a report to the Chief Judge of the amount of the settlement, the amount of the attorney's fees, the amount of the benefits payable to the injured employee upon which the attorney's fees are payable, and the statutory basis for the payment of the attorney's fees.*

(b) Notwithstanding the provisions of paragraph (a), a lump-sum payment in exchange for the employer's or carrier's release from liability for future medical expenses, as well as future payments of compensation and rehabilitation expenses, *but not training and educational expenses,* shall be allowed at any time in any case in which the employer or carrier has initially filed a written notice to controvert and denied that a compensable accident or injury occurred for which compensation and medical and rehabilitation expenses are payable, and the *judge of compensation claims* ~~deputy commissioner~~ at a hearing to consider the settlement proposal finds a justiciable controversy as to legal or medical compensability of the claimed injury or the alleged accident. In such event, and upon the joint petition of all interested parties and after giving due consideration to the interests of all interested parties, the *judge of compensation claims* ~~deputy commissioner~~ may enter a compensation order approving and authorizing the discharge of the liability of the employer for compensation and remedial treatment, care, and attendance, as well as rehabilitation expenses, *but not training and educational expenses,* by the payment of a lump sum. Such a compensation order so entered upon joint petition of all interested parties is not subject to modification or review under s. 440.28. If the settlement proposal together with supporting evidence is not approved by the *judge of compensation claims* ~~deputy commissioner~~, it shall be considered null and void. If the employer or carrier initially accepts the case as compensable or provides any benefits to the employee or his dependents, this paragraph does not apply. Notwithstanding the provisions of s. 440.34(3)(c), a claimant shall be responsible for the payment of his own attorney's fees in any case settled under this subsection. Upon approval of a lump-sum settlement under this subsection, the *judge of compensation claims* ~~deputy commissioner~~ shall send a report to the Chief *Judge* ~~commissioner~~ of the amount of the settlement and a statement of the nature of the controversy. The Chief *Judge* ~~commissioner~~ shall keep a record of all such reports filed by each *judge of compensation claims* ~~deputy commissioner~~ and shall submit to the Legislature a summary of all such reports filed under this subsection annually by March 1.

(15) When an employee is injured and the employer pays his full wages or any part thereof during the period of disability, or pays medical expenses for such employee, and the case is contested by the carrier or the carrier and employer and thereafter the carrier, either voluntarily or pursuant to an award, makes a payment of compensation or medical benefits, the employer shall be entitled to reimbursement to the extent of the compensation paid or awarded, plus medical benefits, if any, out of the first proceeds paid by the carrier in compliance with such voluntary payment or award, provided the employer furnishes satisfactory proof to the judge *of compensation claims* of such payment of compensation and medical benefits. Any payment by the employer over and above compensation paid or awarded and medical benefits, pursuant to subsection (14), shall be considered a gratuity.

(16)(a) The division shall examine on an ongoing basis claims files ~~in its possession~~ in order to identify questionable claims-handling techniques, questionable patterns *or practices* of claims, or a pattern of repeated unreasonably controverted claims by employers, carriers, ~~or~~ self-insurers, *health care providers, health care facilities, training and education providers, or any others providing services to employees pursuant to this chapter* and *may* ~~shall~~ certify its findings to the Department of Insurance. ~~Only~~ Such questionable techniques, patterns, or repeated unreasonably controverted claims as constitute a general business practice of a carrier in the judgment of the division shall be certified in its findings by the division to the Department of Insurance *or such other appropriate licensing agency*. Such certification by the division is exempt from the provisions of chapter 120. Upon receipt of any such certification, the Department of Insurance shall take appropriate action so

as to bring such general business practices to a halt pursuant to s. 440.38(3)(a). *The division may initiate investigations of* ~~Upon receipt by the division of a written request for an investigation raising such~~ questionable techniques, patterns, *practices,* or repeated unreasonably controverted claims~~, the division shall investigate the particular carrier in question and shall certify its findings to the Department of Insurance with a copy to the requesting party~~.

(b) As to any examination, investigation, or hearing being conducted under this chapter, the Secretary of Labor and Employment Security or his designee:

1. May administer oaths, examine and cross-examine witnesses, receive oral and documentary evidence; and

2. Shall have the power to subpoena witnesses, compel their attendance and testimony, and require by subpoena the production of books, papers, records, files, correspondence, documents, or other evidence which is relevant to the inquiry.

(c) If any person refuses to comply with any such subpoena or to testify as to any matter concerning which he may be lawfully interrogated, the circuit court of Leon County or of the county wherein such examination, investigation, or hearing is being conducted, or of the county wherein such person resides, may, on the application of the department, issue an order requiring such person to comply with the subpoena and to testify.

(d) Subpoenas shall be served, and proof of such service made, in the same manner as if issued by a circuit court. Witness fees, costs, and reasonable travel expenses, if claimed, shall be allowed the same as for testimony in a circuit court.

(e)~~(b)~~ The division shall publish annually a report which indicates the promptness of first payment of compensation records of each carrier or self-insurer so as to focus attention on those carriers or self-insurers with poor payment records for the preceding year. A copy of such report shall be certified to the Department of Insurance which shall take appropriate steps so as to cause such poor carrier payment practices to halt pursuant to s. 440.38(3)(a). In addition, the division shall take appropriate action so as to halt such poor payment practices of self-insurers. "Poor payment practice" means a practice of late payment sufficient to constitute a general business practice.

(f)~~(c)~~ The division shall promulgate rules providing guidelines to carriers, self-insurers, and employers to indicate behavior that may be construed as questionable claims-handling techniques, questionable patterns of claims, repeated unreasonably controverted claims, or poor payment practices.

Section 17. Effective July 1, 1989, subsection (3) of section 440.25, Florida Statutes, is amended to read:

440.25 Procedure in respect to claims and hearing requests.—

(3)(a) The division or *judge of compensation claims* ~~deputy commissioner~~ shall make or cause to be made such investigation as is considered necessary in respect to the claim; and, upon request by any interested party, the *judge of compensation claims* ~~deputy commissioner~~ shall order *all parties to attend either a mediation conference or a hearing thereof. Any party who requests a mediation conference shall not be precluded from requesting a hearing following the mediation conference should both parties not agree to be bound by the results of the mediation conference* ~~a hearing thereof~~.

(b) If the request in paragraph (a) is for a mediation conference, an application for a mediation conference concerning a claim shall refer to the claim previously filed and state the reasons for requesting the mediation conference and the questions in dispute so that the responding or opposing parties may be notified of the purpose of the mediation conference. The Chief Judge shall select a judge of compensation claims, a general master, or a special master to serve as the mediator. The general master shall be employed on a full time basis by the office of the Chief Judge. The rate of compensation for a general master shall be at 60 percent of the salary of a judge of compensation claims. A general master must be a member of The Florida Bar and have three years of experience in the practice of workers' compensation law in this state. The special master shall be selected from a list prepared by the Chief Judge. The special master must be independent of all parties participating in the mediation conference. A special master must be a member of The Florida Bar and have three years of experience in the practice of workers' compensation law in this state. The rate of compensation for a special master shall be $250 per day plus travel and per diem expenses. The special master shall have access to the office, equipment and supplies of the judge of compensation claims in each district. In the event both parties agree, the results of the mediation conference shall be binding and neither party shall have a right to appeal the results. In the event either party refuses to agree to the results of the mediation conference, the results of the mediation conference as well as the testimony, witnesses and evidence presented at the conference shall not be admissible at any subsequent proceeding on the claim. The mediator shall not be called in to testify or give deposition to resolve any claim for any hearing before the judge of compensation claims. The fact of requesting or accepting an offer to mediate shall not be admissible as evidence of liability in any collateral or subsequent proceeding on the claim. Neither party may be represented by an attorney at the mediation conference. Any judge who serves as a mediator shall not be permitted to preside at a hearing involving the same claim pursuant to paragraph (c). If a request for mediation is filed, the mediation conference must be held within 45 days after it is filed and the judge, general master, or special master shall give the claimant and other interested parties at least 15 days' notice of such conference, served upon the claimant and other interested parties by mail.

(c) If the request in paragraph (a) is for a hearing an application for a hearing concerning a claim shall refer to the claim previously filed and state the reasons for requesting a hearing and the questions in dispute which the applicant expects the *judge of compensation claims* ~~deputy commissioner~~ to hear and determine, so that the responding or opposing parties may be notified of the purpose of the hearing. Any application for a hearing not in compliance with this paragraph shall be subject to dismissal upon motion of any interested party. If a request for a hearing is filed, the *judge of compensation claims* ~~deputy commissioner~~ shall hold a hearing within 90 days after it is filed and shall give the claimant and other interested parties at least 15 days' notice of such hearing, served upon the claimant and other interested parties by mail.

(d)~~(b)~~ The hearing shall be held in the county where the injury occurred, if the injury occurred in this state, unless otherwise agreed to between the parties and authorized by the *judge of compensation claims* ~~deputy commissioner~~ in the county where the injury occurred. If the injury occurred without the state and is one for which compensation is payable under this chapter, then the hearing above referred to may be held in the county of the employer's residence or place of business, or in any other county of the state which will at the time of forwarding the file for hearing, in the discretion of the Chief *Judge* ~~Commissioner~~, be the most convenient for a hearing. Subsequent to the forwarding of the file to such county, the parties and the *judge of compensation claims* ~~deputy commissioner~~ may agree to transfer such file to a county that is deemed most convenient for a hearing. The hearing shall be conducted by a *judge of compensation claims* ~~deputy commissioner~~, who shall, within 30 days after such hearing, unless otherwise agreed by the parties, determine the dispute in a summary manner. At such hearing, the claimant and employer may each present evidence in respect of such claim and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing, the *judge of compensation claims* ~~deputy commissioner~~ may designate a disinterested doctor to submit a report or to testify in the proceeding, after such doctor has reviewed the medical reports and evidence, examined the claimant, or otherwise made such investigation as appropriate. The report or testimony of any doctor so designated by the *judge of compensation claims* ~~deputy commissioner~~ shall be made a part of the record of the proceeding and shall be given the same consideration by the *judge of compensation claims* ~~deputy commissioner~~ as is accorded other medical evidence submitted in the proceeding; and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13(4)(a). No *judge of compensation claims* ~~deputy commissioner~~ may make a finding of a degree of permanent impairment that is greater than the greatest permanent impairment rating given the claimant by any examining or treating physician, except upon stipulation of the parties.

(e)~~(c)~~ The order making an award or rejecting the claim, referred to in this chapter as a "compensation order," shall set forth the findings of ultimate facts and the mandate; and the order need not include any other reason or justification for such mandate. The compensation order shall be filed in the office of the division at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the date of mailing noted thereon.

(f)~~(d)~~ Each *judge of compensation claims* ~~deputy commissioner~~ is required to submit a special report to the Chief *Judge* ~~Commissioner~~ in each contested workers' compensation case in which the case is not determined within 30 days of final hearing. Said form shall be provided by the Chief *Judge* ~~Commissioner~~ and shall contain the names of the *judge of compensation claims* ~~deputy commissioner~~ and of the attorneys involved and a brief explanation by the *judge of compensation claims* ~~deputy commissioner~~ as to the reason for such a delay in issuing a final order. The Chief *Judge* ~~Commissioner~~ shall compile these special reports into an annual public report to the Governor, the Secretary of Labor and Employment Security, the Legislature, The Florida Bar, and the appellate district judicial nominating commissions.

Section 18. Subsection (3) is added to section 440.33, Florida Statutes, to read:

440.33 Powers of *judges of compensation claims* ~~deputy commissioners~~.—

(3) Before adjudicating a claim for permanent total disability benefits, the judge of compensation claims may request an evaluation pursuant to s. 440.49(1)(a) for the purpose of assisting the judge of compensation claims in the determination of whether there is a reasonable probability that, with appropriate training or education, the employee may be rehabilitated to the extent that such employee can achieve suitable gainful employment and whether it is in the best interest of the employee to undertake such training or education.

Section 19. Subsections (2) and (3) of section 440.34, Florida Statutes, are amended to read:

440.34 Attorney's fees; costs; penalty for violations.—

(2) In awarding a reasonable attorney's fee, the *judge of compensation claims* ~~deputy commissioner~~ shall consider only those benefits to the claimant that the attorney is responsible for securing. *The amount, statutory basis, and type of benefits obtained through legal representation shall be listed on all attorney's fees awarded by the judge of compensation claims. For purposes of this section, the term "benefits secured" means benefits obtained as a result of the claimant's attorney's legal services rendered in connection with the claim for benefits. However, such term does not include future medical or rehabilitation benefits to be provided on any date more than 5 years after the date a hearing is held to determine the value of the attorney's fee claimed.*

(3) If the claimant should prevail in any proceedings before a *judge of compensation claims* ~~deputy commissioner~~ or court, there shall be taxed against the employer the reasonable costs of such proceedings, not to include the attorney's fees of the claimant. A claimant shall be responsible for the payment of his own attorney's fees, except that a claimant shall be entitled to recover a reasonable attorney's fee from a carrier or employer:

(a) Against whom he successfully asserts a claim for medical benefits only, if the claimant has not filed or is not entitled to file at such time a claim for disability, permanent impairment, wage-loss, or death benefits, arising out of the same accident; or

(b) *In any case in which the employer or carrier fails or refuses to pay a claim filed with the division which meets the requirements of s. 440.19(1)(d) on or before the 21st day after receiving notice of the claim, and the injured person has employed an attorney in the successful prosecution of his claim* ~~In cases in which the deputy commissioner issues an order finding that a carrier has acted in bad faith with regard to handling an injured worker's claim and the injured worker has suffered economic loss. For the purposes of this paragraph, the term "bad faith" means conduct by the carrier in the handling of a claim which amounts to fraud; malice; oppression; or willful, wanton, or reckless disregard of the rights of the claimant. Any determination of bad faith shall be made by the deputy commissioner through a separate factfinding proceeding. The deputy commissioner shall issue a separate order which shall expressly state the specific findings of fact upon which the determination of bad faith is based~~; or

(c) In a proceeding in which a carrier or employer denies that an injury occurred for which compensation benefits are payable, and the claimant prevails on the issue of compensability; *or.*

(d) In cases where the claimant successfully prevails in proceedings filed under s. 440.24 or s. 440.28.

In applying the factors set forth in subsection (1) to cases arising under paragraphs (a), (b), ~~and~~ (c), *and (d)* of this subsection, the *judge of compensation claims* ~~deputy commissioner~~ shall only consider such benefits and the time reasonably spent in obtaining them as were secured for the claimant within the scope of paragraphs (a), (b), ~~and~~ (c), *and (d)* of this subsection. ~~In the situations set forth in paragraph (b) of this subsection, the payment of such attorney's fees may not be recouped, directly or indirectly, by any carrier in the rate base, the premium, or any rate filing.~~

Section 20. Paragraph (a) of subsection (1) of section 440.385, Florida Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(1) CREATION OF ASSOCIATION.—

(a) There is created a nonprofit corporation to be known as the "Florida Self-Insurers Guaranty Association, Incorporated," hereinafter referred to as "the association." Upon incorporation of the association, all individual self-insurers as defined in ss. 440.02*(20)*~~(18)~~(a) and 440.38(1)(b), other than individual self-insurers which are public utilities or governmental entities, shall be members of the association as a condition of their authority to individually self-insure in this state. The association shall perform its functions under a plan of operation as established and approved under subsection (5) and shall exercise its powers and duties through a board of directors as established under subsection (2). The corporation shall have those powers granted or permitted corporations not for profit, as provided in chapter 617.

Section 21. Paragraph (a) of subsection (3) of section 440.39, Florida Statutes, is amended to read:

440.39 Compensation for injuries when third persons are liable.—

(3)(a) In all claims or actions at law against a third-party tortfeasor, the employee, or his dependents or those entitled by law to sue in the event he is deceased, shall sue for the employee individually and for the use and benefit of the employer, if a self-insurer, or employer's insurance carrier, in the event compensation benefits are claimed or paid; and such suit may be brought in the name of the employee, or his dependents or those entitled by law to sue in the event he is deceased, as plaintiff or, at the option of such plaintiff, may be brought in the name of such plaintiff and for the use and benefit of the employer or insurance carrier, as the case may be. Upon suit being filed, the employer or the insurance carrier, as the case may be, may file in the suit a notice of payment of compensation and medical benefits to the employee or his dependents, which notice shall constitute a lien upon any judgment or settlement recovered to the extent that the court may determine to be their pro rata share for compensation and medical benefits paid or to be paid under the provisions of this law, less their pro rata share of all court costs expended by the plaintiff in the prosecution of the suit including reasonable attorney's fees for the plaintiff's attorney. In determining the employer's or carrier's pro rata share of those costs and attorney's fees, the employer or carrier shall have deducted from its recovery a percentage amount equal to the percentage of the judgment *or settlement* which is for costs and attorney's fees. Subject to this deduction, the employer or carrier shall recover from the judgment *or settlement*, after costs and attorney's fees incurred by the employee or dependent in that suit have been deducted, 100 percent of what it has paid and future benefits to be paid, *except, if*~~, unless~~ the employee or dependent can demonstrate to the court that he did not recover the full value of damages sustained, *the employer or carrier shall recover from the judgment or settlement, after costs and attorney's fees incurred by the employee or dependent in that suit have been deducted, a percentage of what it has paid and future benefits to be paid equal to the percentage that the employee's net recovery is of the full value of the employee's damages; provided, the failure by the employer or carrier to comply with the duty to cooperate imposed by subsection (7) may be taken into account by the trial court in determining the amount of the employer's or carrier's recovery, and such recovery may be reduced, as the court deems equitable and appropriate under the circumstances, including as a mitigating factor whether a claim or potential claim against a third party is likely to impose liability upon the party whose cooperation is sought, if it finds such a failure has occurred* ~~because of comparative negligence or because of limits of insurance coverage and collectibility~~. The burden of proof will be upon the employee. *The determination of the amount of the employer's or carrier's recovery* ~~Such proration~~ shall be made by the judge of the trial court upon application therefor and notice to the adverse party. Notice of suit being filed shall be served upon the employer and compensation carrier and upon all par-

ties to the suit or their attorneys of record by the employee. Notice of payment of compensation benefits shall be served upon the employee and upon all parties to the suit or their attorneys of record by the employer and compensation carrier.

Section 22. Subsection (8) of section 440.44, Florida Statutes, is amended, and subsection (10) is added to said section, to read:

440.44 Workers' compensation; staff organization.—

(8) ADVISORY COUNCIL.—The secretary may appoint a 15-member advisory council to aid the division ~~in formulating policies, discussing problems, and assuring impartiality and freedom from political influence in the solution of such problems, related to the administration of this chapter or any other law administered by the division.~~ *in matters of a technical nature, including, but not limited to, assisting the division in the development of:*

(a) Appropriate forms.

(b) Acceptable carrier practices.

(c) Methods of communicating and educating employees and carriers on their obligations under the Florida Workers' Compensation law.

(d) Methods to ensure compliance with data collection requests.

(e) Reviewing promptness of payments of workers' compensation benefits.

Initially, the secretary shall appoint four members for terms of 4 years, four members for terms of 3 years, four members for terms of 2 years, and three members for terms of 1 year. Thereafter, members shall be appointed for 4-year terms. A vacancy shall be filled for the remainder of the unexpired term. The council shall meet at the call of its chairman, at the request of a majority of its membership, at the request of the division, or at such times as may be prescribed by its rules. *The advisory council shall meet at least annually.* The members of the advisory council shall receive no compensation for such services, but shall be reimbursed for traveling expenses as provided in s. 112.061.

(10) WORKERS' COMPENSATION OVERSIGHT BOARD.—The Governor shall appoint a workers' compensation oversight board of not less than 25 members from representatives of all interest groups in the field of workers' compensation, including, but not limited to, representatives of labor, employers, insurance companies, self-insured funds, health care providers, attorneys, rehabilitation providers, regulators, academicians, and legislators. Board members shall serve at the pleasure of the Governor. The board shall elect a chairman from its membership. The members of the board shall receive no compensation for such services, but shall be reimbursed for traveling expenses as provided in s. 112.061.

(a) The board shall meet at least twice each year and shall annually review the performance of the workers' compensation system, issuing a report of its findings and conclusions on or before January 1 of each year to the Governor, the Secretary of Labor and Employment Security, the Commissioner of Insurance, and the Speaker of the House of Representatives, President of the Senate, minority leaders of both houses and appropriate committee chairmen of both houses as to the status of the workers' compensation system. In the performance of such responsibility, the board shall have the authority to:

1. Make recommendations relating to the adoption of rules and needed legislation.

2. Develop recommendations regarding the method and form of statistical data collection.

3. Monitor the performance of the workers' compensation system in the implementation of legislative directives.

(b) The division and other state agencies shall cooperate with the board and shall provide information and staff support as reasonably necessary and required by the board.

Section 23. Subsections (2) and (4) and the introductory paragraph of subsection (3) of section 440.45, Florida Statutes, are amended, subsections (5), (6), and (7) are renumbered as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to said section, to read:

440.45 *Judges of compensation claims* ~~Deputy commissioners~~; Chief *Judge* ~~Commissioner~~.—

(2) Each full-time *judge of compensation claims* ~~deputy commissioner~~ shall be appointed for a term of 4 years, but during the term of office may be removed by the Governor for cause. Prior to the expiration of the term of office of the *judge of compensation claims* ~~deputy commissioner~~, the conduct of such *judge of compensation claims* ~~deputy commissioner~~ shall be reviewed by the appellate district judicial nominating commission in the appellate district in which the *judge of compensation claims* ~~deputy commissioner~~ principally conducts hearings, which commission shall determine whether such *judge of compensation claims* ~~deputy commissioner~~ shall be retained in office. A report of the decision shall be furnished to the Governor no later than 6 months prior to the expiration of the term of the *judge of compensation claims* ~~deputy commissioner~~. If the judicial nominating commission votes not to retain the *judge of compensation claims* ~~deputy commissioner~~, the *judge of compensation claims* ~~deputy commissioner~~ shall not be reappointed but shall remain in office until a successor is appointed and qualified. If the judicial nominating commission votes to retain the *judge of compensation claims* ~~deputy commissioner~~ in office, then the Governor shall reappoint the *judge of compensation claims* ~~deputy commissioner~~ for a term of 4 years. *Judges of compensation claims shall be subject to the jurisdiction of the Judicial Qualifications Commission.*

(3) The *judges of compensation claims* ~~deputy commissioners~~ shall be within the Department of Labor and Employment Security under the secretary of that department. To assist the secretary in the administration of the *judges of compensation claims* ~~deputy commissioners~~, there shall be created the position of Chief *Judge* ~~Commissioner~~ within the secretary's office. The Chief *Judge* ~~Commissioner~~ is not subject to the provisions of subsection (1), subsection (2), subsection (4), or subsection (5), but shall be appointed directly by the Governor and shall have had 3 years' experience in the practice of law in this state. The Chief *Judge* ~~Commissioner~~ shall have the authority to appoint such personnel as are necessary in the discharge of his duties. The personnel of the division shall cooperate with the Chief *Judge* ~~Commissioner~~ in the discharge of his duties. The duties of the Chief *Judge* ~~Commissioner~~ include, but are not limited to, the following:

(4) Effective July 1, *1989* ~~1984~~, each full-time *judge of compensation claims* ~~deputy commissioner~~ shall receive a salary in an amount equal to *$4,000 less than that paid to a circuit court judge.* ~~the amount of the salary which was paid for the position of deputy commissioner on October 1, 198x. Thereafter, if the salaries of employees within the Senior Management Service are increased at any time, the base salary for each full-time deputy commissioner shall be increased by the same percentage as the percentage of increase granted such employees.~~ The Chief *Judge* ~~Commissioner~~ shall receive a salary of $1,000 more per year than the salary paid to a full-time *judge of compensation claims* ~~deputy commissioner~~. These salaries shall be paid out of the fund established in s. 440.50.

(5) The judge of compensation claims shall make such expenditures for law books, books of reference, periodicals, furniture, equipment, supplies, printing, and binding as may be necessary in exercising their authority and powers and carrying out their duties and responsibilities. All such expenditures of the judge of compensation claims shall be allowed and paid upon approval of the Chief Judge.

Section 24. Subsection (1) of section 440.49, Florida Statutes, is amended, and paragraph (k) is added to subsection (2) of said section, to read:

440.49 Rehabilitation of injured employees; Special Disability Trust Fund.—

(1) REHABILITATION OF INJURED EMPLOYEES.—

(a) When an employee has suffered an injury covered by this chapter and it appears that the injury will preclude the employee from earning wages equal to wages earned prior to the injury, the employee shall be entitled to *appropriate training and education* ~~prompt rehabilitation services~~. *Upon request by the employee or* the employer ~~or carrier, at its own expense~~, *the division* shall provide such injured employee with appropriate training and education for suitable gainful employment and may cooperate with federal and state agencies for *training and* ~~vocational~~ education and with any public or private agency cooperating with such federal and state agencies in the *training and education* ~~vocational rehabilitation~~ of such injured employees. *Within 10 days of the request, the division shall respond by assigning a public or private evaluator to conduct an evaluation to determine if training and education is appropri-*

ate, unless the injured employee and the employer/carrier have agreed upon an evaluator to conduct the evaluation and included the evaluator's name in the request. Within 30 days of the assignment, the evaluator shall submit the results of the evaluation to the division, employer, and employee. Any contracts entered into for this purpose shall be exempt from the competitive bidding requirements of chapter 287. The division shall establish a blind rotation system for the selection of the evaluators in the appropriate geographic area, except in the community college districts served by Miami-Dade Community College, Florida Community College at Jacksonville, and Indian River Community College. Until October 1, 1991, 50 percent of the evaluations in those districts shall be assigned to the community college in the district and the other 50 percent to other evaluators in the district who are selected by a blind rotation system. Thereafter, the method of selecting the evaluator shall be consistent statewide. Based on the results of the evaluation, the division is authorized to expend moneys from the Workers' Compensation Administration Trust Fund established by s. 440.50, for the purpose of assisting such injured employees to obtain appropriate training and education, if necessary. Such expenditures shall only be made in accordance with rules promulgated by the division establishing standards for eligibility and types, duration, and direct cost of training and educational programs to be made available. All hearings arising under this subsection shall be conducted by a judge of compensation claims pursuant to s. 440.25. However, no judge of compensation claims shall assume jurisdiction to approve or disapprove training and education under this provision until the division has advised all parties as to the training and education program it may propose if such training and education program is to be funded out of the fund established by s. 440.50. The division shall be a party to all hearings involving any claims made against the fund established by s. 440.50. For purposes of this section only, "suitable gainful employment" means employment or self-employment which is reasonably attainable in light of the individual's age, education, previous occupation, and injury and which offers an opportunity to restore the individual as soon as practicable and as nearly as possible to his average weekly earnings at the time of injury. *If any voluntary vocational rehabilitation services or training and education services are voluntarily provided to the employee by the employer or carrier, those services shall be reported to the division within such time as the division may prescribe by rule, so that the division may perform utilization review of such services. Neither the employer, carrier, or injured employee is required to furnish or accept voluntary vocational rehabilitation services. As used in this subsection, the term "Voluntary Vocational Rehabilitation Services" means services helpful to restore injured employees to suitable gainful employment. Voluntary vocational rehabilitation within the Workers' Compensation Act includes two major interrelated types of services, Medical Care Coordination and Vocational Services Coordination. "Medical Care Coordination" includes but is not limited to coordinating physician and mental restoration services, such as medical, psychiatric, or therapeutic treatment for the injured employee, providing health teaching to the employee and family, and monitoring the employee's recovery process to maximize recovery, minimize the disability, and prevent complications. The purpose of medical care coordination is to minimize the recovery period without jeopardizing medical stability, to assure that proper medical treatment and other restorative services are received in a timely and sequential manner, so as to assist in the containment of medical costs. "Vocational Services Coordination" includes but is not limited to vocational services needed by the injured employee to secure suitable gainful employment. Such services include counseling for adjustment to disability, vocational counseling, vocational and functional capacity assessments, job seeking skills training, self employment assistance, and selective job placement, arranging other services such as education or training (vocational and on-the-job) which may be needed by the employee, and monitoring the employee's progress toward attainment of the identified vocational goal. For the purpose of this subsection, "Selective Job Placement" means a process by which a provider directly assists the injured employee in securing suitable employment by matching the needs and abilities of the injured employee with the requirements and demands of specific jobs. These voluntary services shall be considered loss adjustment expenses of the employer or carrier and not benefits to the employee, including but not limited to the purposes of ratemaking.* ~~If such services are not voluntarily offered or accepted, The Division of Workers' Compensation of the Department of Labor and Employment Security, upon application of the employee, employer, or carrier, after affording the parties an opportunity to be heard, may refer the employee to a qualified physician or facility for the evaluation of the practicality of, the need for, and the kind of service, treatment, or training, necessary and appropriate to restore the employee to suitable gainful employment. On receipt of such report, and after affording the parties an opportunity to be heard, the deputy commissioner may order that the service and treatment recommended in the report, or such other rehabilitation treatment or service deemed necessary, be provided at the expense of the employer or carrier.~~

(b)1. The Division of Workers' Compensation shall continuously study the issue of *education and training and* rehabilitation, both physical and vocational, and shall investigate and maintain a directory of all qualified rehabilitation facilities and agencies, both public and private. The division shall establish by rule the minimum qualifications, standards, and requirements which must be met in order to be listed in the directory of qualified *training and education and* rehabilitation service providers, facilities, and agencies. Such minimum qualifications, standards, and requirements shall be based on those generally accepted within the various specific fields ~~of rehabilitation~~ for which the provider, facility, or agency is to be approved. A biennial application fee of $25 shall be charged for a listing in the directory, and all such fees shall be deposited in the Workers' Compensation Administration Trust Fund. The division has the authority to monitor and evaluate qualified *training and education or* rehabilitation service providers, facilities, and agencies to ensure their continued compliance with the minimum qualifications, standards, and requirements established pursuant to this subparagraph. The failure of a *training and education or* rehabilitation service provider, facility, or agency to provide the division with information requested or access necessary for it to carry out this monitoring and evaluation function shall be grounds for removing the provider, facility, or agency from the directory.

2. A training and education or rehabilitation service provider, facility, or agency shall prepare an individualized written rehabilitation plan on all compensable workers' compensation cases which require three or more counseling sessions, vocational evaluations, training, work evaluations, or placement. Prior to implementing any plan, the plan shall be signed by the carrier or employer, if self-insured, as verification of acceptance of the plan. The plan shall be filed electronically with the division and copies furnished to all interested parties. Progress reports shall be filed electronically every 30 days with the division and within 30 days of the completion of the plan. Funding for electronic reporting equipment for the division shall be from the Workers' Compensation Administration Trust Fund established by s. 440.50.

3.~~2.~~ A *training and education or* rehabilitation service provider, facility, or agency may not be authorized by any employer, ~~or~~ carrier, *or the division* to provide any *training and education or* rehabilitation services in this state to an injured worker unless such provider, facility, or agency is listed or has been approved for listing in the directory as being qualified to provide the specific service to be authorized. *However, Miami-Dade Community College, Florida Community College at Jacksonville, and Indian River Community College shall be authorized to conduct evaluations of injured employees until October 1, 1991, regardless of whether or not they are listed in the directory. Thereafter, they will have to be listed in the directory to be an authorized provider.* ~~Upon the filing of a petition to the deputy commissioner by the division, any employer or carrier which violates this subparagraph may be subject to a civil penalty of not more than $100, which shall be assessed by a deputy commissioner for deposit into the Workers' Compensation Administration Trust Fund. A petition filed by the division under this subparagraph shall be determined in accordance with the procedure prescribed in s. 440.25, to the extent that such procedure is applicable, and in accordance with the Workers' Compensation Rules of Procedure.~~ This paragraph does not apply to *training and education or* rehabilitation services provided outside this state and does not apply to the services of a *training and education or* rehabilitation service provider, facility, or agency unless such provider, facility, or agency is included in the definition of same contained in subparagraph *4.* ~~3.~~ Job placement services provided by private employment agencies under this subsection are exempt from this subparagraph if those services are limited to job placement.

4.~~3.~~ As used in this paragraph, the term:

a. "Private employment agency" means any person, firm, or corporation which, for hire or for profit, undertakes to secure employment or help, or through the medium of a card, circular, pamphlet, or other medium whatsoever, or through the display of a sign or bulletin, or by any other holding out to the public, offers to secure employment or help or give information as to where employment or help may be secured.

b. "Qualified *training and education or* rehabilitation service providers, facilities, and agencies" means *training and education or* rehabilitation service providers, facilities, and agencies which are listed in the division directory of qualified *training and education or* rehabilitation service providers, facilities, and agencies.

c. "*Training and education or* rehabilitation service providers, facilities, and agencies" means nurses licensed pursuant to chapter 464, vocational rehabilitation counselors, and public and private agencies, companies, and corporations which provide to injured workers, pursuant to this section, *training and educational or* vocational rehabilitation services including vocational retraining, testing, counseling, evaluation, and job placement services. The term *includes* ~~does not include~~ self-insured employers or carriers, their employees or wholly owned subsidiaries when they provide such services wholly in-house to the injured workers of the self-insured employer or carrier's insureds. Such in-house services shall be subject to s. 440.20(16). The term does not include the Department of Labor and Employment Security or the Department of Health and Rehabilitative Services or the employees of either department. The term does not include physicians licensed under chapter 458, osteopaths licensed under chapter 459, chiropractors licensed under chapter 460, podiatrists licensed under chapter 461, psychologists licensed under chapter 490, or hospitals.

(c) Prior to *entering an order* adjudicating an injured employee to be permanently and totally disabled, the *judge of compensation claims* ~~deputy commissioner~~ shall *first* determine whether there is a reasonable probability that, with appropriate training or education, the injured employee may be rehabilitated to the extent that such employee can achieve suitable gainful employment and whether it is in the best interest of such individual to undertake such training or education.

(d) When it appears that *training and education are* ~~rehabilitation is~~ necessary and desirable to restore the injured employee to suitable gainful employment, the employee shall be entitled to *be paid by the employer additional compensation for temporary total disability during such period as the employee may be receiving training and education under a program pursuant to this section* ~~reasonable and proper rehabilitation services~~ for a period not to exceed 26 weeks, which period may be extended for an additional period not to exceed 26 additional weeks, if such extended period is determined to be necessary and proper by the *judge of compensation claims* ~~deputy commissioner~~. However, no carrier or employer shall be precluded from continuing such *additional temporary total disability compensation* ~~rehabilitation~~ beyond such period voluntarily. If rehabilitation requires residence at or near a facility or an institution and away from the employee's customary residence, the reasonable cost of board, lodging, or travel shall be borne by the *division from the Workers' Compensation Administration Trust Fund established by s. 440.50* ~~employer or carrier~~. Refusal to accept *training and education* ~~rehabilitation~~ as deemed necessary by the *judge of compensation claims* ~~deputy commissioner~~ shall result in a 50 percent reduction in weekly compensation, including wage-loss benefits as determined pursuant to s. 440.15(3)(b), for each week of the period of refusal.

(e) *The division, after consultation with representatives of employees, employers, carriers, training and education service providers, and rehabilitation providers, shall adopt rules governing practices and standards for training and education and rehabilitation service providers which reflect the generally accepted standards for such providers.* ~~Temporary disability benefits paid pursuant to s. 440.15(2)(a) and (4) shall include such period as may be reasonably required for training in the use of artificial members and appliances, and shall include such period as the employee may be receiving training or education under a rehabilitation program pursuant to paragraphs (1)(a) and (d). Notwithstanding s. 440.02(7), the date of maximum medical improvement, for purposes of s. 440.15(3)(b), shall be no earlier than the last day for which such temporary disability benefits are paid.~~

~~(f) Any person who offers to secure employment or help or who gives information as to where such employment or help may be secured and who performs such acts exclusively in conjunction with fulfilling his responsibilities under this chapter to rehabilitate injured or disabled individuals shall be exempt from the provisions of chapter 449, relating to private employment agencies.~~

(2) LIMITATION OF LIABILITY FOR SUBSEQUENT INJURY THROUGH SPECIAL DISABILITY TRUST FUND.—

(k) Reimbursement to subsequent employer of permanently injured worker.—If an employee incurs a permanent impairment from injury or occupational disease arising out of, and in the course of, his employment and has been unemployed as a result of his injury or disease for 2 consecutive years, the employer who then employs such an employee shall be reimbursed from the fund for 50 percent of the employee's wages, not to exceed the maximum compensation rate as provided in s. 440.12, up to a period of 6 months.

Section 25. Present subsections (4), (5), and (6) of section 440.56, Florida Statutes, are amended, subsections (4) through (7) are renumbered as subsections (5) through (8), respectively, and new subsections (4) and (9) are added to said section, to read:

440.56 Safety rules and provisions; penalty.—

(4) No later than January 1, 1990, the division shall develop a means by which it can identify both those individual employers and those groups of employers with high frequency or severity of work-related injuries. The division shall carry out safety inspections of those employers so identified in order to assist those employers in reducing the number of work-related injuries. No penalties shall be assessed by the division as the result of such inspections, except as provided by subsection (6). Copies of any report made as the result of such inspection shall be provided the employer and its carrier. Effective January 1, 1990, all employers identified by the division as having high frequency or severity of work-related injuries shall submit an employee safety training program to the division for approval. The division shall promptly review the program submitted and approve or disapprove it. Upon approval by the division, the program shall be implemented by the employer. If the program is not approved or if no program is submitted, the division may design a safety training program and provide it to the employer for implementation.

(5)~~(4)~~ All insurance carriers writing workers' compensation insurance in this state and all employers qualifying as self-insurers under ss. 440.38 and 440.57 shall provide safety consultations to each of their policyholders requesting such consultations. All such carriers and self-insurers shall inform their policyholders of the availability of such consultations and shall report annually on their safety programs and consultations to the division in such form and at such time as the division prescribes. The division shall be responsible for approving all safety programs. The division shall aid all insurance carriers and self-insurers in establishing their safety programs by setting out guidelines in an appropriate format. ~~In addition, the division may approve a safety program submitted to it by a carrier or self-insurer.~~

(6)~~(5)~~ If any employer violates or fails or refuses to comply with any reasonable rule adopted by the division, in accordance with chapter 120, for the prevention of accidents or industrial or occupational diseases or any lawful order of the division in connection with the provisions of this section or fails or refuses to furnish or adopt any safety device, safeguard, or other means of protection prescribed by the division pursuant to this section for the prevention of accidents or industrial or occupational diseases, ~~after the employer has been given reasonable notice in writing by the division or its authorized representative, not fewer than 15 days prior thereto, of the specific violation, omission, failure, or refusal charged by the division, or its authorized representative,~~ the division, after notice and hearing in accordance with chapter 120, may assess against such employer a civil penalty of not less than *$100* ~~$20~~ nor more than *$1,000* ~~$100~~. Each day such violation, omission, failure, or refusal continues after the employer has been given notice thereof in writing as herein provided shall be deemed a continuing violation, and the penalty may not exceed *$10,000* ~~$1,000~~. The hearing shall be held in the county where the violation, omission, failure, or refusal is alleged to have occurred, unless otherwise agreed to by the employer and authorized by the division.

(7)~~(6)~~ In estimating the amounts necessary for the administration of this chapter, in accordance with s. 440.51, the division shall also include estimates of the amounts necessary for the administration of this section which shall be made in the manner set forth in s. 440.51; and such amounts as may be needed to administer this section shall be disbursed from the fund established pursuant to s. 440.50 in the manner therein provided. *In estimating the amount necessary for administration, the division shall specifically designate and allocate the funds necessary to carry out the duties set out in subsection (4).* If this subsection or the application of such funds to the administration of this section is declared invalid for any reason, the validity of ss. 440.50 and 440.51 as applied to the provisions of this chapter other than this section shall not be affected thereby.

(8)~~(7)~~ The division shall cooperate with the Federal Government so that duplicate inspections will be avoided yet assure safe places of employment for the citizens of this state.

(9) In the event that an employer which is found by the division to have high frequency or severity of work-related injuries fails to implement a safety training program, the carrier or self-insurer's fund which is providing coverage for such employer may cancel the contract for insurance with such employer. In the alternative, the carrier or fund may terminate any discount or deviation granted to such employer for the remainder of the term of the policy. In the event of such a cancellation of the policy or the discount or deviation, the carrier shall make such reports as are required by law.

Section 26. Present subsections (5), (6), and (7) of section 440.57, Florida Statutes, 1988 Supplement, are renumbered as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to said section to read:

440.57 Pooling liabilities.—

(5) No dividend or premium refund of any self-insurer established under this section, otherwise earned, shall be made contingent upon continued membership in the fund, renewal of any policy, or the payment of renewal premiums for membership in the fund or on any policy issued by such self-insurer. Prior to making any dividend or premium refund, the group self-insurer shall submit to the division the following information:

(a) An audited certified financial statement.

(b) An annual report of financial condition.

(c) A loss reserve review by a qualified actuary.

The required information listed in paragraphs (a)-(c) shall be submitted annually, no later than 7 months after the end of the group self-insurer's fund year. No request for such dividend or premium refund may be made prior to the filing of the required information. The request for such dividend or premium refund shall include a resolution of the board of trustees of the group self-insurer requesting approval of a specific amount to be distributed. Any dividend, premium refund, or premium discount or credit shall in no manner discriminate on the basis of continued coverage or continued membership in the group self-insurer. The division shall review such request and shall issue a decision within 60 days of the filing. Failure to issue a decision within 60 days shall constitute an approval of such request. Any dividend or premium refund approved by the division for distribution which cannot be paid to the applicable member or policyholder or former member or policyholder of the group self-insurer because the former member or policyholder cannot be reasonably located shall become the property of the group self-insurer.

Section 27. Subsection (3) of section 442.115, Florida Statutes, is amended to read:

442.115 Employee education and training.—

(3) Safety consultations provided pursuant to s. 440.56*(5)*~~(4)~~ will serve to satisfy the requirements of the program if the training otherwise meets the criteria set forth in this section.

Section 28. Subsection (2) of section 455.241, Florida Statutes, 1988 Supplement, is amended to read:

455.241 Patient records; report or copies of records to be furnished.—

(2) *Except as otherwise provided in s. 440.13(2)(c),* such records shall not be furnished to, and the medical condition of a patient may not be discussed with, any person other than the patient or his legal representative or other health care providers involved in the care or treatment of the patient, except upon written authorization of the patient. However, such records may be furnished without written authorization to any person, firm, or corporation which has procured or furnished such examination or treatment with the patient's consent or when compulsory physical examination is made pursuant to Rule 1.360, Florida Rules of Civil Procedure, in which case copies of the medical records shall be furnished to both the defendant and the plaintiff. Such records may be furnished in any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or his legal representative by the party seeking such records. Except in a medical negligence action when a health care provider is or reasonably expects to be named as a defendant, information disclosed to a health care practitioner by a patient in the course of the care and treatment of such patient is confidential and may be disclosed only to other health care providers involved in the care or treatment of the patient, or if permitted by written authorization from the patient or compelled by subpoena at a deposition, evidentiary hearing, or trial for which proper notice has been given. The Department of Professional Regulation may obtain patient records pursuant to a subpoena without written authorization from the patient if the department and the probable cause panel of the appropriate board, if any, find reasonable cause to believe that a practitioner has excessively or inappropriately prescribed any controlled substance specified in chapter 893 in violation of s. 458.331(1)(q), s. 459.015(1)(u), s. 461.013(1)(p), s. 462.14(1)(q), s. 466.028(1)(q), or s. 474.214(1)(x) or (y) or that a practitioner has practiced his profession below that level of care, skill, and treatment required as defined by s. 458.331(1)(t), s. 459.015(1)(y), s. 460.413(1)(s), s. 461.013(1)(t), s. 462.14(1)(t), s. 463.016(1)(n), s. 464.018(1)(h), s. 466.028(1)(y), or s. 474.214(1)(o); provided, however, the patient record obtained by the department pursuant to this subsection shall be used solely for the purpose of the department and board in disciplinary proceedings. The record shall otherwise be sealed and shall not be available to the public pursuant to the provisions of s. 119.07 or any other statute providing access to public records. Nothing in this section shall be construed to limit the assertion of the psychotherapist-patient privilege under s. 90.503 in regard to records of treatment for mental or nervous disorders by a medical practitioner licensed pursuant to chapter 458 or chapter 459 who has primarily diagnosed and treated mental and nervous disorders for a period of not less than 3 years, inclusive of psychiatric residency. However, the practitioner shall release records of treatment for medical conditions even if the practitioner has also treated the patient for mental or nervous disorders. If the department has found reasonable cause under this section and the psychotherapist-patient privilege is asserted, the department may petition the circuit court for an in camera review of the records by expert medical practitioners appointed by the court to determine if the records or any part thereof are protected under the psychotherapist-patient privilege.

Section 29. Section 489.114, Florida Statutes, is created to read:

489.114 Evidence of workers' compensation coverage.—Any person, business organization, or qualifying agent engaged in the business of contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the contractor, provide to the Construction Industry Licensing Board evidence of workers' compensation coverage pursuant to chapter 440 by the submission to the board of a copy of the insurance policy or a certificate of insurance issued by the carrier or self-insurer to the contractor showing the date and duration of the coverage. The failure to maintain workers' compensation coverage shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.129. The board shall establish by rule the procedures needed to monitor the maintenance of coverage by contractors.

Section 30. Subsection (2) of section 489.131, Florida Statutes, 1988 Supplement, is amended to read:

489.131 Applicability.—

(2) The state or any county or municipality shall require that bids submitted for construction, improvement, remodeling, or repair of public buildings be accompanied by evidence that the bidder holds an appropriate certificate or registration, unless the work to be performed is exempt under s. 489.103, or the contractor is not domiciled in this state and can satisfactorily show that he will comply with s. 489.117(3). *Any contractor not domiciled in this state shall submit to the state, county, or city proof of workers' compensation coverage and evidence that the contractor's carrier or self-insurer has current knowledge of the contractor's intent to do business within this state.*

Section 31. Section 489.510, Florida Statutes, is created to read:

489.510 Evidence of workers' compensation coverage.—Any person, business organization, or qualifying agent engaged in the business of electrical contracting in this state and certified or registered under this part shall, as a condition precedent to the issuance or renewal of a certificate or registration of the electrical contractor, provide to the Electrical Contractors' Licensing Board evidence of workers' compensation coverage pursuant to chapter 440 by the submission to the board of a

copy of the insurance policy or a certificate of insurance issued by the carrier or self-insurer to the contractor showing the date and duration of the coverage. The failure to maintain workers' compensation coverage shall be grounds for the board to revoke, suspend, or deny the issuance or renewal of a certificate or registration of the contractor under the provisions of s. 489.533. The board shall establish by rule the procedures needed to monitor the maintenance of coverage by electrical contractors.

Section 32. Subsections (2) through (9) of section 549.08, Florida Statutes, are renumbered as subsections (3) through (10), respectively, and a new subsection (2) is added to said section to read:

549.08 Motor vehicle racing event; permits to conduct on highway or street or in park within municipality.—

(2) "Motorsports teams" means drivers of motor vehicles and those persons who directly support motorsports drivers in a pit area during racing events.

Section 33. Subsection (4) is added to section 626.869, Florida Statutes, 1988 Supplement, to read:

626.869 License, permit classes; adjusters, claims investigators.—

(4) Any person holding a license or permit limited to cover adjusting in workers' compensation insurance under paragraph (1)(d) and any person holding an adjuster's license of the types listed in s. 626.864, covering other lines of insurance, who adjusts workers' compensation claims, shall certify to the department every 2 years, at least 90 days prior to the renewal date of his license, the fact that the licensee has completed a course of instruction designed to inform the licensee as to the current workers' compensation laws of this state, so as to enable him to engage in such business as a workers' compensation insurance adjuster fairly and without injury to the public and to adjust all claims in accordance with the policy or contract and the workers' compensation laws of this state. In order to qualify as an eligible course under this subsection, the course shall:

(a) Consist of 24 hours of classroom instruction in the workers' compensation laws and practices of this state, 2 hours of which shall relate to ethics, with the course outline approved by the department.

(b) Be taught at a school training facility or other location approved by the department.

(c) Be taught by instructors with at least 5 years of experience in the area of workers' compensation, general lines of insurance, or other persons approved by the department. However, a member of The Florida Bar shall be exempt from the 5-years' experience requirement.

(d) Furnish the attendee a certificate of completion. The course shall send a copy of the certificate of completion to the department at its offices in Tallahassee, Florida.

Section 34. Paragraph (c) of subsection (4) of section 627.311, Florida Statutes, is amended to read:

627.311 Joint underwriters and joint reinsurers.—

(4)

(c) Effective July 1, 1981, self-insurers as defined in s. 440.02*(20)*~~(18)~~(a) and (c) shall participate in the equitable apportionment among insurers of losses and loss-adjustment expenses incurred by the plan with credit for investment income. Expenses shall be limited to actual expenses incurred by the plan. However, this paragraph shall not apply to governmental entities which are self-insurers under s. 440.38(6) or s. 440.57 or public utilities who are self-insurers under s. 440.38(1)(b). Self-insurers participating in the plan shall be deemed to be insurers for the purposes of this subsection. When the provisions of this paragraph become effective, two individual self-insurers participating in the plan and authorized under s. 440.38(1)(b) and two group self-insurers participating in the plan and authorized under s. 440.57 shall be added to the board of governors as named by the Insurance Commissioner.

Section 35. Paragraph (a) of subsection (1) of section 766.101, Florida Statutes, 1988 Supplement, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(a) The term "medical review committee" or "committee" means:

1. A committee:

a. Of a hospital or ambulatory surgical center licensed under chapter 395 or a health maintenance organization certificated under part II of chapter 641,

b. Of a state or local professional society of health care providers,

c. Of a medical staff of a licensed hospital or nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home,

d. Of the Department of Corrections or the Correctional Medical Authority as created under s. 945.602, or employees, agents, or consultants of either the department or the authority or both,

e. Of a professional service corporation formed under the provisions of chapter 621 or a corporation organized under chapter 607, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients,

f. Of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

g. Of an alcohol treatment and prevention resource licensed under chapter 396 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency, or

h. Of a drug abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines which have been approved by the governing board of the agency,

i. Of a peer review or utilization review committee organized under chapter 440,

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service or to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review pursuant to the provisions of s. 766.106.

Section 36. *The deputy commissioners appointed pursuant to s. 440.45, Florida Statutes, are hereby renamed as judges of compensation claims. The position of Chief Commissioner, as created pursuant to s. 440.45(3), Florida Statutes, is hereby renamed as the Chief Judge. In editing manuscript for the next edition of the official Florida Statutes, the Statutory Revision and Indexing Division of the Joint Legislative Management Committee shall change "deputy commissioner" to "judge of compensation claims," and "Chief Commissioner" to "Chief Judge," wherever the same appear in chapter 440, Florida Statutes, and wherever reference to such positions may appear elsewhere in the Florida Statutes. The Chief Commissioner and every deputy commissioner serving on the effective date of this act shall serve out the remainder of his unexpired term respectively as the Chief Judge and as a judge of compensation claims.*

Section 37. *Rehabilitation; cost study and analysis.—*

(1) No later than January 1, 1991, the Division of Workers' Compensation of the Department of Labor and Employment Security shall conduct a cost analysis of data it receives relating to training and education provided under s. 440.49(1), Florida Statutes, and rehabilitation services voluntarily paid by employers. This data shall be provided to the three-member panel created by s. 440.13(4)(a), Florida Statutes. The panel shall determine and approve a schedule of maximum reimbursements for such services based upon consideration of the following:

(a) The levels of reimbursement for similar services made by other programs.

(b) The cost to the workers' compensation system of a level of reimbursement for such services that will ensure the availability of such services to injured employees.

(c) The financial impact of the reimbursement allowances upon providers of such services.

(2) The data collected by the division shall be provided to the Department of Insurance so that the department may determine whether the services provided should be considered benefits to the employee, losses, or loss adjustment expenses of the employer or carrier for purposes of ratemaking. Such determination shall be made by the Department of Insurance.

Section 38. *(1) Joint Select Committee on Workers' Compensation.—*

(a) The Joint Select Committee on Workers' Compensation is created to review the workers' compensation system and the administration thereof. By January 1, 1991, the committee shall submit a report to the Speaker of the House of Representatives and the President of the Senate, which shall contain any recommended legislative changes that will stabilize or reduce rates while promoting equitable benefits for injured workers.

(b) The committee shall be composed of the following members:

1. Three members of the Senate appointed by the President of the Senate.

2. Three members of the House of Representatives appointed by the Speaker of the House of Representatives.

(c) The committee is authorized to contract for services necessary to prepare the report required by this section and the sum of $250,000 is appropriated from the Workers' Compensation Administration Trust Fund for that purpose.

(d) Appropriate staff from the Legislature, the Department of Labor and Employment Security, and the Department of Insurance shall assist the committee in the development and preparation of the report.

(2) This section shall take effect upon this act becoming a law.

Section 39. *On or before January 1, 1991, the Department of Labor and Employment Security shall submit a report to the Speaker of the House of Representatives and the President of the Senate containing a fiscal analysis of the provisions in this act which are to be administered by the department, including a detailed statement of the receipts of and expenditures from the fund established in s. 440.50, Florida Statutes, and including specific experience data relating to mediation conferences, medical utilization review, safety inspections and programs, rehabilitation evaluations and training and education contracts, attorney's fees, judge of compensation claims supply expenditures, and any other matters addressed in the act which have had significant impact on the department.*

Section 40. *The Center for Public Policy at Florida State University shall conduct a cost comparison study of the public, not-for-profit, and private evaluation providers based on the worker's compensation claimants' evaluation experiences between October 1, 1989, and October 1, 1991, in the community college districts served by Miami-Dade Community College, Florida Community College in Jacksonville, and Indian River Community College. The study shall give consideration to the cost of evaluation as it relates to outcome, time and quality of services provided to workers' compensation claimants, the most cost-effective method of service delivery, and who should be paying for the evaluation service. The Division of Workers' Compensation of the Department of Labor and Employment Security shall cooperate with the university in the provision of data and any other relevant information. The results of the study shall be submitted to the Speaker of the House of Representatives and the President of the Senate by February 1, 1992. Funding for the study shall be from the Workers' Compensation Administration Trust Fund established by s. 440.50.*

Section 41. *(1) The Division of Workers' Compensation of the Department of Labor and Employment Security shall educate all persons providing or receiving benefits pursuant to chapter 440, Florida Statutes, as to their rights and responsibilities under that chapter.*

(2) The division shall publish a guide to the workers' compensation system which shall contain an explanation of benefits provided, procedures regarding disputes, relevant rules of the division, and such other information that the division believes will inform employees, employers, carriers, and those providing services pursuant to chapter 440, Florida Statutes, of their rights and responsibilities under such chapter and the rules of the division. The guide shall be updated as necessary and shall be available at cost. The guide shall not constitute either rules or agency action for purposes of chapter 120, Florida Statutes.

Section 42. *Subsection (10) of section 440.44, Florida Statutes, is repealed on October 1, 1999, and the workers' compensation oversight board shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 43. *Chapter 440, Florida Statutes, is repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

Section 44. *(1) There is hereby appropriated from the Workers' Compensation Administration Trust Fund to the Department of Labor and Employment Security for fiscal year 1989-1990 63 full-time equivalent positions and the sum of $2,603,403 to implement the provisions of this act.*

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later.

Section 45. Except as otherwise provided herein, this act shall take effect October 1, 1989.

Amendment 3 to House Substitute Amendment 1—On page 86, line 10, insert after the period:

Section 1. Section 11.402, Florida Statutes, is created to read:

11.402 Legislative intent.—It is the intent of the Legislature that the Public Counsel be a unit of the "legislative branch" of state government pursuant to s. 216.011(1)(s). The Public Counsel created in chapter 350 shall be transferred to chapter 11 and his authority shall be expanded as specified.

Section 2. Section 350.061, Florida Statutes, is renumbered as section 11.403, Florida Statutes, and amended to read:

11.403 ~~350.061~~ Public Counsel; appointment; oath; restrictions on Public Counsel and his employees.—

(1) The ~~Joint~~ Legislative Auditing Committee shall appoint a Public Counsel by majority vote of the members of the committee to represent the general public of Florida before the Florida Public Service Commission *and the Department of Insurance*. The Public Counsel shall be an attorney admitted to *The Florida Bar* ~~practice before the Florida Supreme Court~~ and shall serve at the pleasure of the ~~Joint~~ Legislative Auditing Committee, subject to annual reconfirmation by the committee. Vacancies in the office shall be filled in the same manner as the original appointment.

(2) The Public Counsel shall take and subscribe to the oath of office required of state officers by the State Constitution.

(3) No officer or full-time employee of the Public Counsel shall actively engage in any other business or profession; serve as the representative of any political party or on any executive committee or other governing body thereof; serve as an executive, officer, or employee of any political party, committee, organization, or association; receive remuneration for activities on behalf of any candidate for public office; or engage on behalf of any candidate for public office in the solicitation of votes or other activities in behalf of such candidacy. Neither the Public Counsel nor any employee of the Public Counsel shall become a candidate for election to public office unless he shall first resign from his office or employment.

Section 3. Section 350.0611, Florida Statutes, is renumbered as section 11.404, Florida Statutes, and amended to read:

11.404 ~~350.0611~~ Public Counsel; duties and powers.—It shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the *Public Service* Commission *and the Department of Insurance*. The Public Counsel shall have such powers as are necessary to carry out the duties of his office, including, but not limited to, the following specific powers:

(1) To recommend to the commission, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission.

(2) To recommend to the department, by petition, the commencement of, and to appear in the name of the state or its citizens in, any proceeding or action before the department relating to:

(a) Rules governing health insurance, motor vehicle insurance, or workers' compensation; or

(b) Rate filings for health insurance, motor vehicle insurance, or workers' compensation which request rate increases of 10 percent or greater or rate decreases of 5 percent or greater within a 12-month period.

(c) The Public Counsel must initiate or intervene in any rate proceeding or action within 60 days of when the rate filing is made. To do so, the Public Counsel must file notice with the Insurance Commissioner stating that based upon a preliminary review the Public Counsel believes that the rates filed are excessive, inadequate or unfairly discriminatory. For purposes of this section, Department of Insurance approval of or retraction of objections to a rate filing shall constitute final agency action, which may be appealed only to the District Court of Appeals and which may not be stayed.

(3) To ~~and~~ urge *in any proceeding or action to which he is a party* ~~therein~~ any position which he deems to be in the public interest, whether consistent or inconsistent with positions previously adopted by the commission *or department*, and utilize therein all forms of discovery available to attorneys in civil actions generally, subject to protective orders of the commission *or department* which shall be reviewable by summary procedure in the circuit courts of this state.;

(4)~~(2)~~ To have access to and use of all files, records, and data of the commission *or department* available to any other attorney representing parties in a proceeding before the commission *or department*.;

(5)~~(3)~~ In any proceeding in which he has participated as a party, to seek review of any determination, finding, or order of the commission *or department*, or of any hearing examiner designated by the commission *or department*, in the name of the state or its citizens.;

(6)~~(4)~~ To prepare and issue reports, recommendations, and proposed orders to the commission *or department*, the Governor, and the Legislature on any matter or subject within the jurisdiction of the commission *or department*, and to make such recommendations as he deems appropriate for legislation relative to commission *or department* procedures, rules, jurisdiction, personnel, and functions.;

(7)~~(5)~~ To appear before other state agencies, federal agencies, and state and federal courts in connection with matters under the jurisdiction of the commission *or department*, in the name of the state or its citizens.

Section 4. Section 350.0612, Florida Statutes, is renumbered as section 11.406, Florida Statutes, and amended to read:

11.406 ~~350.0612~~ Public Counsel; location.—The Public Counsel shall maintain his office in Leon County ~~on the premises of the commission or, if suitable space there cannot be provided,~~ at such ~~other~~ place convenient to the offices of the *Public Service Commission or Department of Insurance* ~~commissioners~~ as will enable him to carry out expeditiously the duties and functions of his office.

Section 5. Section 350.0613, Florida Statutes, is renumbered as section 11.407, Florida Statutes, and amended to read:

11.407 ~~350.0613~~ Public Counsel; employees; receipt of pleadings.—The *Legislative Auditing* Committee may authorize the Public Counsel to employ clerical and technical assistants whose qualifications, duties, and responsibilities the committee shall from time to time prescribe. The committee may from time to time authorize retention of the services of additional attorneys, *actuaries, economists,* or experts to the extent that the best interests of the people of the state will be better served thereby, including the retention of expert witnesses and other technical personnel for participation in contested proceedings before the *Public Service* Commission *or Department of Insurance*. The commission *or department* shall furnish the Public Counsel with copies of the initial pleadings in all proceedings before the commission *or department*, and if the Public Counsel intervenes as a party in any proceeding he shall be served with copies of all subsequent pleadings, exhibits, and prepared testimony, if used. *Pleadings shall include, but are not limited to, all rate filings for health or motor vehicle insurance or workers' compensation filed pursuant to chapter 627.* Upon filing notice of intervention, the Public Counsel shall serve all interested parties with copies of such notice and all of his subsequent pleadings and exhibits.

Section 6. Section 350.0614, Florida Statutes, is renumbered as section 11.408, Florida Statutes, and amended to read:

11.408 ~~350.0614~~ Public Counsel; *trust fund;* compensation and expenses.—

(1)*(a) There is hereby created a Public Counsel Trust Fund in the Legislative Auditing Committee to fund the operation of the Public Counsel for matters pertaining to insurance.*

(b) The salaries and expenses of the Public Counsel and his employees shall be allocated by the committee only from moneys appropriated to the Public Counsel by the Legislature.

(2) The Legislature hereby declares and determines that the Public Counsel is under the legislative branch of government within the intention of the legislation as expressed in chapter 216, and no power shall be in the Executive Office of the Governor or its successor to release or withhold funds appropriated to it, but the same shall be available for expenditure as provided by law and the rules or decisions of the *Legislative* ~~Joint~~ Auditing Committee.

(3) Neither the Executive Office of the Governor nor the Department of Administration or its successor shall have power to determine the number, or fix the compensation, of the employees of the Public Counsel or to exercise any manner of control over them.

Section 7. Subsection (3) is added to section 624.523, Florida Statutes, to read:

624.523 Insurance Commissioner's Regulatory Trust Fund.—

(3) An amount as determined by the General Appropriations Act shall be transferred annually from the Insurance Commissioner's Regulatory Trust Fund to the Public Counsel Trust Fund for the purpose of funding the Office of the Public Counsel for matters pertaining to insurance.

Section 8. Paragraph (a) of subsection (3) of section 624.319, Florida Statutes, is amended to read:

624.319 Examination and investigation reports.—

(3)(a) The department may withhold from public inspection any examination report until filed and may withhold any investigation report for so long as the department deems reasonably necessary to protect the person investigated from unwarranted injury or deems to be in the public interest. *However, the Public Counsel shall have access to the examination and investigation files and reports pertaining to health and motor vehicle insurance and workers' compensation at any time. The Public Counsel shall withhold from public inspection any information received while the department's examination or investigation is still in progress.*

This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 9. *The Public Counsel shall provide to the President of the Senate and the Speaker of the House of Representatives by March 1, 1990, a report and recommendations:*

(1) with respect to staffing and support services necessary for the operation of the Public Counsel for matters pertaining to insurance; and

(2) with respect to the feasibility of creating a Citizens' Advocate to represent the citizens of Florida before other state departments and commissions in matters substantially affecting the public interest that have a broad impact on large numbers of consumers and to monitor citizen recommendations and complaints.

Section 10. Paragraph (b) of subsection (1) of section 112.3145, Florida Statutes, 1988 Supplement, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(b) "Specified state employee" means:

1. Public Counsel created by chapter *11* ~~350~~, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a deputy commissioner, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding $1,000, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. The Auditor General, the Sergeant-at-Arms and Secretary of the Senate, the Sergeant-at-Arms and Clerk of the House of Representatives, the Executive Director of the Joint Legislative Management Committee, the Director of Statutory Revision, and the staff director of each committee of the Legislature.

7. Each employee of the Commission on Ethics.

Section 11. Section 407.54, Florida Statutes, 1988 Supplement, is amended to read:

407.54 Budget review proceedings; duty of Public Counsel.—Notwithstanding any other provisions of this chapter, it shall be the duty of the Public Counsel to represent the general public of the state in any proceeding before the board or its advisory panels in any administrative hearing conducted pursuant to the provisions of s. 120.57 or before any other state and federal agencies and courts in any issue related to budget review. With respect to any such proceeding, the Public Counsel is subject to the provisions of and may utilize the powers granted to him by ss. *11.402-11.408* ~~350.061-350.0614~~.

Section 12. *The provisions of this act are repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.*

Section 13. Subsection (11) of section 427.503, Florida Statutes, is amended to read:

427.503 Definitions.—The following terms and phrases when used in this part shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(11) "Public Counsel" means the individual appointed pursuant to s. *11.403* ~~350.061~~.

(Renumber subsequent section.)

Substitute Amendment 2—On page 1 in title, line 1, through page 6, line 6, strike all of said lines and insert: A bill to be entitled An act relating to workers' compensation; amending s. 287.012, F.S.; excluding certain education and training of injured employees from the definition of "contractual service"; amending s. 381.609, F.S.; providing certain access to human immunodeficiency virus test results; amending s. 440.02, F.S.; defining "construction industry" and "misconduct"; defining "employment" with respect to the construction industry; providing that "employment" does not include services performed by certain motorsports teams; amending s. 440.09, F.S.; providing for benefit reduction for failure to use provided safety equipment; amending s. 440.09, F.S.; providing a limitation on disability benefits for certain professional athletes; amending s. 440.09, F.S.; providing for testing of employees regarding use of controlled substances and alcohol; amending s. 440.10, F.S.; conditioning contractors' building permits on proof of workers' compensation coverage; amending s. 440.11, F.S.; extending certain immunity from liability to employers and employees utilizing a help supply services company; amending s. 440.12, F.S.; deleting reference to monthly wage-loss benefits; amending s. 440.13, F.S.; expanding utilization review process; providing for findings of overutilization; providing for sanctions; authorizing certain access to medical records and discussion of medical condition of an injured worker; defining voluntary vocational rehabilitation services; limiting attendant or custodial care by family members; amending s. 440.14, F.S.; deleting reference to average monthly wages; providing for items included in the average weekly wage; requiring a wage statement filing within a specified period of termination of certain employees; amending s. 440.15, F.S.; providing for temporary total disability payments during certain period of education and training; providing requirements for eligibility for wage-loss benefits for permanent impairment; providing for certain determinations of the amount an employee is able to earn; restricting benefits to employees who become inmates of a public institution; providing for full pay status for certain law enforcement officers; amending s. 440.16, F.S.; deleting a limitation on compensation of a spouse for the death of an employee; amending s. 440.185, F.S.; requiring inclusion of specified information in the employer's report of an injury or death; providing for certain assistance in securing benefits; increasing a penalty; amending s. 440.19, F.S., relating to time and procedure for filing claims; amending s. 440.20, F.S.; providing for biweekly installment payments for certain benefits; providing for payment of attorney's fees relating to lump-sum settlements; providing procedure for examination, investigation, and hearing with respect to questionable claims; restricting lump-sum payments in exchange for certain release from liability; amending s. 440.25, F.S.; providing for mediation of a claim; amending s. 440.33, F.S.; providing for evaluation of rehabilitation prior to adjudication of permanent total disability; amending s. 440.34, F.S.; revising provisions for recovery of attorney's fees from a carrier or employer; amending ss. 440.385, 442.115, and 627.311, F.S.; correcting cross references; amending s. 440.39, F.S.; modifying provisions relating to actions against a third party for compensation for employee injuries; amending s. 440.44, F.S.; revising duties of advisory council; providing for appointment of a workers' compensation oversight board; providing for meetings and responsibilities; amending s. 440.45, F.S.; renaming the deputy commissioners and Chief Commissioner; providing for Judicial Qualifications Commission jurisdiction; revising salary provisions; authorizing certain expenditures; amending s. 440.49, F.S.; revising provisions relating to rehabilitation of injured employees; providing for appropriate training and education; providing for evaluation; providing for certain reimbursement to subsequent employer of a permanently impaired worker; amending s. 440.56, F.S., relating to safety rules and provisions; providing for safety training programs for reduction of work-related injuries; deleting certain notice requirements; increasing penalties; providing for allocation of funds; providing additional penalties; amending s. 440.57, F.S.; providing that certain dividends or refunds issued by a self-insurer may not be contingent upon policy renewal or continued membership in the fund; amending s. 455.241, F.S., to conform; creating ss. 489.114 and 489.510, F.S.; requiring evidence of workers' compensation coverage as a condition for issuance or renewal of certification or registration as a contractor or electrical contractor; amending s. 489.131, F.S.; requiring certain proof of coverage for out-of-state contractors; amending s. 549.08, F.S.; defining "motorsports teams"; amending s. 626.869, F.S.; providing for continuing education for workers' compensation insurance adjusters; providing course requirements; amending s. 766.101, F.S.; providing certain immunity from liability for workers' compensation review committees; providing a directive to statute editors; providing for cost analysis of education and training, and rehabilitation services; providing criteria for reimbursements; creating the Joint Select Committee on Workers' Compensation; requiring a report; providing for funding and staff assistance; requiring a report by the Department of Labor and Employment Security; requiring the Center for Public Policy at Florida State University to conduct a cost comparison study; requiring a report; providing for funding; providing for publication of a guide to the workers' compensation system; providing for review and repeal; providing application of the act; providing an appropriation; providing effective dates.

Amendment 4 to House Substitute Amendment 2—On page 1, line 18 of the title amendment, insert: creating s. 11.402, F.S.; providing legislative intent; renumbering and amending ss. 350.061, 350.0611, 350.0612, 350.0613, and 350.0614, F.S.; directing the Legislative Auditing Committee to appoint a Public Counsel to represent the general public before the Department of Insurance and the Florida Public Service Commission; providing for powers and duties; providing that the Legislative Auditing Committee may authorize the Public Counsel to employ certain assistants; providing for the location of the Office of the Public Counsel; creating a Public Counsel Trust Fund; amending s. 624.523, F.S., relating to the Insurance Commissioner's Regulatory Trust Fund; providing for funding of the Office of the Public Counsel; amending s. 624.319, F.S.; granting the Public Counsel access to examination and investigation reports pertaining to health and motor vehicle insurance and workers' compensation; providing an exemption from public records requirements

with respect to such reports; providing for future review and repeal; requiring a report; amending ss. 112.3145, 407.54, and 427.503, F.S., to conform;

On motions by Senator Langley, the Senate concurred in House Substitute Amendments 1 and 2; and refused to concur in House Amendment 3 to House Substitute Amendment 1 and House Amendment 4 to House Substitute Amendment 2 and requested the House to recede.

CS for SB 896 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kiser	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Gardner

On motions by Senator Langley, by two-thirds vote CS for CS for HB 855 was withdrawn from the Committees on Insurance; Appropriations; and Rules and Calendar.

On motions by Senator Langley, by unanimous consent—

CS for CS for HB 855—A bill to be entitled An act relating to insurance; creating s. 11.402, F.S.; providing legislative intent; renumbering and amending ss. 350.061, 350.0611, 350.0612, 350.0613, and 350.0614, F.S.; directing the Legislative Auditing Committee to appoint a Public Counsel to represent the general public before the Department of Insurance and the Florida Public Service Commission; providing for powers and duties; providing that the Legislative Auditing Committee may authorize the Public Counsel to employ certain assistants; providing for the location of the Office of the Public Counsel; creating a Public Counsel Trust Fund; amending s. 624.523, F.S., relating to the Insurance Commissioner's Regulatory Trust Fund; providing for funding of the Office of the Public Counsel; amending s. 624.319, F.S.; granting the Public Counsel access to examination and investigation reports pertaining to health and motor vehicle insurance; providing an exemption from public records requirements with respect to such reports; providing for future review and repeal; requiring a report; amending ss. 112.3145, 407.54, and 427.503, F.S., to conform; providing an effective date.

—a companion measure, was substituted for SB 678 and read the second time by title. On motion by Senator Langley, by two-thirds vote CS for CS for HB 855 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Forman	Margolis	Thurman
Brown	Gardner	McPherson	Walker
Bruner	Girardeau	Meek	Weinstein
Casas	Gordon	Peterson	Weinstock
Childers, D.	Kirkpatrick	Ros-Lehtinen	
Childers, W. D.	Langley	Souto	
Davis	Malchon	Thomas	

Nays—12

Bankhead	Dudley	Jennings	Myers
Beard	Grant	Johnson	Scott
Deratany	Grizzle	Kiser	Woodson-Howard

Vote after roll call:

Yea—Stuart

On motion by Senator W. D. Childers, the rules were waived and the Senate reverted to—

INTRODUCTION AND REFERENCE OF BILLS

By Senator W. D. Childers—

SB 1578—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, relating to the Escambia County Civil Service Act; establishing the right of all classified employees, including deputy sheriffs, to engage in collective bargaining and retain all rights of public employees under law; providing an effective date.

—was referred to the Committee on Rules and Calendar.

On motion by Senator W. D. Childers, by two-thirds vote SB 1578 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator W. D. Childers, by unanimous consent SB 1578 was taken up out of order and by two-thirds vote read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Johnson	Scott
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Davis	Jennings	Ros-Lehtinen	Woodson-Howard

Nays—1

Kiser

Vote after roll call:

Yea—Kirkpatrick

Nay to Yea—Kiser

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Margolis, by two-thirds vote CS for SB 1424 and CS for SB 656 were withdrawn from the Committee on Appropriations.

SPECIAL ORDER, continued

On motions by Senator Woodson-Howard, by two-thirds vote—

HB 1209—A bill to be entitled An act relating to motor vehicles; amending ss. 316.008, 316.1955, 316.1956, 316.1958, 316.1964, 320.0805, 320.084, 320.0842, 320.0843, 320.0845, and 320.0848, F.S.; correcting a cross reference; authorizing persons who have been issued specified license plates to park in spaces designated for disabled persons; authorizing a law enforcement officer to request to see an identification card issued by the Department of Highway Safety and Motor Vehicles to disabled persons; providing for the department to issue identification cards to certain disabled persons; redesignating the internationally accepted wheelchair symbol as the international symbol of accessibility; deleting provisions relating to press license plates; providing for the design and issuance of press license plates; deleting the provision relating to 5-year residency requirement; deleting reference to Veterans Administration and making reference to United States Department of Veterans Affairs; providing for the renewal of license plates for certain disabled persons; providing for the renewal of parking permits for disabled persons; providing for the display of such permit; providing for the transfer of a parking permit for a disabled person to another vehicle; revising language with respect to license plates for members of Paralyzed Veterans of America; providing an effective date.

—a companion measure, was substituted for CS for SB 1193 and by two-thirds vote read the second time by title.

Senator Woodson-Howard moved the following amendments which were adopted:

Amendment 1—On page 10, lines 22-30 and on page 11, line 1, strike all of said lines and insert:

(3) Any person who is issued a license plate under

Amendment 2—On page 8, lines 14 and 18, after "*Affairs*" insert: *or its predecessor*

Amendment 3—On page 4, line 20, strike "shall" and insert: *may* ~~shall~~

Amendment 4—On page 3, line 26 and on page 5, line 16, strike *"pursuant to s. 320.0848(1)(a)"*

Senator Davis moved the following amendments which were adopted:

Amendment 5—On page 4, line 28 through page 5, line 16, strike all of said lines and insert:

(3) Existing disabled parking spaces that have not been restriped with blue paint shall meet the requirements of subsection (2). When existing disabled parking spaces are restriped they shall be restriped in blue paint.

(4) The color of blue paint shall be in accordance with the Department of Transportation standards.

(5)~~(3)~~ Any person who parks a vehicle in any parking space designated with the international symbol of accessibility or the caption "PARKING BY DISABLED PERMIT ONLY," or with both such symbol and caption, is guilty of a traffic infraction, punishable as provided in s. 316.008(4) or s. 318.18(7), unless such vehicle displays a parking permit *or license plate* issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845, or s. 320.0848, and such vehicle is transporting a person eligible for such parking permit *or license plate*. However, any person who is chauffeuring a disabled person shall be allowed, without need for an identification parking permit *or special license plate*, momentary parking in any such parking space for the purpose of loading or unloading a disabled person. No penalty shall be imposed upon the driver for such momentary parking.

(6)~~(4)~~ Any law enforcement officer or parking enforcement specialist shall enforce the provisions of subsection *(5)*~~(3)~~*, and may request the driver or any occupant of a vehicle parked in violation of subsection (5) to show the identification card issued by the department pursuant to s. 320.0848(1)(a).*

Amendment 6—In title, on page 1, line 12, after the semicolon (;) insert: providing standards for restriping existing disabled parking spaces;

On motion by Senator Woodson-Howard, by two-thirds vote HB 1209 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Deratany	Kiser	Souto
Beard	Dudley	Langley	Stuart
Brown	Forman	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—3

Bankhead	Gardner	Grizzle

The Senate resumed consideration of—

CS for CS for HB 300—A bill to be entitled An act relating to the correctional system; amending s. 944.277, F.S.; modifying the eligibility requirements, for inmates sentenced for a crime committed on or after a certain date, for provisional credits that may be granted by the Secretary of Corrections when the inmate population reaches a certain percentage of lawful capacity; modifying the method of determining eligibility for provisional credits; limiting the group of inmates who may be released into the provisional release supervision program; requiring mandatory substitution of conditional release supervision for provisional release supervision in certain circumstances; extending the length of provisional release supervision; creating s. 947.145, F.S.; requiring the Parole Commission to screen inmates who are not statutorily excluded from provisional credits, to certify eligibility therefor, and providing criteria for such certification; amending s. 944.17, F.S.; expanding provisions relating to documents required upon commitment or transfer into the state correctional system; amending s. 944.28, F.S.; authorizing forfeiture of gain-time upon revocation of provisional release, probation, or community control; amending s. 944.291, F.S.; providing for the supervision of prisoners released by reason of provisional credits; amending s. 947.005, F.S.; providing a definition of "provisional release date"; amending s. 947.1405, F.S.; modifying provisions relating to conditional release supervision; amending s. 948.06, F.S.; authorizing forfeiture of gain-time upon revocation of probation or community control; expanding the role of the Crime Prevention and Law Enforcement Study Commission; amending chapter 83-131, Laws of Florida; deferring future review and repeal of the Parole Commission; authorizing the Department of Corrections to develop rules and procedures and employ personnel; providing effective dates.

—as amended.

On motion by Senator Bankhead, the Senate reconsidered the vote by which **Amendment 17** was adopted. **Amendment 17** was withdrawn.

Further consideration of **CS for CS for HB 300** as amended was deferred.

CS for SB 374—A bill to be entitled An act relating to education; creating the Drug Abuse Resistance Education Program; providing duties of the Department of Law Enforcement, Department of Education, local law enforcement agencies, and school districts; providing application requirements; providing eligibility for funding; creating a board of directors for the program and providing duties; providing for evaluation; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Johnson moved the following amendments which were adopted:

Amendment 1—On page 1, line 20, strike "support increased" and insert: assist

Amendment 2—On page 1, strike all of lines 24 and 25 and insert: children. It is further

Amendment 3—On page 2, line 2, strike "created" and insert: recognized

Amendment 4—On page 2, line 3, strike "to" and insert: which may

Amendment 5—On page 2, line 11, strike "appropriated pursuant to section 5" and insert: made available for the purposes of this program

Amendment 6—On page 2, line 26, strike "for funding" and insert: to receive D.A.R.E. Program training of officers and D.A.R.E. Program materials

Amendment 7—On page 3, line 14, strike "under this act" and insert: made available for the purpose of this program

Amendment 8—On page 5, strike all of lines 1-9 and renumber subsequent sections.

On motion by Senator Johnson, by two-thirds vote CS for SB 374 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Jennings	Peterson
Bankhead	Deratany	Johnson	Ros-Lehtinen
Beard	Dudley	Kirkpatrick	Souto
Brown	Forman	Kiser	Stuart
Bruner	Gardner	Langley	Thomas
Casas	Girardeau	Malchon	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstock
Crenshaw	Grizzle	Myers	Woodson-Howard

Nays—None

CS for HB 838—A bill to be entitled An act relating to accommodations for disabled persons; amending s. 413.08, F.S.; specifying rights of persons with paraplegia or quadriplegia who are accompanied by a specially trained nonhuman primate of the genus Cebus; specifying rights of trainers training such primates; providing a penalty; providing liability for damage by such primate; providing an effective date.

—was read the second time by title. On motion by Senator Davis, by two-thirds vote CS for HB 838 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kirkpatrick	Stuart
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Langley	Thurman
Brown	Gardner	McPherson	Walker
Bruner	Girardeau	Meek	Weinstein
Casas	Gordon	Myers	Weinstock
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Grizzle	Plummer	
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Souto	

Nays—None

On motion by Senator Casas, by two-thirds vote CS for HB 78 was withdrawn from the Committee on Health and Rehabilitative Services.

On motion by Senator Casas—

CS for HB 78—A bill to be entitled An act relating to adult congregate living facilities; amending s. 400.407, F.S.; providing that unlicensed operation or maintenance of such a facility constitutes a first degree misdemeanor or a third degree felony in certain circumstances; providing an effective date.

—a companion measure, was substituted for CS for SB 193 and read the second time by title.

Senator Weinstein moved the following amendments which were adopted:

Amendment 1—On page 2, between lines 7 and 8, insert:

Section 2. Advocate for Nursing Home and Long-Term Care Facility Residents.—

(1) There is created in the Department of Legal Affairs the position of Advocate for Nursing Home and Long-Term Care Facility Residents.

(2) The advocate shall have the authority to:

(a) Assist the state ombudsman council in carrying out its duties under s. 400.304, Florida Statutes, with respect to the abuse, neglect, or violation of rights of nursing home and long-term care facility residents.

(b) Assist the district ombudsman councils in carrying out their duties under s. 400.307, Florida Statutes, with respect to the abuse, neglect, or violation of rights of such residents.

(c) Bring and prosecute legal and equitable actions to enforce the rights of nursing home and long-term care facility residents as defined by chapter 400, Florida Statutes.

(d) Serve as legal counsel to the state ombudsman council, providing advice and consultation and legal representation for any representative of the council against whom suit or other legal action is brought in connection with the performance of such representative's official duties.

(Renumber subsequent sections.)

Amendment 2—In title, on page 1, line 7, after the semicolon (;) insert: creating the position of Advocate for Nursing Home and Long-Term Care Facility Residents in the Department of Legal Affairs; providing for authority of such advocate;

On motion by Senator Casas, by two-thirds vote CS for HB 78 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Childers, D.	Forman	Jennings
Bankhead	Childers, W. D.	Gardner	Johnson
Beard	Crenshaw	Girardeau	Kiser
Brown	Davis	Gordon	Langley
Bruner	Deratany	Grant	Malchon
Casas	Dudley	Grizzle	Margolis
McPherson	Plummer	Stuart	Weinstein
Meek	Ros-Lehtinen	Thomas	Weinstock
Myers	Scott	Thurman	Woodson-Howard
Peterson	Souto	Walker	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Senate resumed consideration of—

CS for CS for HB 300—A bill to be entitled An act relating to the correctional system; amending s. 944.277, F.S.; modifying the eligibility requirements, for inmates sentenced for a crime committed on or after a certain date, for provisional credits that may be granted by the Secretary of Corrections when the inmate population reaches a certain percentage of lawful capacity; modifying the method of determining eligibility for provisional credits; limiting the group of inmates who may be released into the provisional release supervision program; requiring mandatory substitution of conditional release supervision for provisional release supervision in certain circumstances; extending the length of provisional release supervision; creating s. 947.145, F.S.; requiring the Parole Commission to screen inmates who are not statutorily excluded from provisional credits, to certify eligibility therefor, and providing criteria for such certification; amending s. 944.17, F.S.; expanding provisions relating to documents required upon commitment or transfer into the state correctional system; amending s. 944.28, F.S.; authorizing forfeiture of gain-time upon revocation of provisional release, probation, or community control; amending s. 944.291, F.S.; providing for the supervision of prisoners released by reason of provisional credits; amending s. 947.005, F.S.; providing a definition of "provisional release date"; amending s. 947.1405, F.S.; modifying provisions relating to conditional release supervision; amending s. 948.06, F.S.; authorizing forfeiture of gain-time upon revocation of probation or community control; expanding the role of the Crime Prevention and Law Enforcement Study Commission; amending chapter 83-131, Laws of Florida; deferring future review and repeal of the Parole Commission; authorizing the Department of Corrections to develop rules and procedures and employ personnel; providing effective dates.

—as amended.

Senator Grant moved the following amendment:

Amendment 18—On page 2, line 16, strike everything after the enacting clause and insert:

Section 1. Section 944.023, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 944.023, F.S., for present text.)

944.023 Comprehensive correctional master plan.—

(1) As used in this section, the term:

(a) "Criminal Justice Estimating Conference" shall mean the Criminal Justice Estimating Conference as defined in s. 216.136(5).

(b) "Lawful capacity" of the state correctional system means the total system capacity of all institutions and facilities in the prison system as determined either by the Legislature or by the courts.

(c) "State correctional system" means the system as defined in s. 944.02.

(2) The department shall develop a comprehensive correctional master plan. The master plan shall project the needs for the state correctional system for the coming 5-year period and shall be updated annually and submitted to the Governor's office and the Legislature at the same time the department submits its legislative budget request as provided in chapter 216.

(3) The purposes of the comprehensive correctional master plan shall be:

(a) To ensure that the penalties of the criminal justice system are completely and effectively administered to the convicted criminals and, to the maximum extent possible, that the criminal is provided opportunities for self-improvement and returned to freedom as a productive member of society.

(b) To the extent possible, to protect the public safety and of the law-abiding citizens of this state and to carry out the laws protecting the rights of the victims of convicted criminals.

(c) To develop and maintain a humane system of punishment providing prison inmates with proper housing, nourishment, and medical attention.

(d) To provide fair and adequate compensation and benefits to the employees of the state correctionsl system.

(e) To the extent possible, to maximize the effective and efficient use of the principles used in private business.

(f) To provide that convicted criminals not be incarcerated for any longer period of time or in any more secure facility than is necessary to ensure adequate sanctions, rehabilitation of offenders, and protection of public safety.

(4) The comprehensive correctional master plan shall use the estimates of the Criminal Justice Estimating Conference and shall include:

(a) A plan for the decentralization of reception and classification facilities for the implementation of a systemwide diagnosis and evaluation capability for adult offenders. The plan shall provide for a system of psychological testing and evaluation as well as medical screening through department resources or with other public or private agencies through a purchase-of-services agreement.

(b) A plan developed by the Correctional Education School Authority in coordination with the department for the Comprehensive vocational and educational training of, and treatment programs for, offenders and their evaluation within each institution, program, or facility of the department, based upon the identified needs of the offender and the requirements of the employment market to which he will return upon release. Such programs shall be evaluated annually by the Correctional Education School Authority, based upon stated goals and objectives and ability to reduce additional commitments based upon stated goals and objectives established by the department.

(c) A plan contracting with local facilities and programs as short-term confinement resources of the department for offenders who are sentenced to 3 years or less, or who are within 3 years or less of their anticipated release date, and integration of detention services which have community-based programs. The plan shall designate such facilities and programs by region of the state and identify, by county, the capability for local incarceration.

(d) A detailed analysis of methods to implement diversified alternatives to institutionalization when such alternatives can be safely employed. The analysis shall include an assessment of current pretrial intervention, probation, and community control alternatives and their cost-effectiveness with regard to restitution to victims, reimbursements for cost of supervision, and subsequent violations resulting in commitments to the department. Such analysis shall also include an assessment of current use of electronic surveillance of offenders and projected potentials for diverting additional categories of offenders from incarceration within the department.

(e) A detailed analysis of current incarceration rates of both the state and county correctional systems with the calculation by the department of the current and projected ratios of inmates in the correctional system as defined in s. 945.01, to the general population of the state which will serve as a basis for projecting construction needs.

(f) A plan for community-based facilities and programs for the reintegration of offenders into society whereby inmates who are being released shall receive assistance. Such assistance may be through work-release, transition assistance, release assistance stipend, contract release, post-release special services, temporary housing, or job placement programs. Special emphasis shall be placed on providing such services and post-release supervision to those inmates identified for early release through the award of provisional credits pursuant to s. 944.277.

(g) A plan reflecting parity of pay or comparable economic benefits for correctional officers with that of law enforcement officers in this state, and an assessment of projected impacts on turnover rates within the department.

(5) The comprehensive correctional master plan shall project by year the total operating and capital outlay costs necessary for constructing enough prison beds to avoid the additional awards of provisional credits to inmates, pursuant to s. 944.277. Included in the master plan which projects operating and capital outlay costs shall be a siting plan which shall assess, rank, and designate appropriate sites pursuant to s. 944.095(2)(a-k). The master plan shall include an assessment of the department's current capability for providing the degree of security necessary to ensure public safety and should reflect the levels of security needed for the forecast admissions of various types of offenders based upon sentence lengths and severity of offenses. The plan shall also provide construction options for targeting violent and habitual offenders for incarceration while providing specific alternatives for the various categories of lesser offenders.

Section 2. Section 216.136(5)(a), Florida Statutes, 1988 Supplement, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(5) CRIMINAL JUSTICE ESTIMATING CONFERENCE.—

(a) Duties.—The Criminal Justice Estimating Conference shall develop such official information relating to the criminal justice system, including forecasts of prison *admissions by offense categories specified in Rule 3.701, Florida Rules of Criminal Procedures,* ~~populations and supervised caseload~~, as the conference determines is needed for the state planning and budgeting system.

Section 3. *Subsection (1) of section 944.096, Florida Statutes, as amended by chapter 87-234, Laws of Florida, is hereby repealed.*

Section 4. Section 945.602, Florida Statutes, is amended to read:

945.602 State Correctional Medical Authority; creation; members.—

(1) There is created in the Department of Corrections the State of Florida Correctional Medical Authority. The governing board of the authority shall be composed of *nine* ~~five~~ persons appointed by the Governor subject to confirmation by the Senate. *One member must be a member of the Florida Hospital Association; one member must be a member of the Florida League of Hospitals; one member must be a member of the Association of Voluntary Hospitals; and one member must be a member of the Florida Medical Association.* The Department of Corrections shall provide administrative support and service to the authority. The authority shall not be subject to control, supervision, or direction by the department. ~~One member shall be elected by the authority to serve as chairman for the first 2 years. Thereafter,~~ The authority shall annually elect one member to serve as chairman. ~~Of the members first appointed, one shall serve for 1 year, one for 2 years, one for 3 years, and one for 4 years. Thereafter,~~Members shall be appointed for terms of 4 years each. Each member *is* ~~shall be~~ authorized to continue to serve upon the expiration of his term until his successor is duly appointed as provided in this section. Before entering upon his duties, each member of the authority shall take and subscribe to the oath or affirmation required by the State Constitution.

~~(2) No more than two members of the authority shall be past or present employees of the department or have otherwise been involved in the administration of prison facilities for 2 years prior to appointment, and at least two members shall have had at least 5 years' experience in hospital administration in the public or private sector.~~

(2)~~(3)~~(a) *Five* ~~Three~~ members of the authority shall constitute a quorum, and the affirmative vote of a majority of the members present at a meeting of the authority shall be necessary for any action taken by the authority. However, any action may be taken by the authority with the unanimous consent of all of its members. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Any action taken by the authority under this act may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted. All meetings of the authority, as well as all records, books, documents, and papers, shall be open and available to the public in accordance with s. 286.011. However, neither the provisions of this section nor those of chapter 119, or of s. 154.207(7), shall apply to any health care provider under contract with the department except to the extent such provisions would apply to any similar entity not under contract with the department.

(b) Notwithstanding any general or special law, rule, regulation, or ordinance of any local agency to the contrary, service as a member of an authority by a trustee, director, officer, or employee of a health facility

shall not in and of itself constitute a conflict of interest. However, any member of the authority who is employed by, or has received income from, a health facility under consideration by the authority shall not vote on any matter related to such facility.

(3)~~(4)~~ Members of the authority shall receive no compensation for the performance of their duties under this act, but each member shall be paid expenses incurred while engaged in the performance of such duties pursuant to s. 112.061.

Section 5. *In order to stagger the terms of the four members added to the State of Florida Correctional Medical Authority by section 15 of this act, of such members first appointed, the Governor shall appoint one for a term of 1 year, one for a term of 2 years, one for a term of 3 years, and one for a term of 4 years.*

Section 6. *Subsection (15) of section 945.603, Florida Statutes, 1988 Supplement, is hereby repealed.*

Section 7. *On or before January 1, 1990, the State of Florida Correctional Medical Authority of the Department of Corrections shall file a report with the Governor on the practicality of organizing a nonprofit corporation to lease and manage correctional medical services for the department. The authority shall study the organization and operations of the nonprofit corporation that operates the correctional work programs of the department to determine if its organization and operations can be used as a model for a nonprofit corporation operating correctional medical services. The authority shall determine the feasibility of providing medical services that are of the same quality as those provided outside the corrections system. The authority shall also recommend whether it should serve as the board of directors for the nonprofit corporation.*

Section 8. Paragraph (z) is added to subsection (3) of section 119.07, Florida Statutes, 1988 Supplement, to read:

119.07 Inspection and examination of records; exemptions.—

(3)

(z) The records of a medical review committee created pursuant to s. 766.101 or former s. 768.40 by the Department of Corrections or the Correctional Medical Authority, or both, are exempt from the provisions of subsection (1). This exemption is subject to the "Open Government Sunset Review Act" in accordance with s. 119.14.

Section 9. Subsection (7) is added to section 947.005, Florida Statutes, to read:

947.005 Definitions.—As used in this chapter, unless the context clearly indicates otherwise:

(7) "Authority" means the Control Release Authority.

Section 10. Section 947.146, Florida Statutes, is created to read:

947.146 Control Release Authority.—

(1) There is created a Control Release Authority which shall be composed of the members of the Parole Commission and which shall have the same chairman as the commission. The authority shall utilize such commission staff as it determines necessary to carry out its purposes.

(2) The authority shall have as its primary purpose the development of a system of uniform criteria for the determination of the number and type of inmates who must be released into the community under the control release in order to maintain the state prison system below 97.5 percent of its lawful capacity as defined in s. 944.096.

(3) There shall be no award of provisional credits by the secretary of the department pursuant to s. 944.277 unless either:

(a) The chairman of the Control Release Authority certifies in writing to the secretary of the department that the authority is unable to maintain the state prison system below 97.5 percent of its lawful capacity; or

(b) Based upon the failure of the authority to act, the state prison system reaches 98 percent of its lawful capacity as provided in s. 944.277.

(4) A panel of no fewer than two members of the authority shall establish a control release date for each parole ineligible inmate committed to the department within 90 days following notification by the department of receipt of the inmate, except an inmate convicted and sentenced for the following:

(a) A capital felony;

(b) Sexual battery pursuant to s. 794.011 or any other sex offense specified in s. 917.012(1);

(c) An offense which is punishable by a mandatory minimum period of incarceration;

(d) Committing or attempting to commit assault, aggravated assault, battery, aggravated battery, or kidnapping against an officer as defined in s. 943.10;

(e) As a habitual felony offender pursuant to s. 775.084, or has been sentenced at any time in another jurisdiction as a habitual offender.

(5) Control release dates shall be based upon a system of uniform criteria which shall include, but not be limited to, present offenses for which the person is committed, past criminal conduct, length of cumulative sentences, and the age of the offender at the time of commitment.

(6) The authority shall have the power and duty to:

(a) Extend or advance the control release date of any inmate for whom a date has been established, based upon:

1. Recently discovered information of past criminal conduct;

2. The recommendation of the department regarding institutional adjustment of the inmate; or

3. Lawful capacity of the state prison.

(b) Determine the terms, conditions, and period of time of control release for persons released pursuant to this section.

(c) Determine violations of control release and what actions shall be taken with reference thereto.

(d) Provide for victim input into the decisionmaking process for placing persons on control release.

(e) Make such investigations as may be necessary for the purposes of establishing, modifying, or revoking a control release date.

(f) Adopt such rules as the authority deems necessary for the implementation of the provisions of this section.

(7) The authority shall examine such records as it deems necessary of the department, the Department of Health and Rehabilitative Services, the Department of Law Enforcement, and any other such agency for the purpose of either establishing, modifying, or revoking a control release date. Such agencies shall provide the information requested by the authority for the purposes of fulfilling the requirements of this section.

(8) The authority shall determine the appropriate terms, conditions, and lengths of supervision, if any, for persons placed on control release, except that such lengths of supervision shall be determined as provided in s. 947.24 and shall not exceed the maximum period for which the person has been sentenced. In the event any inmate placed on control release supervision is also subject to probation or community control, the department shall supervise such persons according to the conditions imposed by the court, and the authority shall defer to such supervision. If the term of control release supervision exceeds that of the probation or community control, then supervision shall revert to the authority's conditions upon expiration of the probation or community control.

(9) When the authority has reasonable grounds to believe that an offender released under this section has violated the terms and conditions of control release, such offender shall be subject to the provisions of s. 947.141, and shall be subject to forfeiture of gain-time pursuant to s. 944.28(1).

Section 11. Subsections (10) and (11) of section 921.001, Florida Statutes, 1988 Supplement, are amended, and a new subsection (12) is added to said section, to read:

921.001 Sentencing Commission.—

(10) A person who is convicted of a crime committed on or after October 1, 1983, but before October 1, 1988, shall be released from incarceration only:

(a) Upon expiration of his sentence;

(b) Upon expiration of his sentence as reduced by accumulated gain-time;

(c) As directed by an executive order granting clemency; or

(d) Upon attaining the provisional release date.

The provisions of chapter 947 shall not be applied to such person *except that such person may be released upon the granting of control release pursuant to s. 947.146.*

(11) A person who is convicted of a crime committed on or after October 1, 1988, shall be released from incarceration only:

(a) Upon expiration of his sentence;

(b) Upon expiration of his sentence as reduced by accumulated gain-time;

(c) As directed by an executive order granting clemency;

(d) Upon attaining the provisional release date; ~~or~~

(e) Upon placement in a conditional release program pursuant to s. 947.1405*; or*~~.~~

(f) Upon the granting of control release pursuant to s. 947.146.

(12) A person who is convicted of a crime committed on or after July 1, 1990, and who receives a control release date may not refuse to accept the terms or conditions of control release.

Section 12. Subsection (5) of section 944.17, Florida Statutes, is amended to read:

944.17 Commitments and classification; transfers.—

(5) The department shall also refuse to accept a person into the state correctional system unless the following documents are presented in a completed form by the sheriff or his designated representative to the officer in charge of the reception process:

(a) The uniform commitment and judgment and sentence forms as described in subsection (4).

(b) The sheriff's certificate as described in s. 921.161.

(c) A certified copy of the indictment or information relating to the offense for which the person was convicted.

(d) A copy of the probable cause affidavit for each offense identified in the current indictment or information.

(e) A copy of the sentencing guidelines scoresheet and any attachments thereto prepared pursuant to Rule 3.701, Florida Rules of Criminal Procedure.

(f) A copy of the restitution order or the reasons by the court for not requiring restitution pursuant to s. 775.089(1).

(g) The name and address of any victim, if available.

(h) A printout of a current criminal history record as provided through an FCIC/NCIC printer.

In addition, the sheriff or other officer having such person in charge shall also deliver with the foregoing documents any available presentence investigation reports as described in s. 921.231 and any attached documents.

Section 13. Subsections (1), (2), and (5) of section 944.277, Florida Statutes, 1988 Supplement, are amended to read:

944.277 Provisional credits.—

(1) Whenever the inmate population of the correctional system reaches *98* ~~97.5~~ percent of lawful capacity ~~as defined in s. 944.096~~, the Secretary of Corrections shall certify to the Governor that such condition exists. When the Governor acknowledges such condition in writing, the secretary may grant up to 60 days of provisional credits equally to each inmate who is earning incentive gain-time, except to an inmate who:

(a) Is serving a sentence which includes a mandatory minimum provision for a capital offense or drug trafficking offense and has not served the number of days equal to the mandatory minimum term less any jail-time credit awarded by the court;

(b) Is serving the mandatory minimum portion of a sentence enhanced under s. 775.087(2);

(c) Is convicted, or has been previously convicted, of committing or attempting to commit sexual battery, incest, or a lewd or indecent assault or act;

(d) Is convicted, or has been previously convicted, of committing or attempting to commit assault, aggravated assault, battery, or aggravated battery, and a sex act was attempted or completed during commission of the offense;

(e) Is convicted, or has been previously convicted, of committing or attempting to commit kidnapping, burglary, or murder, and the offense was committed with the intent to commit sexual battery;

(f) Is convicted, or has been previously convicted, of committing or attempting to commit false imprisonment upon a child under the age of 13 and, in the course of committing the offense, the inmate committed aggravated child abuse; sexual battery against the child; or lewd, lascivious, or indecent assault or act upon or in the presence of the child; or

(g) Is sentenced, or has previously been sentenced, under s. 775.084, or has been sentenced at any time in another jurisdiction as a habitual offender.

(2) The secretary's authority to grant provisional credits in increments not exceeding 60 days will continue until the inmate population of the correctional system reaches *97.5* ~~97~~ percent of lawful capacity, at which time the authority granted to the secretary will cease, and the secretary shall notify the Governor in writing of the cessation of such authority.

(6)~~(5)~~ Any inmate who is serving one or more sentences of imprisonment imposed as a result of an offends that occurred on or after July 1, 1988, ~~and~~ who receives 30 or more days of provisional credit, and who is not required under ss. 944.291 and 947.1405 to be released only upon conditional release supervision must be released into the provisional release supervision program on his provisional release date, unless such inmate is also serving a sentence for an offense that occurred before July 1, 1988. Inmates who are released into the provisional release supervision program are not eligible for any additional gain-time. If an inmate has received a term of probation, ~~or~~ community control *supervision, conditional release supervision, or control release supervision* to be served after his release from incarceration, the period of probation, ~~or~~ community control supervision, *conditional release supervision, or control release supervision* must be substituted for the period of supervision under the provisional release supervision program.

Section 14. Subsection (1) of section 944.28, Florida Statutes, 1988 Supplement, is amended to read:

944.28 Forfeiture of gain-time and the right to earn gain-time in the future.—

(1) If a prisoner is convicted of escape, or if the clemency, conditional release as described in chapter 947, probation or community control as described in chapter 948, provisional release as described in s. 944.277, ~~or~~ parole*, or control release as described in s. 947.146* granted to him is revoked, the department may, without notice or hearing, declare a forfeiture of all gain-time earned according to the provisions of law by such prisoner prior to such escape or his release under such clemency, conditional release, *probation, community control, provisional release, control release,* or parole.

Section 15. Subsection (1) of section 945.30, Florida Statutes, 1988 Supplement, is amended to read:

945.30 Payment for cost of supervision and rehabilitation.—

(1) Any person under community control, probation, ~~or~~ parole, *conditional release supervision, control release supervision, or provisional release supervision* or under supervision in the pretrial supervision program pursuant to chapter 944 shall be required to contribute no less than $30 or more than $50 per month as decided by the sentencing court or, with respect to pretrial intervention, by the state attorney to a court-approved public or private entity providing him with supervision and

rehabilitation. Any failure to pay such contribution may constitute a ground for the revocation of probation by the court, the revocation of parole by the Parole Commission, or removal from the pretrial intervention program by the state attorney. The Department of Corrections may exempt a person from the payment of all or any part of the foregoing contribution if it finds any of the following factors to exist:

(a) The offender has diligently attempted, but has been unable, to obtain employment which provides him sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or course of vocational or technical training designed to fit the student for gainful employment. Certification of such student status shall be supplied to the Secretary of Corrections by the educational institution in which the offender is enrolled.

(c) The offender has an employment handicap, as determined by a physical, psychological, or psychiatric examination acceptable to, or ordered by, the secretary.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents, and the payment of such contribution constitutes an undue hardship on the offender.

(f) The offender has been transferred outside the state under an interstate compact adopted pursuant to chapter 949.

(g) There are other extenuating circumstances, as determined by the secretary.

Section 16. Subsection (6) is added to section 948.06, Florida Statutes, to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(6) Any provision of law to the contrary notwithstanding, whenever probation or community control, including the probationary or community control portion of a split sentence, is violated and the probation or community control is revoked, the offender, by reason of his misconduct, may be deemed to have forfeited all gain-time or commutation of time for good conduct, as provided by law, earned up to the date of his release on probation or community control. This subsection does not deprive the prisoner of his right to gain-time or commutation of time for good conduct, as provided by law, from the date on which he is returned to prison.

Section 17. For the purpose of incorporating the amendments to section 947.23, Florida Statutes, in references thereto, subsection (5) of section 944.598, Florida Statutes, 1988 Supplement, and subsection (5) of section 948.06, Florida Statutes are reenacted to read:

944.598 Emergency release of prisoners.—

(5) A violation of the terms or conditions of a compulsory conditional release pursuant to subsection (4) may render the person released liable to arrest and return to prison to serve out the term for which he was sentenced. However, an offender whose compulsory conditional release is revoked may, at the discretion of the commission, be credited with any portion of his time he has satisfactorily served while on release. For the purposes of this section, the releasee shall be subject to the provisions of ss. 947.22, 947.23, and 947.26, as though such releasee were on parole.

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

(5) Any parolee in a community control program who has allegedly violated the terms and conditions of such placement is subject to the provisions of ss. 947.22 and 947.23.

Section 18. Section 36 of chapter 86-183, Laws of Florida, is amended to read:

Section 36. Section 33 of chapter 83-131, Laws of Florida, is amended to read:

Section 33. Section 20.32, Florida Statutes, is repealed on *July 1, 1991* ~~July 1, 1989~~, and shall be reviewed by the Legislature pursuant to *section 35 of this act.*

Section 19. Section 67 of chapter 88-122, Laws of Florida, is amended to read:

Section 67. Section 34 of chapter 83-131, Laws of Florida, is amended to read:

Section 34. Chapter 947, Florida Statutes, consisting of section 947.001, 947.002, 947.005, 947.01, 947.02, 947.03, 947.04, 947.05, 947.06, 947.07, 947.071, 947.09, 947.095, 947.10, 947.11, 947.12, 947.13, *947.1405, 947.141,* 947.15, 947.16, 947.165, 947.172, 947.173, 947.174, 947.1745, *947.1747,* 947.175, *947.177,* 947.18, 947.181, *947.185,* 947.19, 947.20, 947.21, 947.22, 947.23, 947.24, 947.26, and 947.275 is repealed on *July 1, 1991* and shall be reviewed by the Legislature pursuant to section 35 of this act.

Section 20. Section 941.45, Florida Statutes, is amended to read:

941.45 *Interstate* Agreement on Detainers.—The interstate compact known as the "*Interstate* Agreement on Detainers" is enacted into law and entered into by the state as a party, and is of full force and effect between the state and any other states joining therein in the form substantially as follows:

INTERSTATE AGREEMENT
ON DETAINERS
ARTICLE I
Policy and Purpose

~~(1) POLICY AND PURPOSE.—~~The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations, or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations, or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedures. It is the further purpose of this agreement to provide such cooperative procedures.

ARTICLE II
Definitions

~~(2) DEFINITIONS.~~ —As used in this agreement:

(a) "State" means the United States of America, a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Sending state" means a state in which a prisoner is incarcerated at the time he initiates a request for final disposition pursuant to *ARTICLE III* ~~subsection (3)~~ or at the time that a request for custody or availability is initiated pursuant to *ARTICLE IV* ~~subsection (4)~~.

(c) "Receiving state" means the state in which trial is to be had on an indictment, information, or complaint pursuant to *ARTICLE III* ~~subsection (3)~~ or *ARTICLE IV* ~~subsection (4)~~.

ARTICLE III
Request for Final Disposition

~~(3) REQUEST FOR FINAL DISPOSITION.—~~

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information, or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information, or complaint; provided that, for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections, or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information, or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) shall operate as a request for final disposition of all untried indictments, informations, or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections, or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information, or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d), and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purposes of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this *agreement* ~~section~~. Nothing in this paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) shall void the request.

ARTICLE IV
Request for Custody or Availability

~~(4) REQUEST FOR CUSTODY OR AVAILABILITY.~~

(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with *ARTICLE V(a)* ~~subsection (5)(a)~~ upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated; provided that the court having jurisdiction of such indictment, information, or complaint shall have duly approved, recorded, and transmitted the request and provided further that there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a), the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this *ARTICLE* ~~subsection~~, trial shall be commenced within 120 days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this *ARTICLE* ~~subsection~~ shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a), but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information, or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to paragraph (e) of *ARTICLE V* ~~subsection (5)~~, such indictment, information, or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

ARTICLE V
Offer to Deliver Temporary Custody

~~(5) OFFER TO DELIVER TEMPORARY CUSTODY.~~

(a) In response to a request made under *ARTICLE III* ~~subsection (3)~~ or *ARTICLE IV* ~~subsection (4)~~, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information, or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in *ARTICLE III* ~~subsection (3)~~. In the case of a federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this *ARTICLE* ~~section~~ or to the prisoner's presence in federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

1. Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given, and

2. A duly certified copy of the indictment, information, or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information, or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in *ARTICLE III* ~~subsection (3)~~ or *ARTICLE IV* ~~subsection (4)~~, the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending shall enter an order dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this *ARTICLE* ~~section~~ shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations, or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this *agreement* ~~section~~, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this *agreement* ~~section~~, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this *ARTICLE* ~~section~~ is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the

sending state and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this *agreement* ~~section~~ until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations, or complaints are pending or in which trial is being had shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping, and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies, and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs or responsibilities therefor.

ARTICLE VI
Tolling Period and Limitations

~~(6) TOLLING PERIOD AND LIMITATIONS.~~

(a) In determining the duration and expiration dates of the time periods provided in *ARTICLES III* ~~subsections (3)~~ and *IV* ~~(4)~~, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this *agreement* ~~section~~, and no remedy made available by this *agreement* ~~section~~, shall apply to any person who is adjudged to be mentally ill.

ARTICLE VII
Designation of Officer

~~(7) DESIGNATION OF OFFICER.~~ Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement and who shall provide, within and without the state, information necessary to the effective operation of this *agreement* ~~section~~.

ARTICLE VIII
Effectiveness and Withdrawal

~~(8) EFFECTIVENESS AND WITHDRAWAL.~~ This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

ARTICLE IX
Construction and Severability

~~(9) CONSTRUCTION AND SEVERABILITY.~~ This *agreement* ~~section~~ shall be liberally construed so as to effectuate its purposes. The provisions of this *agreement* ~~section~~ shall be severable, and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this *agreement* ~~section~~ and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Section 21. Sections 1, 2, and 3 of this act shall take effect July 1, 1989, and shall provide for submission by the Department of Corrections of the comprehensive correctional master plan on November 1, 1989. Sections 4, 5, 6, 7, 8 and 20 of this act shall take effect upon becoming a law. Sections 9, 10, 11, 12, 13, 14, and 15, this act shall take effect July 1, 1990, or upon becoming a law, whichever occurs later, except that control release supervision dates shall not become effective prior to July 1, 1990. All inmates committed to the department as of July 1, 1990, shall have a control release date established by that date. Inmates received after July 1, 1990, shall have a control release date established within 90 days following notification by the department of receipt of the inmate. Sections 16, 17, 18, and 19 of this act shall take effect June 30, 1989.

Senator Plummer moved the following amendment to Amendment 18 which was adopted:

Amendment 18A—On page 8, line 29 through page 19, line 19, strike all of said lines

Amendment 18 as amended was adopted.

Senator Plummer moved the following amendments which were adopted:

Amendment 19—In title, on page 1, strike all of lines 16-22 and insert: supervision in certain circumstances; amending s.

Amendment 20—In title, on page 1, strike all of lines 3-9

Amendment 21—In title, on page 1, strike all of lines 9-11 and insert: percentage of lawful capacity; limiting the group of

Amendment 22—In title, on page 1, line 2, after the semicolon (;) insert: creating s. 951.28, F.S.; authorizing counties to seek reimbursement from county prisoners for certain expenses; requiring the sheriff to provide the county with certain information; requiring cooperation by the prisoner; authorizing investigations; authorizing civil actions by the county; providing venue; providing for use of reimbursements;

Senator Bankhead moved the following amendments which were adopted:

Amendment 23—In title, on page 1, line 24, after the semicolon (;) insert: amending s. 944.485, F.S.; providing for disclosure of income and assets; providing for exemptions from disclosure; providing for court determination of ability to pay and indigency; providing for withholding of incentive gain-time under s. 944.275, F.S., in certain circumstances; providing for collection of moneys by the Department of Corrections;

Amendment 24—In title, on page 2, line 13, after the semicolon (;) insert: amending s. 944.485, F.S.; providing for the disclosure of inmate's income and assets; providing for exemptions from disclosure; providing for court determination of ability to pay and indigency; providing for withholding of incentive gain-time under s. 944.275, F.S., in certain circumstances; providing for collection of moneys by the Department of Corrections;

On motion by Senator Plummer, by two-thirds vote CS for CS for HB 300 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kiser	Stuart
Bankhead	Dudley	Langley	Thomas
Beard	Forman	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Grizzle	Plummer	
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Kirkpatrick	Souto	

Nays—None

CS for CS for SB 389—A bill to be entitled An act relating to civil procedure; amending s. 768.79, F.S.; prescribing procedures to be followed in making and accepting offers of settlement; prescribing information which must be contained therein; providing for award of costs and attorney's fees when an offer has been wrongfully rejected; providing for disallowal of costs and fees if the offer was not made in good faith; repealing s. 45.061, F.S., relating to offers of settlement; providing for applicability; providing an effective date.

—was read the second time by title.

Senator Langley moved the following amendment which was adopted:

Amendment 1—On page 1, strike line 22 and insert:

(1) In any civil action for damages filed in the courts of this state, an

On motion by Senator Langley, by two-thirds vote CS for CS for SB 389 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	Dudley	Kirkpatrick	Souto
Bankhead	Forman	Kiser	Stuart
Beard	Gardner	Langley	Thomas
Brown	Girardeau	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Jennings	Plummer	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Deratany

Consideration of **SB 692** was deferred.

On motions by Senator Forman, by two-thirds vote—

CS for HB's 387 and 1255—A bill to be entitled An act relating to public transit; amending s. 339.135, F.S.; providing for allocation of public transit block grant funds; amending s. 339.175, F.S.; revising language with respect to transportation planning organizations; relating to membership on the M.P.O.; amending s. 341.031, F.S.; revising definitions for purposes of the Florida Public Transit Act; amending s. 341.041, F.S.; requiring the Department of Transportation to develop and administer state measures concerning public transit systems and including productivity in such measures; revising the measures for certain responsibilities of the department relating to operation of transit systems; amending s. 341.051, F.S.; requiring the department to develop and implement a capital investment policy; creating s. 341.052, F.S.; establishing a public transit block grant program; providing uses for which block grant funds may be expended; providing limitations on use of funds; providing for distribution of funds; providing for review of the distribution of funds by the Coordinating Council on the Transportation Disadvantaged and for recommendations to legislative transportation committees; creating s. 341.071, F.S.; requiring eligible public transit providers to establish productivity and performance measures; requiring certain reports and publication with respect thereto; amending s. 119.07, F.S.; correcting a reference; amending s. 212.69, F.S.; revising provisions relating to use of proceeds of the tax on the sale of fuels for public transit and rail projects; correcting a reference; providing an effective date.

—a companion measure, was substituted for CS for SB's 1195 and 1331 and by two-thirds vote read the second time by title. On motion by Senator Forman, by two-thirds vote CS for HB's 387 and 1255 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Forman	Langley	Souto
Bankhead	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Scott	

Nays—None

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Deratany, by two-thirds vote SB 660 was withdrawn from the Committee on Finance, Taxation and Claims.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 267 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 267—A bill to be entitled An act relating to taxation; amending s. 206.425, F.S.; providing a penalty for selling motor fuel in violation of certain tax provisions; amending s. 206.89, F.S.; providing a penalty for acting as a dealer of special fuels without holding a valid dealer's license; amending s. 212.66, F.S.; providing a cross-reference; amending s. 212.67, F.S.; requiring certain allowances for fuel evaporation and shrinkage to be taken as a credit; amending s. 206.9865, F.S.; requiring commercial air carriers to make monthly reports to the Department of Revenue; amending s. 201.05, F.S.; correcting a cross-reference; repealing s. 13 of ch. 88-206, Laws of Florida, relating to a tax on entrance fees charged for continuing care contracts; amending ss. 161.40, 341.329, 348.91, 380.0673, 420.513, F.S.; providing that certain tax exemptions do not apply to debt obligations owned by corporations; amending s. 199.062, F.S.; deleting the requirement that corporations file certain stockholder notices with the department; amending s. 199.282, F.S.; providing a penalty; amending ss. 199.032, 199.052, 199.175, F.S.; revising provisions which levy a tax on intangible personal property to make such tax applicable to property which has a taxable situs in the state; providing definitions; amending s. 220.03, F.S.; revising the definition of "Internal Revenue Code"; amending s. 198.29, F.S.; prohibiting the refund of estate taxes under certain circumstances; amending ss. 198.01, 198.021, 198.031, F.S.; updating a cross-reference to the United States Internal Revenue Code; amending s. 211.33, F.S.; authorizing the department to collect delinquent taxes and penalties pursuant to a lien or tax execution levied upon certain third parties; amending s. 213.24, F.S.; revising requirements relating to the cost of issuing tax billings; creating s. 213.34, F.S.; providing general audit authority to the department; authorizing the department to adopt rules; amending s. 203.01, F.S.; requiring monthly reporting of gross receipts taxes for utility services; revising the penalties for failing to timely report and pay gross receipts taxes; providing penalties for the evasion of such taxes; providing an effective date.

Amendment 1—On page 2, line 23, strike everything after the enacting clause and insert:

Be It Enacted by the Legislature of the State of Florida:

Section 1. Effective upon this act becoming a law, subsection (5) is added to section 198.29, Florida Statutes, to read:

198.29 Refunds of excess tax paid.—

(5) Notwithstanding any other provision of this section, estate tax may not be refunded pursuant to any allegation that the decedent was a resident of another state unless this state is a party to any compromise agreement between the decedent's estate and the other state or unless this state is allowed to intervene as a party in any action in the other state in which the residency of the decedent is at issue.

Section 2. Effective upon this act becoming a law, subsection (15) of section 198.01, Florida Statutes, is amended to read:

198.01 Definitions.—When used in this chapter the term, phrase or word:

(15) "Federal generation-skipping transfer tax" means the tax imposed by chapter 13 ~~of subtitle B~~ of the Internal Revenue Code of *1986* ~~1954~~, as amended.

Section 3. Effective upon this act becoming a law, section 198.021, Florida Statutes, is amended to read:

198.021 Tax upon generation-skipping transfers of residents.—A tax is hereby imposed upon every generation-skipping transfer in which the original transferor is a resident of this state at the date of original transfer, in an amount equal to the amount allowable as a credit for state legacy taxes under s. *2604* ~~2602~~ of the Internal Revenue Code of *1986* ~~1954~~, as amended, to the extent such credit exceeds the aggregate amount of all constitutionally valid taxes on the same transfer actually paid to the several states of the United States other than this state.

Section 4. Effective upon this act becoming a law, section 198.031, Florida Statutes, is amended to read:

198.031 Tax upon generation-skipping transfers of nonresidents.—A tax is hereby imposed upon every generation-skipping transfer in which the original transferor is not a resident of this state at the date of the original transfer but in which the property transferred includes real or personal property in this state, in an amount equal to the amount allowable as a credit for state legacy taxes under s. *2604* ~~2602~~ of the Internal Revenue Code of *1986* ~~1954~~, as amended, reduced by an amount which

bears the same ratio to the total state tax credit allowable for federal generation-skipping transfer tax purposes as the value of the transferred property taxable by all other states bears to the value of the gross generation-skipping transfer for federal generation-skipping transfer tax purposes.

Section 5. Section 199.032, Florida Statutes, is amended to read:

199.032 Levy of annual tax.—An annual tax of 1 mill is hereby imposed on each dollar of the just valuation of all intangible personal property *which has a taxable situs in this state*, except for notes, bonds, and other obligations for the payment of money which are secured by mortgage, deed of trust, or other lien upon real property situated in the state. This tax shall be assessed and collected as provided in this chapter.

Section 6. Effective January 1, 1990, subsection (1) of section 199.052, Florida Statutes, is amended to read:

199.052 Annual tax returns; payment of annual tax.—

(1) An annual intangible tax return must be filed with the department by every person ~~who is a legal resident of the state on January 1 and who owns or has control or management of intangible personal property which is subject to annual taxation under s. 199.032, and by every other person~~, regardless of domicile, who, on January 1, owns, *controls, or manages* ~~or has control or management of~~ intangible personal property ~~subject to annual taxation~~ which has a *taxable* ~~business~~ situs in this state. *For purposes of this chapter, "control" or "manage" does not include any ministerial function or any processing activity.* The return shall be due on June 30 of each year. It shall list separately the character, description, and just valuation of all such property.

Section 7. Effective January 1, 1990, section 199.175, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 199.175, F.S., for present text.)

199.175 Taxable situs.—For purposes of the annual tax imposed under this chapter:

(1) Intangible personal property shall have a taxable situs in this state when it is owned, managed, or controlled by any person domiciled in this state on January 1 of the tax year. Such intangibles shall be subject to annual taxation under this chapter, unless the person who owns, manages, or controls them is specifically exempt, or unless the property is specifically exempt. This provision shall apply regardless of where the evidence of the intangible property is kept, or where the intangible is created, approved, or paid, or where business may be conducted from which the intangible arises. The fact that a Florida corporation owns the stock of an out-of-state corporation and manages and controls such corporation from a location in this state shall not operate to give a taxable situs in this state to the intangibles owned by the out-of-state corporation, which intangibles arise out of business transacted outside this state.

(a) For the purposes of this chapter, "any person domiciled in this state" means:

1. Any natural person who is a legal resident of this state;

2. Any bank or financial institution, business, business trust as described in chapter 609, company, corporation, insurance company, partnership, or other artificial entity organized or created under the law of this state, except a trust; or

3. Any person, including a trust, who has established a commercial domicile in this state.

(b) A business or other artificial entity acquires its commercial domicile in this state when it maintains its chief or principal office in this state where executive or management functions are performed or where the course of business operations is determined.

(2) Intangible personal property shall have a taxable situs in this state when it is deemed to have a business situs in this state and it is owned, managed, or controlled by a person transacting business in this state, even though the owner may claim a domicile elsewhere. This provision shall apply regardless of where the evidence of the intangible is kept, or where the intangible is created, approved, or paid.

(a) Intangibles shall be deemed to have a Florida business situs when they receive the benefit and protection of Florida laws and courts and they are derived from, arise out of, or are issued in connection with the business transacted in this state with a customer in this state. For purposes of this paragraph:

1. Business is transacted in this state when any occupation, profession, or commercial activity, including financing, leasing, selling, or servicing activities, is regularly conducted with customers in this state from an office, plant, home, or any other business location in this state.

2. Business is transacted in this state when any occupation, profession, or commercial activity, including financing, leasing, selling, or servicing activities, is regularly conducted with customers in this state by or through agents, employees, or representatives of any kind in this state, whether or not such persons are vested with discretionary authority.

(b) Notwithstanding the provisions of this subsection:

1.a. Intangibles that are credit card or charge card receivables or related lines of credit or loans shall be deemed to have business situs in this state only when the debt represented by such intangibles is owed by a customer who is domiciled in this state.

b. The performance of ministerial functions relating to, or the processing of, credit card or charge card receivables in this state for the owner of such receivables is not sufficient to support a finding that the owner is transacting business in this state.

c. The term "credit card or charge card receivables" does not include trade or service receivables as defined in s. 864 of the Internal Revenue Code of 1986, as amended.

2. An intangible owned by a real estate mortgage investment conduit, a real estate investment trust, or a regulated investment company, as those terms are defined in the United States Internal Revenue Code of 1986, as amended, shall not be deemed to have a taxable situs in this state unless such entity has its legal or commercial domicile in this state.

3. The ownership of any interest in a participation or syndication loan or pool of loans, notes, or receivables shall not be sufficient to support a finding that the owner of such interest is transacting business in this state. For the purposes of this subparagraph, a participation or syndication loan is a loan in which more than one lender is a creditor to a common borrower, and a participation or syndication interest in a pool of loans, notes, or receivables is an interest acquired from the originator or initial creditor with respect to the loans, notes, or receivables constituting the pool.

4. Assets owned by a foreign insurance company, as defined in s. 624.06, shall not be deemed to have a business situs in this state if they are managed and controlled outside this state.

(c) It is the intent of this subsection that no nonresident may transact business in this state without paying the same tax which the state imposes on residents transacting the same business.

Section 8. Effective upon this act becoming a law, and applicable to notices required to be filed on or after January 1, 1990, subsection (2) of section 199.062, Florida Statutes, is amended to read:

199.062 Annual tax information reports.—

(2) On or before June 30 of each year, each corporation doing business in this state shall file ~~the following~~ with the department:

~~(a)~~ A copy of any written notice to stockholders required by subsection (1) ~~or, if no written notice is required by subsection (1), written notice stating the reason that no written notice is required by subsection (1).~~

~~(b) If the corporation's Florida stockholders hold only shares not subject to the annual tax, a written notice to that effect.~~

~~(c) If the corporation's Florida stockholders hold shares with respect to which a dividend was paid during the preceding calendar year, a written notice to that effect.~~

~~(d) If the corporation has no Florida stockholders, a written notice to that effect.~~

Section 9. Effective upon this act becoming a law, and applicable to notices required to be filed on or after January 1, 1990, subsection (6) of section 199.282, Florida Statutes, is amended to read:

199.282 Penalties for violation of this chapter.—

(6) A late reporting penalty of $100 shall be imposed:

(a) Upon any corporation which does not timely file a written notice required under s. 199.062(2) *or s. 199.057(2)(c)*~~, with a separate penalty to apply to each delinquent notice~~.

(b) Upon any security broker which does not timely file the position statements required by s. 199.062(3).

Section 10. Effective upon this act becoming a law, subsection (1) of section 201.05, Florida Statutes, 1988 Supplement, is amended to read:

201.05 Tax on stock certificates.—

(1) On each original issue, whether organization or reorganization, of certificates of stock or shares however designated issued in the state or of certificates of profits or of interest in property or accumulations, by any corporation or by any joint stock company or other association as set forth in *subsection (2)* ~~s. 201.04~~, on each $100 of face value or fraction thereof the tax shall be 15 cents; provided that when a certificate is issued without face value, the tax shall be 15 cents on each $100 of actual value or fraction thereof. The stamps representing the tax imposed by this section shall be attached to the stock books and not to the certificates issued. The provisions of this section do not apply to any stock or share issued in this state of an open-end or closed-end management company or a unit investment trust registered under the Investment Company Act of 1940, as amended.

(2) For the purposes of this section, the term "stock" includes corporate stock and shares however designated in a joint stock company or in a trust in the nature of a common-law trust or Massachusetts trust, association, or other trust in which the trustees are associated together in substantially the same manner as directors in a corporation for the purpose of carrying on a business enterprise. Such shares are declared to be personal property and not interests in land notwithstanding the nature of the property of which the trust consists, unless provided otherwise in the trust instrument.

Section 11. Effective October 1, 1989, paragraph (a) of subsection (1) and subsection (2) of section 203.01, Florida Statutes, are amended to read:

203.01 Tax on gross receipts for utility services.—

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

(2)(a) In addition to any other penalty provided by law, any person or municipal corporation which fails to timely report and pay any tax imposed under this chapter shall pay a penalty equal to 5 percent of any unpaid tax, if the failure is for less than 31 days, plus an additional 5 percent of any unpaid tax for each additional 30 days or fraction thereof. However, such penalty may not be less than $5 or exceed a total of 25 percent in the aggregate of any unpaid tax.

(b) In addition to any other penalty provided by law, any person who falsely or fraudulently reports or unlawfully attempts to evade paying any tax imposed under this chapter shall pay a penalty equal to 50 percent of any tax due and is guilty of a misdemeanor of the second degree punishable as provided under s. 775.082 or s. 775.083 ~~If any person fails to make such report to the department and pay the tax as herein provided, the department, after having given at least 5 days' notice to such person or some official or representative thereof within this state, shall estimate the amount of such gross receipts from such information as it may be able to obtain; add 18 percent of the amount of such taxes as a penalty for the failure of such person to make the report; and proceed to collect such tax, together with all costs and the penalty, the same as other delinquent taxes are collected. However, no penalty shall be added if a return is made and the amount due is paid to the Treasurer before the expiration of the time stated in the notice of the department.~~

Section 12. Paragraph (c) is added to subsection (4) of section 206.425, Florida Statutes, 1988 Supplement, to read:

206.425 Tax-exempt purchasers; refiner or importer to obtain affidavits or resale certificates; relief from audit or assessment; refunds authorized*; penalty*.—

(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.

(c) Any person who sells fuel in violation of this part shall pay a penalty of 25 percent of the tax assessed of which he seeks relief.

Section 13. Subsection (1) of section 206.89, Florida Statutes, is amended to read:

206.89 Licenses; necessity; prerequisites; issuance; nonassignability.—

(1)*(a)* No person shall act as a dealer unless he holds a valid dealer's license issued by the department. However, a service station shall not be required nor be eligible to be licensed as a dealer. A person who has no facilities for placing special fuel into the supply system of a motor vehicle and who sells into containers of 5 gallons or less shall not be required to be licensed as a dealer.

(b) Any person who acts as a dealer and does not hold a valid dealer's license shall pay a penalty of 25 percent of the tax assessed on the total purchases.

Section 14. Subsection (3) is added to section 206.91, Florida Statutes, to read:

206.91 Tax reports; computation and payment of tax.—

(3) The department may authorize a quarterly return and payment of tax when the tax remitted by the dealer for the preceding quarter did not exceed $100, and may authorize a semiannual return and payment of tax when the tax remitted by the dealer for the preceding 6 months did not exceed $200.

Section 15. Section 206.93, Florida Statutes, is amended to read:

206.93 Penalty for failure to report and pay taxes promptly.—If any person willfully fails to file the ~~monthly~~ report and pay the tax as provided in s. 206.91, the department shall revoke his license unless it appears that the failure to comply with this part was not due to fraud or to an intent to violate this part.

Section 16. Section 206.94, Florida Statutes, is amended to read:

206.94 Department may estimate special fuels sold or used.—When any dealer neglects or refuses to file any report ~~for any calendar month~~ as required by s. 206.91 or files an incorrect or fraudulent report, the department shall determine, after investigation, the number of gallons of special fuels with respect to which the dealer has incurred liability under this part for any particular *period* ~~month or months~~ and fix the amount of taxes due and payable thereon, to which taxes due shall be added the penalties and interest imposed by s. 206.44 as a penalty for the default of the dealer. The department may settle or compromise such penalties pursuant to s. 213.21.

Section 17. Section 212.66, Florida Statutes, is amended to read:

212.66 Applicability of specified sections of chapter 206.—The provisions of ss. 206.026, 206.027, 206.028, 206.055, 206.06, 206.065, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.24, 206.27, 206.28, 206.41(2), 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87(2)(a) and (3)(f), (g), *206.89,* 206.94, and 206.945 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part.

Section 18. Effective October 1, 1989, paragraph (b) of subsection (1) of section 212.67, Florida Statutes, 1988 Supplement, is amended to read:

212.67 Refunds.—

(1) The following refunds apply to the tax imposed by this part, to the extent provided in this section:

(b) Refunds to retail dealers for shrinkage of motor fuel.—Every retail dealer licensed under s. 206.404 *who sells motor fuel in a county that does not impose a tax under s. 336.021, s. 336.025, or s. 336.026* is entitled to a refund of 1.4 percent of the tax imposed by this part on motor fuel purchased by such retail dealer to cover losses due to evaporation and shrinkage of motor fuel. ~~However,~~ Any retail dealer who sells motor fuel within a county which imposes a tax under s. 336.021, s. 336.025, or s. 336.026 *shall* ~~may~~ take as a credit against any tax due on his local option gas tax return *an* ~~the~~ amount *equal to 1.4 percent of the motor fuel tax imposed by this part to cover losses due to evaporation and shrinkage* ~~to which he is entitled as a refund under this paragraph~~. Nothing in this paragraph shall be construed to allow this credit to be subtracted from the moneys deposited in the Local Option Gas Tax Trust Fund or the Voted Gas Tax Trust Fund.

Section 19. Effective October 1, 1989, subsection (4) of section 206.9865, Florida Statutes, is amended to read:

206.9865 Commercial air carriers; registration; reporting.—

(4) Upon issuance of the aviation fuel tax license, each carrier shall file with the department a report showing inventories; all purchases of tax-paid aviation fuel; all fuels drawn from bonded supplies; imports; and disbursements, sales, and usage. The report shall be filed *pursuant to part 1 of this chapter* ~~on the 20th day of January, April, July, and October of each year for the previous quarter~~.

Section 20. Effective upon this act becoming a law, subsection (7) is added to section 211.33, Florida Statutes, 1988 Supplement, to read:

211.33 Administration of the tax; returns; delinquency penalties and interest; departmental inspections of records.—

(7)(a) When any tax imposed by this part becomes delinquent or is otherwise in jeopardy, the department may issue a warrant for the full amount due or estimated to be due, including the tax, penalties, interest, and costs of collection. The warrant shall be directed to each sheriff and may be recorded with the clerk of the circuit court in any county where the taxpayer's property is located. Upon recording, the amount of the warrant shall become a lien upon the taxpayer's real and personal property in such county in the same manner as a judgment duly docketed and recorded, and the clerk of the circuit court shall issue execution on the warrant in the same manner as on a judgment. The sheriff shall then execute the warrant in the same manner prescribed by law for executions upon judgments and shall be entitled to the same fees for this service. Upon payment of the warrant, the department shall satisfy the lien of record within 30 days. Thereafter, any interested person may compel the department to satisfy the lien of record.

(b) Whenever the department deems it necessary, an alias tax execution may be issued. Each alias tax execution shall be designated on its face and shall have the same force and effect as the original.

(c) Tax executions may be levied upon any third party who is in possession or control of any assets of a delinquent taxpayer or who is indebted to a delinquent taxpayer. Such tax executions shall have the force and effect of a writ of garnishment. The third party shall pay the debt or deliver the assets of the delinquent taxpayer to the department, and a receipt by the department shall discharge the third party completely to the extent of the debt paid or assets surrendered to the department.

(d) Whenever any tax execution becomes void, the department may cancel it of record and shall do so upon request of any interested person.

(e) Any employee of the department may be designated by the executive director to make and sign assessments, tax warrants, and satisfactions of tax warrants.

Section 21. Effective upon this act becoming a law, subsection (1) of section 213.06, Florida Statutes, is amended to read:

213.06 Rules of department; circumstances requiring emergency rules.—

(1) The Department of Revenue *is granted authority to* ~~may~~ adopt such rules as are necessary to carry out the intent and purposes of this *chapter and all other revenue laws administered by the department* ~~act~~ and *it* may amend such rules to conform to legislation or departmental policy changes made in the absence of any legislation.

Section 22. Effective upon this act becoming a law, section 213.24, Florida Statutes, is amended to read:

213.24 *Accrual of penalties and* interest on deficiencies; deficiency billing costs.—

(1) If notice and demand is made for the payment of any amount due under laws made applicable to this chapter and if such amount is paid within 30 days after the date of such billing or notice and demand, *no additional penalties or* interest under this section on the amount so paid shall ~~not~~ be imposed for the period after the date of such notice and demand.

(2)(a) Billings for deficiencies of tax, penalty, or interest shall not be issued for any amount less than the actual costs incurred by the department to produce a billing.

(b) The cost of issuing billings for any tax enumerated in s. 213.05 shall be computed in *a* ~~an annual~~ study performed by the inspector general of the department. *The study shall be conducted every 3 years and at such other times as deemed necessary by the inspector general.* A minimum billing amount shall be established and adjusted in accordance with the results of such study.

(c) *Any change in minimum billing amount shall be made effective on July 1 following the completion of the study.* ~~The effective date of each annual change shall be July 1 of 1986 and each succeeding year.~~

Section 23. Effective upon this act becoming a law, section 213.34, Florida Statutes, is created to read:

213.34 Authority to audit.—

(1) The Department of Revenue shall have the authority to audit and examine the accounts, books, or records of all persons who are subject to a revenue law made applicable to this chapter for the purpose of ascertaining the correctness of any return which has been filed or payment which has been made, or for the purpose of making a return where none has been made.

(2) The department, or its duly authorized agents, may inspect such books and records necessary to ascertain a taxpayer's compliance with the revenue laws of this state, provided that the department's power to make an assessment or grant a refund has not terminated under s. 95.091(3).

(3) The department may correct by credit or refund any overpayment of tax, penalty, or interest revealed by an audit and shall make assessment of any deficiency in tax, penalty, or interest determined to be due.

Section 24. Effective upon this act becoming a law, section 213.755, Florida Statutes, is created to read:

213.755 Payment of taxes by electronic funds transfer.—The executive director of the Department of Revenue shall have authority to require a taxpayer to remit taxes by electronic funds transfer where the taxpayer, including consolidated filers, is subject to tax and has paid that tax for the prior calendar year in an amount of $50,000 or more. Solely for the purposes of administering this section:

(1) Taxes levied under part II of chapter 212 and parts I and II of chapter 206 shall be considered a single tax.

(2) A person required to remit a tax acting as a collection agent or dealer for the state shall nonetheless be considered the taxpayer.

Section 25. Effective upon this act becoming a law, section 210.021, Florida Statutes, is created to read:

210.021 Payment of taxes by electronic funds transfer.—The Secretary of Business Regulation shall have the authority to require a dealer selling cigarettes within the state to remit taxes by electronic funds transfer where the taxpayer is subject to tax and taxes paid in the prior year amounted to $50,000 or more.

Section 26. Effective upon this act becoming a law, section 210.31, Florida Statutes, is created to read:

210.31 Payment of taxes by electronic funds transfer.—The Secretary of Business Regulation shall have the authority to require a distributor selling tobacco products within the state to remit taxes by electronic funds transfer where the taxpayer is subject to tax and taxes paid in the prior year amounted to $50,000 or more.

Section 27. Effective upon this act becoming a law, section 550.096, Florida Statutes, is created to read:

550.096 Payment of taxes by electronic funds transfer.—The Secretary of Business Regulation shall have the authority to require permitholders conducting race meetings within the state to remit taxes, including fees, by electronic funds transfer where such taxes and fees amounted to $50,000 or more in the prior year.

Section 28. Effective upon this act becoming a law, section 551.061, Florida Statutes, is created to read:

551.061 Payment of taxes by electronic funds transfer.—The Secretary of Business Regulation shall have the authority to require permitholders conducting jai alai exhibitions within the state to remit taxes and fees by electronic funds transfer where such taxes and fees amounted to $50,000 or more in the prior year.

Section 29. Effective upon this act becoming a law, section 561.111, Florida Statutes, is created to read:

561.111 Payment of taxes by electronic funds transfer.—The Secretary of Business Regulation shall have the authority to require manufacturers and distributors of alcoholic beverages within the state to remit taxes by electronic funds transfer where the taxpayer is subject to tax and taxes paid in the prior year amounted to $50,000 or more.

Section 30. (1) Paragraph (c) is added to subsection (10) of section 125.0104, Florida Statutes, 1988 Supplement, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(10) LOCAL ADMINISTRATION OF TAX.—

(c) A county adopting an ordinance providing for the collection and administration of the tax on a local basis shall also adopt an ordinance electing either to assume all responsibility for auditing the records and accounts of dealers, and assessing, collecting, and enforcing payments of delinquent taxes, or to delegate such authority to the Department of Revenue. If the county elects to assume such responsibility, it may use any power granted in this section to the department to determine the amount of tax, penalties, and interest to be paid by each dealer and to enforce payment of such tax, penalties, and interest. If the county delegates such authority to the department, the department shall distribute any collections so received, less costs of administration, to the county. The amount deducted for costs of administration by the department shall be used only for those costs which are solely and directly attributable to auditing, assessing, collecting, processing, and enforcing payments of delinquent taxes authorized in this section. If a county elects to delegate such authority to the department, the department shall audit only those businesses in the county that it audits pursuant to part I of chapter 212.

(2) This section shall take effect upon this act becoming a law and shall operate retroactively to October 1, 1987.

Section 31. (1) Paragraph (c) is added to subsection (5) of section 212.0305, Florida Statutes, 1988 Supplement, to read:

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(5) LOCAL ADMINISTRATION OF TAX.—

(c) A county adopting an ordinance providing for the collection and administration of the tax on a local basis shall also adopt an ordinance electing either to assume all responsibility for auditing the records and accounts of dealers, and assessing, collecting, and enforcing payments of delinquent taxes, or to delegate such authority to the Department of Revenue. If the county elects to assume such responsibility, it may use any power granted in this part to the department to determine the amount of tax, penalties, and interest to be paid by each dealer and to enforce payment of such tax, penalties, and interest. If the county delegates such authority to the department, the department shall distribute any collections so received, less costs of administration, to the county. The amount deducted for costs of administration by the department shall be used only for those costs which are solely and directly attributable to auditing, assessing, collecting, processing, and enforcing payments of delinquent taxes authorized in this section. If a county elects to delegate such authority to the department, the department shall audit only those businesses in the county that it audits pursuant to this part.

(2) This section shall take effect upon this act becoming a law and shall operate retroactively to July 1, 1987.

Section 32. Section 212.0506, Florida Statutes, is created to read:

212.0506 Taxation of service warranties.—

(1) It is the intent of the Legislature that every person is exercising a taxable privilege who engages in this state in the business of soliciting, offering, providing, entering into, issuing, or delivering any service warranty.

(2) For exercising such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable at the rate of 6 percent on the total consideration received or to be received by any person for issuing and delivering any service warranty.

(3) For purposes of this section, "service warranty" means any contract or agreement which indemnifies the holder of the contract or agreement for the cost of maintaining, repairing, or replacing tangible personal property. The term "service warranty" does not include contracts or agreements to repair, maintain, or replace tangible personal property if such property when sold at retail in this state would not be subject to the tax imposed by this part, nor does it include such contracts or agreements covering tangible personal property which becomes a part of real property.

(4) Such tax shall be in addition to the total amount of the consideration for the service warranty, shall be charged by the person receiving such consideration from the service warranty agreement holder, and shall be due and payable by such person at the time he receives such consideration. Such person shall remit the tax to the department at the times and in the manner provided for dealers to remit taxes on tangible personal property under this part.

(5) This tax is in addition to all other taxes, whether levied in the form of excise, license, or privilege taxes, and is in addition to all other fees and taxes levied.

(6) This tax shall be due and payable according to the brackets set forth in s. 212.12.

(7) This tax shall not apply to any portion of the consideration received by any person in connection with the issuance of any service warranty contract upon which such person is required to pay any premium tax imposed under the Florida Insurance Code or under s. 634.313(1).

(8) If a transaction involves both the issuance of a service warranty which is subject to such tax and the issuance of a warranty, guaranty, extended warranty or extended guaranty, contract, agreement, or other written promise which is not subject to such tax, the consideration shall be separately identified and stated with respect to the taxable and nontaxable portions of the transaction. Such tax shall apply to the transaction to the extent that the consideration received or to be received in connection with the transaction is payment for a service warranty subject to such tax. If the consideration for such a transaction is not separately identified and stated, the entire transaction is taxable.

(9) Any claim which arises under a service warranty taxable under this section, which claim is paid directly by the person issuing such warranty, is not subject to any tax imposed under this part.

(10) Any duties imposed by this part upon dealers of tangible personal property with respect to collecting and remitting taxes, making returns, keeping books, records, and accounts, and complying with the rules and regulations of the department apply to all dealers as defined in s. 212.06(2)(l).

Section 33. Paragraph (l) is added to subsection (2) of section 212.06, Florida Statutes, 1988 Supplement, to read:

212.06 Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax.—

(2)

(l) "Dealer" also means any person who solicits, offers, provides, enters into, issues, or delivers any service warranty taxable under this part, or who receives, on behalf of such a person, any consideration from a service warranty holder.

Section 34. Paragraph (v) of subsection (7) of section 212.08, Florida Statutes, 1988 Supplement, is amended to read and paragraph (aa) is added to subsection (7) of said section to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—

(v) Professional services.—

1. Also exempted are professional, insurance, or personal service transactions that involve sales as inconsequential elements for which no separate charges are made.

2. The personal service transactions exempted pursuant to subparagraph 1. do not exempt the sale of information services involving the furnishing of printed, mimeographed, or multigraphed matter, or matter duplicating written or printed matter in any other manner, other than professional services and services of employees, agents, or other persons acting in a representative or fiduciary capacity or information services furnished to newspapers and radio and television stations. As used in this subparagraph, the term "information services" includes the services of collecting, compiling, or analyzing information of any kind or nature and furnishing reports thereof to other persons.

3. This exemption does not apply to any service warranty transaction taxable under s. 212.0506.

(aa) Certain commercial vehicles.—Also exempt is the sale, lease, or rental of a commercial motor vehicle as defined in s. 207.002(2), when the following conditions are met:

1. The sale, lease, or rental occurs between two commonly owned and controlled corporations;

2. Such vehicle was titled and registered in this state at the time of the sale, lease, or rental; and

3. Florida sales tax was paid on the acquisition of such vehicle by the seller, lessor, or renter.

Section 35. Subsections (1) and (2) of section 634.131, Florida Statutes, 1988 Supplement, are amended to read:

634.131 Tax on premiums and assessments.—

(1) In addition to the license taxes provided for in this part for motor vehicle service agreement companies and the license taxes as provided in the Florida Insurance Code as to insurers, each such company and each such insurer shall annually on or before March 1 file with the department its annual statement, in a form as prescribed and furnished by the department, showing all service agreement premiums or assessments received by it from agreement holders in this state during the preceding calendar year~~, and the gross amount of such premiums and assessments are subject to the sales tax imposed by chapter 212~~.

(2) Premiums and assessments received by insurers and taxed under this section shall not be subject to any premium tax provided for in the Florida Insurance Code. *However, the gross amount of such premiums and assessments is subject to the sales tax imposed by s. 212.0506.*

Section 36. Subsection (2) of section 634.415, Florida Statutes, 1988 Supplement, is amended to read:

634.415 Tax on premiums; annual statement; reports; quarterly statements.—

(2) Premiums and assessments received by insurers are not subject to any premium tax provided for in the insurance code. However, the gross amount of such premiums and assessments *is* ~~are~~ subject to the sales tax imposed by *s. 212 0506* ~~chapter 212~~.

Section 37. (1) Paragraph (1) of subsection (3) and subsection (4) of section 212.054, Florida Statutes, 1988 Supplement, are amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.—

(3) For the purpose of this section, a transaction shall be deemed to have occurred in a county imposing the surtax when:

(l) A Florida manufacturer or wholesaler *which is located in such county* sells tangible personal property to a dealer who is located outside the county *imposing the surtax*, but delivers the property within the county *in which the manufacturer or wholesaler is located or within a county also imposing the surtax to a customer of the dealer, in which event the dealer must collect and remit the surtax for the county in which the manufacturer or wholesaler is located.*

(4) The department shall administer, collect, and enforce the tax authorized under s. 212.055 pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under the provisions of this chapter, except as provided in this section. The provisions of this chapter regarding interest and penalties on delinquent taxes shall apply to the surtax. Discretionary sales surtaxes shall not be included in the computation of estimated taxes pursuant to s. 212.11(1)(a). Notwithstanding any other provision of law, a dealer need not separately state the amount of the surtax on the charge ticket, sales slip, invoice, or other tangible evidence of sale. For the purposes of this section and s. 212.055, the "proceeds" of any surtax shall be construed to mean all funds collected and received by the department pursuant to a specific authorization and levy under s. 212.055, including any interest and penalties on delinquent surtaxes. ~~Notwithstanding the provisions of s. 212.20,~~ The proceeds of each discretionary sales surtax imposed by each county, less the costs of administration, shall be transferred to a discretionary sales surtax trust fund. A separate trust fund shall be established in the State Treasury for each county imposing a discretionary surtax. The amount deducted for the costs of administration shall not exceed 3 percent of the total revenue generated for all counties levying a surtax authorized in s. 212.055. The amount deducted for the costs of administration shall be used only for those costs which are solely and directly attributable to the surtax. The total cost of administration shall be prorated among those counties levying the surtax on the basis of the amount collected for a particular county to the total amount collected for all counties. No later than March 1 of each year, the department shall submit a written report which details the expenses and amounts deducted for the costs of administration to the President of the Senate, the Speaker of the House of Representatives, and the governing authority of each county levying a surtax. Proceeds shall be distributed monthly to the appropriate counties, unless otherwise provided in s. 212.055.

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 38. (1) Section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(1) The department shall pay over to the Treasurer of the state all funds received and collected by it under the provisions of this *part* ~~chapter~~, to be credited to the account of the General Revenue Fund of the state~~, except that funds collected under s. 212.06(5)(a)2. shall be held in trust in the State Treasury, as provided therein~~.

(2) The department is authorized to employ all necessary assistants to administer this chapter properly and is also authorized to purchase all necessary supplies and equipment which may be required for this purpose.

(3) The estimated amount of money needed for the administration of this chapter shall be included by the department in its annual legislative budget request for the operation of its office.

(4) When there has been a final adjudication that any tax pursuant to s. 212.0596 was levied, collected, or both, contrary to the Constitution of the United States or the State Constitution, the department shall, in accordance with rules, determine, based upon claims for refund and other evidence and information, who paid such tax or taxes, and refund to each such person the amount of tax paid. For purposes of this subsection, a "final adjudication" is a decision of a court of competent jurisdiction from which no appeal can be taken or from which the official or officials of this state with authority to make such decisions has or have decided not to appeal.

(5) For the purposes of this section:

(a) "Proceeds" means all tax or fee revenue collected or received by the department, including interest and penalties.

(b) "Reallocate" means reduction of the accounts of initial deposit and redeposit into the indicated account.

(6) Distribution of all proceeds under this part shall be as follows:

(a) Proceeds from the convention development taxes authorized under s. 212.0305 shall be reallocated to the Discretionary Sales Surtax Clearing Trust Fund.

(b) Proceeds from discretionary sales surtaxes imposed pursuant to ss. 212.054 and 212.055 shall be reallocated to the Discretionary Sales Surtax Clearing Trust Fund.

(c) Fifty percent of the proceeds from the tax on controlled and other substances imposed pursuant to s. 212.0505 shall be transferred to the Drug Enforcement Trust Fund, and the remaining 50 percent shall be transferred to the Drug Abuse Education Trust Fund.

(d) Proceeds from the tax imposed pursuant to s. 212.06(5)a.2. shall be reallocated to the Mail Order Sales Tax Clearing Trust Fund.

(e) Proceeds from the fee imposed pursuant to s. 212.18(5) shall be transferred to the Solid Waste Management Trust Fund.

(f) Proceeds from the fee imposed pursuant to s. 212.18(3) shall remain with the General Revenue Fund.

(g) The proceeds of all other taxes and fees imposed pursuant to this part shall be distributed as follows:

1. Five percent shall be transferred to the State Infrastructure Fund.

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. Of the remaining proceeds, 9.888 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. All other proceeds shall remain with the General Revenue Fund.

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 39. (1) *The Local Government Infrastructure Tax Trust Fund is hereby retitled the Discretionary Sales Surtax Clearing Trust Fund. The Mail Order Sales Tax Clearing Trust Fund is hereby created in the State Treasury. Notwithstanding the repeal of s. 212.237, Florida Statutes, by this act, the Solid Waste Management Trust Fund shall continue to exist.*

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 40. (1) Subsection (8) of section 212.0505, Florida Statutes, 1988 Supplement, is amended to read:

212.0505 Taxation of unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances.—

(8) Two trust funds are created, known as the "Drug Abuse Education Trust Fund" and the "Drug Enforcement Trust Fund." ~~Any amounts collected by the Department of Revenue on unlawful sales, use, and other transactions involving drugs, cannabis, or controlled substances under this section shall be transferred into the trust funds as follows: 50 percent of the funds shall be transferred into~~ The Drug Enforcement Trust Fund~~, which~~ shall be administered by the Department of Revenue.~~, and 50 percent shall be transferred into~~ The Drug Abuse Education Trust Fund~~, which~~ shall be administered at the discretion of the Legislature.

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 41. (1) Paragraphs (h) and (i) of subsection (5) of section 212.08, Florida Statutes, 1988 Supplement, 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.—

(h) 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. 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. A description of the improvements made to accomplish the rehabilitation of the real property.

d. A copy of the building permit issued for the rehabilitation of the real property.

e. 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. 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. 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 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 the cost of the building materials used in the rehabilitation of the real property as determined pursuant to sub-subparagraph 1.e. 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 *transferred into* ~~deposited in~~ the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. *212.20* ~~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.

(i) 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. 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. A specific description of the property for which a refund is sought, including its serial number or other permanent identification number.

d. The location of the property.

e. 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. 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 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 *transferred into* ~~deposited in~~ the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. *212.20* ~~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 (h)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.

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 42. (1) Subsection (5) of section 212.18, Florida Statutes, 1988 Supplement, is amended to read:

212.18 Administration of law; rules and regulations.—

(5) In addition to any other fee imposed under this part, persons who hold a certificate of registration granted under subsection (3) and who had taxable sales or purchases during the preceding calendar year of $30,000 or more shall pay an additional annual registration fee for each certificate of registration granted. For certificateholders with taxable sales or purchases during the preceding calendar year of at least $30,000 but not more than $200,000, the fee shall be $25. For certificateholders with taxable sales or purchases during the preceding calendar year of $200,000 or more the fee shall be $50. However, the fee pursuant to this subsection shall not exceed $10,000 for any dealer who files a consolidated return pursuant to s. 212.11. The fee shall be due and payable with the person's January return or his first quarterly return each year. ~~The department shall transfer such fees to the Secretary of the Treasury to be deposited into the Solid Waste Management Trust Fund.~~ Failure to comply with the provisions of this subsection shall subject such person to penalties provided under s. 212.12(2).

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 43. (1) Subsection (1) of section 212.235, Florida Statutes, 1988 Supplement, is amended to read:

212.235 State Infrastructure Fund; deposits.—

(1)~~(a) Notwithstanding the provisions of ss. 212.20(1) and 218.61, in each fiscal year 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.~~

~~(b) However,~~ Any receipts of the fund, including those received pursuant to ss. 201.15(5) and ~~212.20(6) 206.875(3)~~ and interest earned, in excess of $500 million in any fiscal year, shall revert to the General Revenue Fund.

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 44. (1) *Section 212.237, Florida Statutes, 1988 Supplement, as created by chapter 88-130, Laws of Florida, is hereby repealed.*

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 45. (1) Subsection (1) of section 212.69, Florida Statutes, is amended to read:

212.69 Distribution of proceeds.—

(1) ~~Notwithstanding other provisions of law to the contrary,~~ Moneys collected pursuant to this part shall be deposited in the Gas Tax Collection Trust Fund created by s. 206.45. Such moneys, exclusive of the service charge imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 212.67, shall be distributed monthly to the State Transportation Trust Fund, except that $3.8 million per year shall be transferred to the Department of Natural Resources in equal monthly amounts; $1 million of this amount shall be spent solely for nonchemical control of aquatic weeds, research into nonchemical controls, and enforcement of aquatic weed control programs.

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 46. (1) Paragraph (d) of subsection (2) of section 215.32, Florida Statutes, 1988 Supplement, is amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(d) The State Infrastructure Fund shall consist of all moneys received from proceeds earmarked for this fund pursuant to ss. 201.15 and *212.20* ~~212.235~~. Such moneys shall only be expended pursuant to legislative appropriations for infrastructure facilities listed in s. 212.235(2).

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 47. (1) Subsection (2) of section 218.61, Florida Statutes, 1988 Supplement, is amended to read:

218.61 Local government half-cent sales tax; designated proceeds; trust fund.—

(2) ~~Notwithstanding the provisions of s. 212.20(1), 9.888 percent of the proceeds remitted pursuant to part I of chapter 212 by a sales tax dealer located within the county shall be~~ *Money remitted by a sales tax dealer located within the county and* transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund *shall be* ~~and~~ earmarked for distribution to the governing body of that county and of each municipality within that county. Such moneys shall be known as the "local government half-cent sales tax." ~~"Proceeds" means all funds collected and received by the Department of Revenue, including any interest or penalties.~~

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 48. (1) Paragraph (a) of subsection (2) of section 288.1162, Florida Statutes, 1988 Supplement, is amended to read:

288.1162 Professional sports franchises; duty of Department of Commerce; procedure.—

(2) The Department of Commerce shall develop rules for the receipt and processing of applications for funding pursuant to s. 288.1164. Such rules shall require as a minimum that an application include the information set forth in this subsection except for the provisions of paragraph (e). Any application submitted prior to the adoption of such rules shall include the following information except for the provisions of paragraph (e):

(a) The applicant shall include an economic impact study which shall include the following elements: an element indicating overall economic impact accruing to the state in terms of increased tax revenues; an element indicating the direct impact on the local area of funds generated by the location of the professional sports franchise in such area; and an element indicating the indirect benefits such as long-term economic growth in such area due to the location of the professional sports franchise facility. The applicant shall also include in the economic impact study an estimate of the annual amount of the revenues generated by the taxes imposed under part I of chapter 212 with respect to the use and operation of the professional sports franchise facility; provided, however, that with respect to any facility in existence and in use by a professional sports franchise on July 1, 1988, such estimate shall include only those revenues directly related to new and additional use and operation of such facility resulting from the construction, reconstruction, or renovation for which funding is sought pursuant to this act. Such estimate shall not include that portion of revenues which are to be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. *212.20* ~~218.61~~. The revenues described in this paragraph shall be referred to as the "Professional Sports Facility Sales Tax Revenues."

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later. If this act becomes a law after July 1, 1989, this section shall operate retroactively to July 1, 1989.

Section 49. (1) Paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, 1988 Supplement, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, *1989* ~~1988~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code shall have the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, *1989* ~~1988~~. However, if subsection (3) is implemented, the meaning of any term shall be taken at the time the term is applied under this code.

(2) This section shall take effect upon this act becoming a law and shall operate retroactively to January 1, 1989.

Section 50. (1) Section 161.40, Florida Statutes, is amended to read:

161.40 Tax exemptions.—All properties, revenues and other assets of the board of county commissioners acting as the beach and shore preservation authority, or of any of the districts created thereby, shall, by recognition of its essential public function, be exempt from all taxation by the state or any political subdivision, agency or instrumentality thereof. *The exemption granted by this section shall not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.*

(2) This section shall take effect upon this act becoming a law and shall operate retroactively to January 1, 1989.

Section 51. (1) Subsection (2) of section 341.329, Florida Statutes, is amended to read:

341.329 Bonds; project financing.—

(2) The commission is authorized to take appropriate action to provide that the interest on any bonds issued on behalf of the commission and in the name of the commission for the purposes of providing for the financing and construction of a high-speed rail line be exempt from federal income tax. *Any exemption granted by this subsection shall not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.*

(2) This section shall take effect upon this act becoming a law and shall operate retroactively to January 1, 1989.

Section 52. (1) Section 348.91, Florida Statutes, is amended to read:

348.91 Exemption from taxation.—The effectuation of the authorized purposes of the authority created under this part is, shall, and will be in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions, and since such authority will be performing essential governmental functions in effectuating such purposes, such authority shall not be required to pay any taxes or assessments of any kind or nature whatsoever upon any property acquired or used by it for such purposes, or upon any rates, fees, rentals, receipts, income, or charges at any time received by it, and the bonds issued by the authority, their transfer, and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation of any kind by the state, or by any political subdivision, or taxing agency or instrumentality thereof. *The exemption granted by this section shall not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.*

(2) This section shall take effect upon this act becoming a law and shall operate retroactively to January 1, 1989.

Section 53. (1) Subsection (1) of section 380.0673, Florida Statutes, is amended to read:

380.0673 Exemption from taxes and eligibility as investment.—

(1) The property of the land authority and the transactions and operations thereof and the income therefrom shall be exempt from taxation by the state and its political subdivisions. *The exemption granted by this subsection shall not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.*

(2) This section shall take effect upon this act becoming a law and shall operate retroactively to January 1, 1989.

Section 54. (1) Subsection (1) of section 420.513, Florida Statutes, is amended to read:

420.513 Exemption from taxes and eligibility as investment.—

(1) The property of the agency, the transactions and operations thereof, and the income therefrom shall be exempt from taxation by the state and its political subdivisions. *The exemption granted by this subsection shall not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations*

(2) This section shall take effect upon this act becoming a law and shall operate retroactively to January 1, 1989.

Section 55. Paragraph (f) of subsection (3) of section 220.183, Florida Statutes, 1988 Supplement, is added to read:

220.183 Community contribution tax credit.—

(3) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(a) There shall be allowed a credit of 50 percent of a community contribution against any tax due for a taxable year under this chapter.

(b) No business firm shall receive more than $200,000 in annual tax credits for all approved community contributions.

(c) The total amount of tax credit which may be granted for all programs approved under this section and s. 624.5105 is $3,000,000 annually.

(d) All proposals for the granting of the tax credit shall require the prior approval of the secretary.

(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(9).

(f) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.183(1) may be allowed the credit on a consolidated return basis.

Section 56. (1) Subsection (6) is added to section 220.15, Florida Statutes, to read:

220.15 Apportionment of adjusted federal income.—

(6) The term "taxpayer furnishing transportation services" in s. 214.72(2) includes taxpayers engaged exclusively in interstate commerce.

(2) This section shall take effect upon this act becoming a law and shall operate retroactively to January 1, 1989.

Section 57. *(1) There is created a commission within the Department of Environmental Regulation to study and recommend whether lands producing high water recharge to the aquifers in this state should be classified and assessed based upon their character or use for ad valorem tax purposes pursuant to s. 4, Art. VII of the State Constitution. The commission shall be comprised of the following 16 members: the Chief of the Bureau of Groundwater Protection, Department of Environmental Regulation; the Director of the Division of Ad Valorem Tax, Department of Revenue; the State Geologist; one member appointed by the Florida School Board Association; one member appointed by the Florida Association of Counties; one member appointed by the Florida League of Cities; two property appraisers appointed by the Executive Director of the Department of Revenue; the Executive Director of each water management district; and three members of the general public who are knowledgeable in either property appraisal or hydrogeology. One member of the general public shall be appointed by each of the following: the Governor, the Speaker of the House of Representatives, and the President of the Senate.*

(2) All members shall be appointed within 20 days after the effective date of this act.

(3) The commission shall meet within 60 days after the effective date of this act at the call of the Secretary of Environmental Regulation to elect a chairman. The commission shall hold one public hearing at each of the following locations: Jacksonville, Miami, Orlando, Tallahassee, Tampa, and one location selected by the chairman. The chairman may call additional meetings as necessary.

(4) The commission shall study all issues arising from the creation of a special tax assessment classification for lands that produce high water recharge to Florida's aquifers, including, but not limited to:

(a) The extent to which each aquifer in the state is threatened by the development of lands that produce high water recharge to each aquifer.

(b) The criteria to be used to identify lands that provide sufficient volumes of water for recharge of aquifers to be classified as high-water-recharge.

(c) Assessment of methods for mapping or delineating high-water-recharge areas on a scale at a resolution sufficient for tax appraisal purposes.

(d) Criteria for classification as "high-water-recharge" land based solely on character or use.

(e) Assessment of methods of determining the value of land classified as high-water-recharge land, based on its character or use.

(f) Whether this provision can be implemented in a manner that will assist local governments with their local comprehensive plan requirements relating to recharge lands.

(g) Whether covenants restricting or prohibiting development should be a condition of eligibility for classification of land as high-water-recharge land for tax assessment purposes.

(h) Whether there should be a recapture of the amount of the tax reduction if land classified as high-water-recharge subsequently fails to meet high-water-recharge classification criteria by reason of development.

(i) The amount by which local tax revenues would be reduced if the high-water-recharge classification provision of the State Constitution is implemented.

(j) Whether the benefits derived from implementing the high-water-recharge classification provision of the State Constitution outweigh the costs of its implementation.

(k) The extent to which land use affects the quality and quantity of recharge.

The commission shall file an interim report of its research, which may include recommendations for partial or phased implementation, with the Legislature not later than February 15, 1990. The commission shall file a final report of its research and recommendations and a draft of proposed legislation for the best method of implementation with the Legislature not later than March 15, 1991.

(5) The Department of Environmental Regulation 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. Each state agency represented by a member of the commission shall provide such additional equipment, staff, and other resources as requested by the commission.

(6) Members of the commission may not receive compensation but shall be reimbursed for travel and per diem expenses as provided by s. 112.061, Florida Statutes.

(7) This section shall take effect upon becoming a law, and shall expire May 15, 1991.

(8) The sum of $200,000 is appropriated from the General Revenue Fund to the Department of Environmental Regulation for the purpose of establishing two positions to assist in the performance of the required functions of the commission, contracting for research or technical services, and paying expenses of the commission established pursuant to this act.

Section 58. Effective January 1, 1990, subsections (7) and (8) of section 196.011, Florida Statutes, 1988 Supplement, are amended to read:

196.011 Annual application required for exemption.—

(7) The property appraisal adjustment board shall grant *any* ~~homestead~~ exemption for an otherwise eligible applicant if the applicant can clearly document that failure to apply by March 1 was the result of postal error.

(8) Any *applicant* ~~person~~ who is qualified to receive *any* ~~a homestead tax~~ exemption under subsection (1) and who fails to file an application by March 1, may file an application for the exemption and may file, pursuant to s. 194.011(3), a petition with the property appraisal adjustment board requesting that the exemption be granted. Such petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding the provisions of s. 194.013, such person must pay a nonrefundable fee of $15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the exemption and demonstrates particular extenuating circumstances judged by the property appraiser or the property appraisal adjustment board to warrant granting the exemption, the property appraiser or the property appraisal adjustment board may grant the exemption.

Section 59. Effective January 1, 1990, subsection (2) of section 689.02, Florida Statutes, 1988 Supplement, is amended to read:

689.02 Form of warranty deed prescribed.—

(2) The form for warranty deeds of conveyance to land shall include a blank space for the property appraiser's parcel identification number~~, if available,~~ describing the property conveyed, *which number, if available, shall be entered on the deed before it is presented for recording,* and blank spaces for the social security numbers of the grantees named in the deed, if available, which numbers may be entered on the deed before it is presented for recording. The failure to include such blank spaces, or the parcel identification number, or any social security number, or the inclusion of an incorrect parcel identification number or social security number, shall not affect the validity of the conveyance or the recordability of the deed. Such parcel identification number shall not constitute a part of the legal description of the property otherwise set forth in the deed and shall not be used as a substitute for the legal description of the property being conveyed, nor shall a social security number serve as a designation of the grantee named in the deed.

Section 60. Effective January 1, 1990, paragraph (f) of subsection (2) and subsection (3) of section 195.096, Florida Statutes, are amended to read:

195.096 Review of assessment rolls.—

(2)

(f) Within 120 days following the receipt of a county assessment roll by the executive director of the department pursuant to s. 193.1142(1), or within 10 days *after* ~~of~~ approval of the assessment roll, whichever is later, the Division of Ad Valorem Tax shall complete the review for that county and forward its findings, including a statement of the confidence interval for the median and such other measures as may be appropriate for each classification or subclassification studied and for the roll as a whole, employing a 95-percent level of confidence, and related statistical and analytical details to the Senate *Finance, Taxation, and Claims* ~~Ways and Means~~ Committee, the House Finance and Taxation Committee, and the appropriate property appraiser.

(3)(a) Upon completion of review pursuant to paragraph (2)(f), the Division of Ad Valorem Tax shall publish the results of reviews conducted pursuant to this section. The results shall include all statistical and analytical measures computed pursuant to this section for the real property assessment roll as a whole, the personal property assessment roll as a whole, and independently for the following real property classes:

1. Single-family, condominium, cooperative, mobile home, and other owner-occupied residential property.

2. Residential income property.

3. Agricultural and other use-valued property.

4. Vacant lots.

5. Nonagricultural acreage and other undeveloped parcels.

6. Taxable institutional and governmental property.

7. Improved commercial property.

8. Improved industrial, utility, locally assessed railroad, oil, gas and mineral lands, subsurface rights, and other real property.

If there are fewer than 30 parcels in any property class, such parcels may be included with the parcels described in subparagraph 8. for pur-

poses of sampling, conducting assessment ratio studies, and publishing results. The division shall also publish such results for any subclassifications of the above classes or assessment rolls it may have chosen to study. For each improved subclassification or property class and for the real property roll as a whole, the division shall also publish separate assessment ratio statistics for land valuations and for improvement valuations.

(b) When necessary for compliance with s. 236.081, and for those counties not being studied in the current year, the Division of Ad Valorem Tax shall project value-weighted mean levels of assessment for each county. The Division of Ad Valorem Tax shall make its projection based upon the best information available, utilizing professionally accepted methodology, and shall separately allocate changes in total assessed value to:

1. New construction, additions, and deletions.

2. Changes in the value of the dollar.

3. Changes in the market value of property other than those attributable to changes in the value of the dollar.

4. Changes in the level of assessment.

In lieu of the statistical and analytical measures published pursuant to paragraph (a), the department shall publish details concerning the computation of estimated assessment levels and the allocation of changes in assessed value for those counties not subject to an in-depth review.

Section 61. Effective January 1, 1990, subsections (2), (3), and (4) of section 197.364, Florida Statutes, are renumbered as subsections (3), (4), and (5), respectively, and a new subsection (2) is added to said section to read:

197.364 Collection of certain taxes assessed against railroad property.—

(2) If the total amount of the distribution from a single taxpayer to the taxing authorities of a single county is less than $5 or if the total amount of any overpayment from a single taxpayer is less than $5, the department may waive the billing, collection, distribution, or refunding of such amounts. Any overpayments not refunded shall be distributed to the counties on a pro rata basis based on the relationship of each county's centrally assessed property value to the total statewide centrally assessed property value.

Section 62. Effective January 1, 1990, subsection (2) of section 193.052, Florida Statutes, is amended to read:

193.052 Preparation and serving of returns.—

(2) No return shall be required for real property the ownership of which is reflected in instruments recorded in the public records of the county in which the property is located, unless otherwise required in this title. In order for land to be considered for agricultural *classification* ~~zoning~~ under s. 193.461, an application for such *classification* ~~zoning~~ must be filed on or before March 1 of each year with the property appraiser of the county in which such land is located. Such application shall state that such lands on January 1 of that year were used primarily for *bona fide commercial* agricultural purposes.

Section 63. Effective January 1, 1990, subsection (3) of section 195.027, Florida Statutes, 1988 Supplement, is amended to read:

195.027 Rules and regulations.—

(3) The rules and regulations shall provide procedures whereby the property appraiser, the Department of Revenue, and the Auditor General shall be able to obtain access, where necessary, to financial records relating to nonhomestead property which records are required to make a determination of the proper assessment as to the particular property in question. Access to a taxpayer's records shall be provided only in those instances in which:

(a) It is determined that such records are necessary to determine ~~either~~ the classification ~~or the value~~ of ~~the~~ taxable nonhomestead property *pursuant to part II of chapter 193, or*

(b) The property appraiser requests income and expense information for taxable nonhomestead property and the taxpayer agrees to provide such information. The property appraiser, in his written request for such income and expense information, shall state, in layman's language, the vacancy and collection rate, expense rate, and capitalization rate used for the previous year's income approach to valuation of the taxpayer's type of taxable nonhomestead property.

Access shall be provided only to those records which pertain to the property physically located in the taxing county as of January 1 of each year and to the income from such property generated in the taxing county for the year in which a proper assessment is made. Notwithstanding s. 119.14, all records produced by the taxpayer under this subsection shall be deemed to be confidential in the hands of the property appraiser, the department, the tax collector, and the Auditor General and shall not be divulged to any person, firm, or corporation, except upon court order or order of an administrative body having quasi-judicial powers in ad valorem tax matters, and such records are exempt from the requirements of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 64. Section 2 of chapter 88-216, Laws of Florida, is amended to read:

(2) Notwithstanding s. 197.322(3), Florida Statutes, the provisions of this section shall be effective and shall operate only for tax year 1989. *The Department of Revenue may exempt a county tax collector from the requirements of subsections (f) and (g) for good cause shown. The good cause requirement shall be satisfied, if in the determination of the department, subsections (f) and (g) cannot be met due specifically to an adverse budgeting impact greater than three-fourths of one percent of the tax collector's total budget.*

Section 65. Paragraph (n) is added to subsection (3) of section 125.0104, Florida Statutes, 1988 Supplement, to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(n)1. In addition to any other tax which is imposed pursuant to this section, a high tourism impact county may impose an additional 1-percent tax on the exercise of the privilege described in paragraph (a) by extraordinary vote of the governing board of the county. The tax revenues received pursuant to this paragraph shall be used for one or more of the authorized uses pursuant to subsection (5).

2. A county is considered to be a high tourism impact county after the Department of Revenue has certified to such county that the sales subject to the tax levied pursuant to this section exceeded $600 million during the previous calendar year, except that no county authorized to levy a convention development tax pursuant to s. 212.0305 shall be considered a high tourism impact county. Once a county qualifies as a high tourism impact county, it shall retain this designation for the period the tax is levied pursuant to this paragraph.

3. 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.

Section 66. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, 1988 Supplement is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Health and Rehabilitative Services, and state correctional institutions when only student, faculty, or inmate talent is utilized. However, this exemption shall not apply to admission to athletic events sponsored by an institution within the State University System, and the proceeds of the tax collected on such admissions shall be retained and utilized by each institution to support women's athletics as provided in s. 240.533(4)(c).

2. No tax shall be levied on dues, membership fees and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the United States Internal Revenue Code of 1954, as amended.

3. No tax shall be levied on an admission paid by a student, or on his behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game.

5. No tax shall be levied on admissions to athletic or other events sponsored by governmental entities.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the United States Internal Revenue Code, 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of $1,500,000 multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

Section 67. Except as otherwise provided herein, this act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 4 to Amendment 1—On page 1, line 15, insert:

Section 1. *(1) There is hereby created a task force to be called the Task Force on the Florida Taxpayers' Bill of Rights. It shall be composed of a representative from each of the following: Florida Taxwatch, Associated Industries of Florida, the Florida Chamber of Commerce, the Florida Chapter of the Tax Executives Institute, the Tax Section of the Florida Bar, the Florida Retail Federation and the Comptroller of the State of Florida or an appropriate designee, the Treasurer of the State of Florida or an appropriate designee. The Executive Director of the Florida Department of Revenue or an appropriate designee shall serve as a non-voting member of the task force.*

(2) The chairperson of the task force shall be elected by a majority of the members.

(3) All meetings of the task force shall be held in Tallahassee. The task force shall meet once each month between August 1, 1989 and March 31, 1990.

(4) Appointments to the task force shall be made no later than July 31, 1989.

(5) The Task Force on the Taxpayers' Bill of Rights shall:

(a) Examine and evaluate the current tax laws, regulations, policies and procedures with specific regard to the payment of interest on refunds, and the assessment of penalties and interest, with an emphasis on streamlining the administrative processes, thereby promoting and maintaining their fair application.

(b) Examine and evaluate alternative procedures and policies regarding the laws and regulation relating to refunds, penalties and interest.

(c) No later than February 15, 1990 submit its findings to the Governor, the Speaker of the House, the President of the Senate and the Chair of the Tax and Budget Reform Commission together with recommendations and proposed legislation to accomplish those recommendations.

(Renumber subsequent section.)

Amendment 2—On page 1, line 1, strike the entire title and insert: A bill to be entitled An act relating to taxation; amending s. 198.29, F.S.; prohibiting the refund of estate taxes pursuant to any allegation that the decedent was a resident of another state except under certain conditions; amending s. 198.01, F.S.; redefining the term "federal generation-skipping transfer tax" to revise references; amending ss. 198.021 and 198.031, F.S., to conform; amending ss. 199.032 and 199.052, F.S.; specifying that the annual intangible personal property tax applies to property that has a taxable situs in this state; defining "control" and "manage" with respect to said tax; amending s. 199.175, F.S.; specifying conditions under which intangible personal property has a taxable situs in this state; amending s. 199.062, F.S.; revising the information that corporations doing business in this state are required to file with the Department of Revenue annually; amending s. 199.282, F.S.; revising late reporting penalty provisions with respect to intangible personal property taxes; amending s. 201.05, F.S., relating to the documentary excise tax on stock certificates; correcting a reference; amending s. 203.01, F.S.; requiring monthly reporting of gross receipts taxes for utility services; revising the penalties for failing to timely report and pay gross receipts taxes; providing penalties for the evasion of such taxes; amending s. 206.425, F.S.; providing a penalty for persons who seek relief from assessments of motor fuel tax and who sell fuel in violation of the law relating thereto; amending s. 206.89, F.S.; providing a penalty for persons who act as a special fuel dealer and do not hold a valid license; amending s. 206.91, F.S.; providing for quarterly or semiannual returns with respect to the tax on special fuel under certain circumstances; amending ss. 206.93 and 206.94, F.S., to conform; amending s. 212.66, F.S.; providing for application of said penalties to the tax on the sale of fuel; amending s. 212.67, F.S., which allows a refund of a portion of the tax on the sale of fuel for shrinkage; requiring that such refund be taken as a credit against local option gas taxes in counties which impose local option taxes; amending s. 206.9865, F.S.; revising reporting requirements relating to aviation fuel tax for commercial air carriers; amending s. 211.33, F.S., relating to administration of the taxes on severance of solid minerals; authorizing issuance of warrants for delinquent taxes and providing for execution; providing for liens on the taxpayer's property; providing for alias tax executions; providing for levy of tax executions on third parties; amending s. 213.06, F.S.; specifying the authority of the Department of Revenue with respect to rules relating to revenue laws; amending s. 213.24, F.S.; providing that certain additional penalties shall not be imposed if payment of amounts due under revenue laws is made within a specified period; revising provisions relating to a study to determine minimum billing amounts; creating s. 213.34, F.S.; specifying authority of the department to audit and inspect records, correct overpayments, and assess deficiencies; creating s. 213.755, F.S.; authorizing the executive director of the department to require a taxpayer to remit taxes by electronic funds transfer under certain circumstances; creating ss. 210.021 and 210.31, F.S.; authorizing the Secretary of Business Regulation to require dealers selling cigarettes and distributors selling tobacco products to remit taxes by electronic funds transfer under certain circumstances; creating ss. 550.096 and 551.061, F.S.; authorizing the Secretary of Business Regulation to require permitholders conducting race meetings and jai alai exhibitions to remit taxes and fees by electronic funds transfer under certain circumstances; creating s. 561.111, F.S.; authorizing the Secretary of Business Regulation to require manufacturers and distributors of alcoholic beverages to remit taxes by electronic funds transfer under certain circumstances; amending ss. 125.0104 and 212.0305, F.S.; providing that counties that elect to collect and administer the tourist development tax or a convention development tax on a local basis must assume responsibility for audit and enforcement or delegate such authority to the Department of Revenue; creating s. 212.0506, F.S.; imposing the sales tax on service warranties; providing a definition; providing for payment, collection, and administration of the tax; providing exclusions; providing penalties;

amending s. 212.06, F.S.; defining "dealer" for purposes of service warranties; amending s. 212.08, F.S.; excluding sales of service warranties from the exemption for personal, professional, and insurance services; providing an exemption; amending ss. 634.131 and 634.415, F.S., to conform; amending s. 212.054, F.S.; revising provisions relating to assessment of discretionary sales surtaxes on property sold to a dealer located outside the county imposing such tax but delivered within a county imposing such tax; amending s. 212.20, F.S.; consolidating provisions relating to the distribution of proceeds under part I of chapter 212, F.S.; renaming and creating certain trust funds; amending ss. 212.0505, 212.08, 212.18, 212.235, 212.69, 215.32, 218.61, and 288.1162, F.S., to conform; repealing s. 212.237, F.S., relating to transfers of sales tax proceeds to the Solid Waste Management Trust Fund; amending s. 220.03, F.S.; revising the definition of "Internal Revenue Code" under the Florida Income Tax Code; amending ss. 161.40, 341.329, 348.91, 380.0673, and 420.513, F.S., relating to tax exemptions for beach and shore preservation authorities, bonds issued for a high-speed rail line, the Pasco County Expressway Authority, land authorities in counties with areas of critical state concern, and the Florida Housing Finance Agency, to specify that such exemptions do not apply to the corporate income tax on interest, income, or profits on debt obligations owned by corporations; amending s. 220.183, F.S., authorizing a taxpayer to claim a community contribution credit on a consolidated return; amending s. 220.15, F.S.; providing that the term "taxpayer furnishing transportation services" includes persons engaged exclusively in interstate commerce; creating a temporary commission within the Department of Environmental Regulation to study and recommend whether lands producing high water recharge of aquifers should be specially classified and their assessment based upon their character or use pursuant to s. 4, Art. VII of the State Constitution; providing for composition of the commission; requiring public hearings; specifying the issues to be studied by the commission; requiring reports; providing for assistance of the department and other state agencies; providing an appropriation; providing an effective date and an expiration date; amending s. 196.011, F.S.; providing for granting exemptions under certain circumstances; amending s. 689.02, F.S.; requiring certain information on warranty deeds; amending s. 195.096, F.S.; authorizing modification of certain assessment rates study criteria; amending s. 197.364, F.S.; providing minimum billing, collecting, and refunding amounts; amending s. 193.052, F.S.; updating obsolete agricultural terminology; amending s. 195.027, F.S.; requiring specific criteria for access to taxpayers' financial records; amending s. 2, Chapter 88-216, Laws of Florida; providing an exemption for good cause; amending s. 125.0104, F.S.; authorizing levy of an additional tax by extraordinary vote of the county governing board in high tourism impact counties and providing for designation of such counties; amending s. 212.04, F.S.; authorizing an exemption; providing effective dates.

Amendment 1 to House Amendment 2—On page 7 in title, line 3, after the semicolon (;) insert: creating a task force;

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

Amendment 1—On page 30, between lines 3 and 4, insert:

1. The greater of five percent or the sums sufficient to provide the maximum amount specified in s. 212.235(1) shall be transferred to the State Infrastructure Fund.

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

CS for SB 267 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Childers, D.	Gardner	Kirkpatrick
Bankhead	Childers, W. D.	Girardeau	Kiser
Beard	Crenshaw	Gordon	Malchon
Brown	Deratany	Grizzle	Margolis
Bruner	Dudley	Jennings	McPherson
Casas	Forman	Johnson	Meek
Myers	Ros-Lehtinen	Thomas	Weinstein
Peterson	Souto	Thurman	Weinstock
Plummer	Stuart	Walker	Woodson-Howard

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1279 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1279—A bill to be entitled An act relating to taxes on tobacco and alcoholic beverages; amending s. 210.06, F.S.; prohibiting the imposition of an additional charge on cigarette stamps for printing costs; amending s. 210.15, F.S.; prohibiting the Division of Alcoholic Beverages and Tobacco of the Department of Business Regulation from furnishing cigarette stamps to persons other than qualified wholesale dealers; amending s. 561.025, F.S.; correcting a cross-reference to comply to the act; amending s. 561.19, F.S.; exempting drawing results for certain alcoholic beverage licenses from s. 119.07(1), F.S.; providing that this exemption is subject to the Open Government Sunset Review Act; increasing fees to participate in such a drawing; providing procedures for transferring the notice of selection; amending s. 561.32, F.S.; providing for an alcoholic beverage license transfer fee for the transfer of certain licenses; imposing a surcharge on retail sales of cigarette rolling papers; providing an exemption; providing for depositing collections of surcharge revenues into the Drug Abuse Education Trust Fund; providing for penalties and interest; providing for collection and enforcement; providing an effective date.

Amendment 1—On page 9, lines 29-31 and on page 10, lines 1-14, strike all language

Amendment 2—On page 1, lines 22-28, strike all language and insert: licenses; providing an effective date.

Amendment 3—On page 10, after line 14, insert:

Section 6. Paragraph (a) of subsection (4) of section 210.18, Florida Statutes, is amended to read:

210.18 Penalties for tax evasion; reports by sheriffs.—

(4)(a) Any person or corporation that owns or has in his or its possession any cigarettes upon which a tax is imposed by the cigarette law, or would be imposed if such cigarettes were manufactured in or brought into this state in accordance with the regulatory provisions of the cigarette law, and upon which such tax has not been paid is, in addition to the fines and penalties otherwise provided in the cigarette law, personally liable for the amount of the tax imposed on such cigarettes; and the division may collect such tax from such person *or corporation* by suit or *by restitution if the taxpayer is convicted, found guilty, or pleads nolo contendere or guilty to any crime under this chapter. This paragraph is applicable even if adjudication is withheld* ~~otherwise~~.

Amendment 4—On page 1, line 22, after the semicolon (;) insert: amending s. 210.18, F.S.; providing for collection of unpaid cigarette taxes by restitution in certain situations;

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

CS for SB 1279 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	Deratany	Grant	Langley
Beard	Dudley	Grizzle	Malchon
Brown	Forman	Jennings	Margolis
Casas	Gardner	Johnson	McPherson
Childers, W. D.	Girardeau	Kirkpatrick	Meek
Davis	Gordon	Kiser	Myers

Peterson	Stuart	Weinstein
Ros-Lehtinen	Thomas	Weinstock
Scott	Thurman	Woodson-Howard

Nays—3

Bruner	Childers, D.	Souto

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed HB 1856 and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1856—A bill to be entitled An act relating to state building designation; designating the new Auditor General's building as the "Claude Denson Pepper Building"; providing an effective date.

On motions by Senator Gordon, by unanimous consent HB 1856 was taken up out of order and by two-thirds vote was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	
Deratany	Kirkpatrick	Scott	
Dudley	Kiser	Souto	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1413 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1413—A bill to be entitled An act relating to cholesterol screening; creating the "Cholesterol Screening Act"; providing definitions; providing for direct supervision of cholesterol screening services by a licensed clinical laboratory or licensed physician; requiring a person or business that performs screening services to be licensed by the Department of Health and Rehabilitative Services; providing fees; requiring periodic onsite inspections by the supervisor and by the department; requiring the department to adopt rules that set standards and providing guidelines for the standards; providing for complaints and investigations; providing for temporary restraining orders; providing administrative penalties; prohibiting the performing of cholesterol screening without a license; providing penalties; providing an effective date.

Amendment 1—On page 8, between lines 19 and 20, insert:

Section 8. *This act is repealed on October 1, 1999, and shall be reviewed by the Legislature pursuant to section 11.61, Florida Statutes.*

(Renumber subsequent section.)

Amendment 2—On page 1, line 19, after "penalties;" insert: providing for future review and repeal;

Amendment 3—On page 2, line 13, strike "; and" and insert: , however the person who takes the sample of blood must be licensed under s. 483.141, F.S.; and

Amendment 4—On page 2, line 19, strike "459, Florida Statutes." and insert: 459, or chapter 460, Florida Statutes.

On motions by Senator Kirkpatrick, the Senate concurred in House Amendments 1, 2 and 4; refused to concur in House Amendment 3; and the House was requested to recede. The action of the Senate was certified to the House. The vote on passage was:

Yeas—25

Mr. President	Deratany	Malchon	Walker
Brown	Forman	Meek	Weinstein
Bruner	Gordon	Peterson	Weinstock
Casas	Grant	Ros-Lehtinen	Woodson-Howard
Childers, D.	Grizzle	Scott	
Crenshaw	Kirkpatrick	Stuart	
Davis	Langley	Thurman	

Nays—1

Johnson

Vote after roll call:

Yea—Girardeau

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 681 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 681—A bill to be entitled An act relating to drivers' licenses; amending s. 322.141, F.S.; providing for the issuance of a separately color-coded driver's license for persons who have insulin-dependent diabetes; directing the Department of Highway Safety and Motor Vehicles to require appropriate proof; providing an effective date.

Amendment 1—On page 1, lines 23-30, strike all of said lines and insert: *(2)(a) Effective January 1, 1990, all licenses for the operation of motor vehicles originally issued or reissued by the department to persons who have insulin-dependent diabetes may, at the request of the applicant, have distinctive markings separate and distinct from all other licenses issued by the department.*

Amendment 2—On page 1, strike all of lines 4 and 5 and insert: a distinctively marked driver's license for persons who have insulin-dependent diabetes;

On motions by Senator Ros-Lehtinen, the Senate concurred in the House amendments.

SB 681 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	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1194 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1194—A bill to be entitled An act relating to state fiscal matters; amending s. 216.011, F.S.; defining the appropriation category "Grants and Aids to Local Governments and Nonprofit Organizations-Fixed Capital Outlay" for the purpose of the fiscal affairs of the state, appropriation acts, legislative budgets, and approved budgets; appropriating moneys from specific vetoed items to the State Working Capital Fund; providing an effective date.

Amendment 1—On page 2, between lines 8 and 9, insert:

Section 2. Section 216.331, Florida Statutes, is amended to read:

216.331 Disbursement of state moneys.—Except as provided in s. 17.076, *s. 717.124(3), s. 732.107(6), or s. 733.816(5),* all moneys in the State Treasury shall be disbursed by state warrant, drawn by the Comptroller upon the State Treasury and payable to the ultimate beneficiary.

Section 3. Subsection (3) is added to section 717.124, Florida Statutes, to read:

717.124 Filing of claim with department.—

(3)(a) If a claimant assigns his rights to receive payment to an attorney or private investigative agency which is duly licensed to do business in this state pursuant to a written agreement with such claimant, the department is authorized to make distribution of property or money in accordance with such assignment.

(b) Payments made to an attorney or private investigative agency shall be promptly deposited into a trust or escrow account which is regularly maintained by the attorney or the private investigative agency in a financial institution authorized to accept such deposits and located in this state.

(c) Distribution by the attorney or private investigative agency to the claimant shall be made within 10 days following final credit of the deposit into the trust or escrow account at the financial institution, unless a party to the agreement protests in writing such distribution before it is made.

(d) The department shall not be civilly or criminally liable for any property or funds distributed pursuant to this subsection, provided such distribution is made in good faith.

Section 4. Subsection (6) of section 732.107, Florida Statutes, is renumbered as subsection (7), and a new subsection (6) is added to said section, to read:

732.107 Escheat.—

(6)(a) If a person entitled to the funds assigns his rights to receive payment to an attorney or private investigative agency which is duly licensed to do business in this state pursuant to a written agreement with such person, the Department of Banking and Finance is authorized to make distribution in accordance with such assignment.

(b) Payments made to an attorney or private investigative agency shall be promptly deposited into a trust or escrow account which is regularly maintained by the attorney or private investigative agency in a financial institution authorized to accept such deposits and located in this state.

(c) Distribution by the attorney or private investigative agency to the person entitled to the funds shall be made within 10 days following final credit of the deposit into the trust or escrow account at the financial institution, unless a party to the agreement protests in writing such distribution before it is made.

(d) The department shall not be civilly or criminally liable for any funds distributed pursuant to this subsection, provided such distribution is made in good faith.

Section 5. Subsection (5) is added to section 733.816, Florida Statutes, to read:

733.816 Disposition of unclaimed property held by personal representatives.—

(5)(a) If a person entitled to the funds assigns his rights to receive payment to an attorney or private investigative agency which is duly licensed to do business in this state pursuant to a written agreement with such person, the Department of Banking and Finance is authorized to make distribution in accordance with such assignment.

(b) Payments made to an attorney or private investigative agency shall be promptly deposited into a trust or escrow account which is regularly maintained by the attorney or private investigative agency in a financial institution authorized to accept such deposits and located in this state.

(c) Distribution by the attorney or private investigative agency to the person entitled to the funds shall be made within 10 days following final credit of the deposit into the trust or escrow account at the financial institution, unless a party to the agreement protests in writing such distribution before it is made.

(d) The department shall not be civilly or criminally liable for any funds distributed pursuant to this subsection, provided such distribution is made in good faith.

Section 6. *Nothing contained in sections 8-11 shall be construed as a waiver of sovereign immunity.*

(Renumber subsequent sections.)

Amendment 2—On page 1, line 10, after the semicolon (;) insert: amending s. 216.331, F.S.; providing that State Treasury moneys may be payable to lawful assigns of ultimate beneficiaries; amending ss. 717.124, 732.107, and 733.816, F.S.; providing that the Department of Banking and Finance shall distribute funds to an attorney or private investigative agency which has been assigned funds in accordance with a written agreement; providing that funds assigned to an attorney or private investigative agency shall be deposited into a trust or escrow account of such attorney or private investigative agency; providing that such funds shall be distributed to the claimant within 10 days; providing intent with respect to sovereign immunity;

Amendment 3—On page 2, lines 9-13, strike all of said lines and insert:

Section 2. Paragraph (v) of subsection (1) of section 216.011, Florida Statutes, 1988 Supplement, is amended to read:

216.011 Definitions.—

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(v) "Operating capital outlay" means equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature, the value or cost of which is *$500* ~~$200~~ or more and the normal expected life of which is 1 year or more, and hardback-covered bound books *that are circulated to students or the general public*, the value or cost of which is $25 or more, *and hardback-covered bound books, the value or cost of which is $100 or more.*

Section 4. Section 273.02, Florida Statutes, is amended to read:

273.02 Record and inventory of certain property.—The word "property" as used in this section means equipment, fixtures, and other tangible personal property of a nonconsumable and nonexpendable nature, the value or cost of which is *$500* ~~$200~~ or more and the normal expected life of which is 1 year or more, and hardback-covered bound books *that are circulated to students or the general public*, the value or cost of which is $25 or more, *and hardback-covered bound books, the value or cost of which is $100 or more.* Each item of property which it is practicable to identify by marking shall be marked in the manner required by the Auditor General. Each custodian shall maintain an adequate record of property in his custody, which record shall contain such information as shall be required by the Auditor General. Once each year, on July 1 or as soon thereafter as is practicable, and whenever there is a change of custodian, each custodian shall take an inventory of property in his custody. The inventory shall be compared with the property record, and all discrepancies shall be traced and reconciled. All publicly supported libraries shall be exempt from marking hardback-covered bound books, as required by this section. *The catalogue and inventory control records maintained by each publicly supported library shall constitute the property record of hardback-covered bound books with a value or cost of $25 or more included in each publicly supported library collection and shall serve as a perpetual inventory in lieu of an annual physical inventory. All books identified by these records as missing shall be traced and reconciled and the library inventory shall be adjusted accordingly.*

Section 5. Section 240.225, Florida Statutes, 1988 Supplement, is amended to read:

240.225 Applicability of certain sections.—The Department of General Services shall by rule provide for delegation to the State University System of the functions and duties in ss. 273.04, 273.05, and 273.055 and chapter 287 *as they pertain to the State University System.* The Governor and Cabinet, sitting as the State Board of Education, shall approve or disapprove the award of information technology resources procurements under s. 287.073 for the State University System which are reviewed by the Board of Regents pursuant to this section. No additional positions shall be authorized for the State University System to implement the provisions of this section.

Section 7. Paragraph (b) of subsection (1) and paragraph (c) of subsection (2) of section 287.042, Florida Statutes, 1988 Supplement, are amended to read:

287.042 Powers, duties, and functions.—The division shall have the following powers, duties, and functions:

(1)

(b) The division may remove from its vendor list any source of supply which fails ~~more than once~~ to fulfill any of its duties specified in a contract with the state. It may reinstate any such source of supply when it is satisfied that further instances of default will not occur.

(2)

(c) Any person who files an action protesting a decision or intended decision pertaining to ~~term~~ contracts administered by the division *or a state agency* pursuant to s. 120.53(5)(b) shall post with the division *or the state agency* at the time of filing the formal written protest a bond payable to the division *or state agency* in an amount equal to 1 percent of the division's *or the state agency's* estimate of the total volume of the contract or $5,000, whichever is less, which bond shall be conditioned upon the payment of all costs which may be adjudged against him in the administrative hearing in which the action is brought and in any subsequent appellate court proceeding. For protests of decisions or intended decisions of the division pertaining to agencies' requests for approval of exceptional purchases, the bond shall be in an amount equal to 1 percent of the requesting agency's estimate of the contract amount for the exceptional purchase requested or $5,000, whichever is less. If, after completion of the administrative hearing process and any appellate court proceedings, the agency prevails, it shall recover all costs and charges which shall be included in the final order or judgment, excluding attorney's fees. Upon payment of such costs and charges by the person protesting the award, the bond shall be returned to him. If the person protesting the award prevails, he shall recover from the agency all costs and charges which shall be included in the final order of judgment, excluding attorney's fees.

Section 6. Subsection (3) of section 288.011, Florida Statutes, is amended to read:

288.011 Department of Commerce; travel and entertainment expenses.—

(3) An annual report shall be made to the Legislature not later than December 30 of each year for the previous fiscal year, which report shall consist of a synopsis concisely summarizing entertainment and incidental expenses incurred within the United States and all travel, entertainment, and incidental expenses incurred outside the United States. ~~Nothing in this section shall be construed to exempt the Department of Commerce from the reporting requirements of s. 112.061(3)(e).~~

Section 7. *Paragraph (e) of subsection (3) of section 112.061, Florida Statutes, is hereby repealed.*

Section 8. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 4—On page 1, lines 9 and 10, strike "appropriating moneys from specific vetoed items to the State Working Capital Fund;" and insert: amending s. 216.011, F.S.; redefining the value of operating capital outlay; amending s. 273.02, F.S.; redefining the value of property; providing that certain records maintained by publicly supported libraries shall constitute the property record of certain books and serve as an inventory; amending s. 240.225, F.S.; clarifying delegation of functions and duties; amending s. 287.042, F.S.; allowing the removal of a vendor by the Division of Purchasing of the Department of General Services after failure to perform on only one contract; allowing state agencies to require a bond on any bid protest; amending s. 288.011, F.S.; conforming provisions; repealing s. 112.061(3)(e), F.S., relating to reporting by state agencies of certain out-of-state meetings;

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

CS for SB 1194 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	Deratany	Kirkpatrick	Thomas
Bankhead	Dudley	Langley	Thurman
Beard	Forman	Malchon	Walker
Brown	Gardner	Margolis	Weinstein
Bruner	Girardeau	Meek	Weinstock
Casas	Gordon	Myers	Woodson-Howard
Childers, D.	Grant	Peterson	
Childers, W. D.	Grizzle	Ros-Lehtinen	
Davis	Jennings	Stuart	

Nays—None

Vote after roll call:

Yea—Plummer, Souto

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1336 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1336—A bill to be entitled An act relating to local government financial matters; creating part VII of chapter 218, F.S., the Florida Prompt Payment Act; providing definitions; providing for establishment of a date to be used in calculation of the date on which payment for purchases by a local governmental entity is due; providing procedures for calculation of such due date; providing for payment of interest on payments not made by the required date; providing that no contract may prohibit such interest; providing procedures regarding improper invoices; requiring local governmental entities to establish procedures for resolution of disputes regarding payment of invoices; providing requirements regarding payments involving federal funds; requiring reports regarding interest payments; providing for repeal of conflicting laws; providing an effective date.

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

Section 1. Section 28.13, Florida Statutes, is amended to read:

28.13 To keep papers.—The clerk of the circuit court shall keep all papers filed in his office with the utmost care and security, arranged in appropriate files (endorsing upon each the time when the same was filed), ~~and all the pleadings in such cause shall be attached together with tape or ribbon, and kept distinct from other papers in the cause; and papers of different kinds shall not be mixed up and folded loosely together, but each description of papers shall be kept on file with other papers of the same class;~~ and he shall not permit any attorney, or other person, to take papers once filed out of the office of the clerk without leave of the court, except as is hereinafter provided by law.

Section 2. Subsection (2) of section 129.03, Florida Statutes, 1988 Supplement, is amended to read:

129.03 Preparation and adoption of budget.—

(2) On or before *June 1* ~~May 1~~ of each year, the sheriff, the clerk of the circuit court and county comptroller, the tax collector subject to a resolution entered into pursuant to s. 145.022(1), and the supervisor of elections shall each submit to the board of county commissioners a tentative budget for their respective offices for the ensuing fiscal year. *However, the board of county commissioners may, by resolution, require the tentative budgets to be submitted by May 1 of each year.*

Section 3. Section 142.03, Florida Statutes, 1988 Supplement, is amended to read:

142.03 Disposition of fines, forfeitures, and civil penalties; reports.—Except as to fines, forfeitures, and civil penalties collected in cases involving violations of municipal ordinances, violations of chapter 316 committed within a municipality, or infractions under the provisions of chapter 318 committed within a municipality, in which cases such fines, forfeitures, and civil penalties shall be fully paid monthly to the appropriate municipality as provided in ss. 34.191, 316.660, and 318.21, and except as to fines imposed under s. 775.0835(1), and assessments imposed under ss. 893.13(4) and 893.16, all fines imposed under the penal laws of this state in all other cases, and the proceeds of all forfeited bail bonds or recognizances in all other cases, shall be paid into the fine and forfeit-

ure fund of the county in which the indictment was found or the prosecution commenced, and judgment must be entered therefor in favor of the state for the use of the particular county. ~~The county commissioners of each county shall require a full report from all clerks of county courts and clerks of circuit courts once in each month, within 30 days after the expiration of said month, of the amount of fines imposed by their courts and of bonds forfeited and judgments rendered on said forfeited bonds, and into whose hands they had been paid or placed for collection, the date of conviction in each case, the term of imprisonment, and the name of the officer to whom commitment was delivered. If any clerk of court shall fail to make such report for any month, the board of county commissioners shall immediately report to the Governor any such failure or refusal, and the Governor may, in his discretion, suspend such officer or officers from office. The county commissioners may withhold any fees or costs of any officer until said officer collects and pays over to the depository legally entitled to receive the same all such fines and forfeitures or furnishes a satisfactory excuse for not doing so.~~

(Renumber subsequent sections.)

Amendment 2—On page 1 in the title, line 3, after the semicolon (;) insert: amending s. 28.13, F.S., deleting obsolete language regarding the maintenance and filing of papers by the clerk of the circuit court; amending s. 129.03(2), F.S., changing the date for submission of tentative budgets by county officers to the board of county commissioners; amending s. 142.03, F.S., eliminating the requirement for a specified monthly report by the clerk of the court to the board of county commissioners;

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

SB 1336 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

SPECIAL ORDER, continued

CS for SB 226—A bill to be entitled An act relating to developmental disabilities; amending s. 27.51, F.S., relating to duties of public defenders with respect to involuntary placement of persons with developmental disabilities; amending ss. 381.702, 381.715, 393.0675, 393.0678, 393.115, 393.21, 402.22, 948.031, F.S.; modifying language with respect to retardation and developmental disabilities; amending s. 393.001, F.S.; locating the Florida Developmental Disabilities Planning Council within the Department of Health and Rehabilitative Services for administrative purposes; providing for the council to be a separate budget entity for purposes of ch. 216, F.S.; modifying the powers and duties of the council; correcting a cross-reference; providing for funding the council; authorizing the council to contract for certain services; requiring the council to negotiate certain agreements with the department; amending s. 393.061, F.S.; changing title of the "Retardation Prevention and Community Services Act"; amending s. 393.062, F.S.; providing legislative intent; amending s. 393.063, F.S.; modifying definitions and providing new definitions; amending ss. 393.064 and 393.20, F.S.; providing for planning and implementation of programs for prevention, amelioration, correction, or cure of developmental disabilities; requiring certain prevention services; creating s. 393.0641, F.S.; establishing a program for the prevention and treatment of severe self-injurious behavior; creating s. 393.0651, F.S.; providing for habilitation plans; providing for case management and client advocates; providing placement preferences; providing for review and appeal of plans; amending s. 393.066, F.S.; requiring consistent availability and eligibility for community-based services; revising content of such services; deleting language relating to certain Department of Health and Rehabilitative Services responsibility for services; amending s. 393.067, F.S.; providing for standards, inspection, and review of licensed residential facilities and comprehensive transitional education programs; prohibiting unlicensed facilities from receiving state funds; requiring the department to submit a plan to phase out unlicensed beds in developmental services institutions; providing for nonrenewal of the license for a facility with certain outstanding fines; providing that the department need not contract with new facilities licensed after a certain date; requiring the department to continue to contract with facilities licensed prior to a certain date if the facilities meet certain requirements; amending s. 393.068, F.S.; establishing a family care program; providing program contents; deleting provisions relating to a demonstration project; creating s. 393.125, F.S.; providing rights to a hearing on certain decisions; amending s. 393.13, F.S.; providing rights of persons with developmental disabilities; modifying client rights; providing for a system for the oversight of behavioral programs; requiring quarterly district reports; providing liability for violations; amending s. 393.14, F.S.; providing for biennial reports to the Legislature regarding the department's multiyear implementation plan; modifying plan contents; amending s. 393.15, F.S.; providing for community-based foster home, group home, developmental training, and supported employment programs; changing name of the "Group-Living Home Trust Fund"; authorizing inclusion of certain staff training in costs of development; authorizing certain department grants for firesafety renovation; providing for rules for certain allocation of funds; amending s. 393.16, F.S.; modifying capacity of residential intermediate care facilities; creating s. 393.17, F.S.; providing for certification of persons to oversee behavioral programs for developmentally disabled persons; providing for fees; amending and renumbering s. 413.50, F.S.; providing for an extended employment program; amending ss. 760.22 and 943.058, F.S.; correcting cross references; repealing ss. 413.501, 413.502, 413.503, 413.504, F.S., relating to rehabilitation workshop facilities for developmentally disabled persons; providing effective dates.

—was read the second time by title. On motion by Senator Woodson-Howard, by two-thirds vote CS for SB 226 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

Reconsideration

On motion by Senator Woodson-Howard, the Senate reconsiderd the vote by which **CS for SB 226** passed this day.

Pending further consideration of CS for SB 226, on motions by Senator Woodson-Howard, by two-thirds vote—

CS for HB 622—A bill to be entitled An act relating to developmental disabilities; amending s. 27.51, F.S., relating to duties of public defenders with respect to involuntary placement of persons with developmental disabilities; amending ss. 381.702, 381.715, 393.0675, 393.0678, 393.115, 393.21, 402.22, 948.031, F.S.; modifying language with respect to retardation and developmental disabilities; amending s. 393.001, F.S.; locating the Florida Developmental Disabilities Planning Council within the Department of Health and Rehabilitative Services for administrative purposes; providing for the council to be a separate budget entity for purposes of ch. 216, F.S.; modifying the powers and duties of the council; correcting cross references; providing for funding the council; authorizing the council to contract for certain services; requiring the council to negotiate certain agreements with the department; amending s. 393.061, F.S.; changing title of the "Retardation Prevention and Community Services Act"; amending s. 393.062, F.S.; providing legislative intent; amending s. 393.063, F.S.; modifying definitions and providing new definitions; amending ss. 393.064 and 393.20, F.S.; providing for planning and implementation of programs for prevention, amelioration, correction, or cure of developmental disabilities; requiring certain prevention services; creating s. 393.0641, F.S.; establishing a program for the prevention and treatment of severe self-injurious behavior; creating s. 393.0651, F.S.; providing for habilitation plans; providing for integration with the individual education

plan; providing for case management and client advocates; providing placement preferences; providing for review and appeal of plans; amending s. 393.066, F.S.; requiring consistent availability and eligibility for community-based services; revising content of such services; deleting language relating to certain Department of Health and Rehabilitative Services responsibility for services; amending s. 393.067, F.S.; providing for standards, inspection, and review of licensed residential facilities and comprehensive transitional education programs; prohibiting unlicensed facilities and programs from receiving state funds; providing for nonrenewal of the license for a facility or program with certain outstanding fines; providing additional requirements and conditions for licensure of certain intermediate care facilities for the mentally retarded or developmentally disabled; amending s. 393.068, F.S.; establishing a family care program; providing program contents; deleting provisions relating to a demonstration project; creating s. 393.125, F.S.; providing rights to a hearing on certain decisions; amending s. 393.13, F.S.; providing rights of persons with developmental disabilities; modifying client rights; providing for a system for the oversight of behavioral programs; requiring quarterly district reports; providing liability for violations; amending s. 393.14, F.S.; providing for biennial reports to the Legislature regarding the department's multiyear implementation plan; modifying plan contents; amending s. 393.15, F.S.; providing for community-based foster home, group home, developmental training, and supported employment programs; changing name of the "Group-Living Home Trust Fund"; authorizing inclusion of certain staff training in costs of development; authorizing certain department grants for firesafety renovation; providing for rules for certain allocation of funds; amending s. 393.16, F.S.; modifying capacity of residential intermediate care facilities; creating s. 393.17, F.S.; providing for certification of persons to oversee behavioral programs for developmentally disabled persons; providing for fees; renumbering s. 413.502, F.S.; amending and renumbering ss. 413.50 and 413.503, F.S.; providing for an extended employment program; providing eligibility; amending ss. 760.22 and 943.058, F.S.; correcting cross references; repealing ss. 413.501 and 413.504, F.S., relating to rehabilitation workshop facilities for developmentally disabled persons; providing effective dates.

—a companion measure, was substituted for CS for SB 226 and by two-thirds vote read the second time by title. On motion by Senator Woodson-Howard, by two-thirds vote CS for HB 622 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

On motions by Senator Stuart, by two-thirds vote—

CS for CS for HB 1529—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; providing duties of the Secretary of State; amending s. 97.021, F.S.; providing definitions; creating s. 101.015, F.S.; requiring the Department of State to adopt rules; amending s. 101.292, F.S.; revising the definition of the term "voting equipment"; amending s. 101.293, F.S., relating to the purchase of voting equipment; amending s. 101.31, F.S.; providing for experimental use of voting systems; amending s. 101.5603, F.S.; providing definitions; amending s. 101.5605, F.S.; providing for additional testing of a voting system by the department; amending s. 101.5606, F.S.; providing an additional requirement for the approval of voting systems by the department; amending s. 101.5607, F.S.; requiring a supervisor of elections to file voting system software with the department; authorizing the department to review county voting systems; authorizing the department to prepare software for voting systems; amending s. 101.5609, F.S.; requiring the department to adopt standards for certain ballots; amending s. 101.5615, F.S., relating to recounts and election contests; creating s. 101.591, F.S.; requiring the department to audit county voting systems; amending s. 102.166, F.S.; providing requirements for elections canvassing boards; providing procedures for manual recounts by such boards; creating the Bureau of Voting Systems Certification within the Division of Elections of the department; providing an appropriation; providing effective dates.

—a companion measure, was substituted for CS for SB 499 and by two-thirds vote read the second time by title.

Senator Stuart moved the following amendment which was adopted:

Amendment 1—On page 13, strike all of lines 16-21

On motion by Senator Stuart, by two-thirds vote CS for CS for HB 1529 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39

Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Stuart
Bruner	Girardeau	Margolis	Thomas
Casas	Gordon	McPherson	Thurman
Childers, D.	Grant	Meek	Walker
Childers, W. D.	Grizzle	Myers	Weinstein
Crenshaw	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard
Deratany	Kirkpatrick	Ros-Lehtinen	

Nays—None

On motion by Senator Bankhead, by two-thirds vote CS for HB 374 was withdrawn from the Committee on Appropriations.

On motion by Senator Bankhead—

CS for HB 374—A bill to be entitled An act relating to state armories; amending s. 250.42, F.S.; authorizing the Armory Board to acquire, renovate, or construct facilities to be used as Florida National Guard Armories and authorizing the board to enter certain types of contracts to finance such acquisition, renovation, or construction; providing an effective date.

—a companion measure, was substituted for SB 692 and read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Bankhead:

Amendment 1—On page 1, line 15, strike "Authority" and insert: *; authority*

Senator Bankhead moved the following substitute amendment which was adopted:

Amendment 2—On page 1, line 25, strike through the Division of Bond Finance

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Bankhead:

Amendment 3—On page 1, line 29, after the period (.) insert: The exercise of any such financial option for these purposes shall be subject to authorization by the appropriations act.

Senator Bankhead moved the following substitute amendment which was adopted:

Amendment 4—On page 1, line 28, after the period (.) insert: The exercise of any option to purchase under a lease-purchase agreement shall be subject to authorization by the appropriations act.

Senator Weinstein moved the following amendments which were adopted:

Amendment 5—On page 1, line 12, insert:

Section 1. Subsection (10) of section 901.15, Florida Statutes, 1988 Supplement, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(10)(a) ~~The officer has determined that he has probable cause to believe that a felony or misdemeanor has been committed, based upon a signed affidavit provided to the officer by~~ A law enforcement officer of the Florida National Guard, recognized as such by the Uniform Code of Military Justice or the United States Department of Defense Regulations, ~~when the Florida National Guard law enforcement officer~~ has probable cause to believe a felony was committed on state military property or when a felony or misdemeanor was committed in his presence on such property.

(b) *The Adjutant General shall prescribe minimum training standards for such law enforcement officers of the Florida National Guard.* ~~The law enforcement officer of the Florida National Guard may detain the person until the arrival of the law enforcement officer granted the warrantless arrest authority under this subsection.~~

Section 2. Section 250.10, Florida Statutes, is amended to read:

250.10 Appointment and duties of the Adjutant General.—

(1) In case of a vacancy, the Governor shall, subject to confirmation by the Senate, appoint a federally recognized officer of the Florida National Guard who shall have served therein as such for at least 5 years and attained the rank of major or higher, to be the Adjutant General of the state with the rank of not less than brigadier general or such higher rank as may be authorized by applicable tables of organization of the Department of the Army. The Adjutant General and all other officers of the Florida National Guard on permanent duty with the Military Department and who are paid from state funds shall receive the pay and allowances of their respective grade as prescribed by applicable pay tables of the national military establishment for similar grade and period of service of personnel, unless a different rate of pay and allowances be specified in the appropriation bill, in which event such pay shall be the amount therein specified. An officer, with his consent, may be ordered to active state service for administrative duty with the Military Department at a grade lower than he currently holds.

(2) The Adjutant General of the state shall be the Chief of the Military Department. He shall:

(a) Supervise the receipt, preservation, repair, distribution, issue and collection of all arms and military stores of the state.

(b) Supervise all troops, arms, and branches of the militia, such supervisory powers covering primarily all duties pertaining to their organization, armament, discipline, training, recruiting, inspection, instruction, pay, subsistence, and supplies.

(c) Maintain records of all officers and men of the Organized Militia, and keep on file in his office, copies of all orders, reports, and communications received and issued by him.

(d) Cause the law and orders relating to the militia of Florida to be indexed, printed, and bound, and prepare and publish blank books, forms, and stationery when necessary, and furnish them at the expense of the state.

(e)1. Prepare and publish by order of the Governor such orders, rules and regulations, consistent with law, as are necessary to bring the organization, armament, equipment, training, and discipline of the Florida National Guard to a state of efficiency as nearly as possible to that of the regular United States Army and Air Force, and he shall attest all orders of the commander in chief relating to the militia.

2. Establish by directive an organized and supervised physical fitness program for state active duty personnel of the Department of Military Affairs, provided that the program does not exceed 1 hour per day, for a maximum of 3 hours per week, and originates and terminates at the normal work site. All fees, membership dues, equipment, and clothing relating to such physical fitness program shall be at no cost to the state. Administrative leave, not to exceed 3 hours per week, shall be provided by the department to all state active duty personnel participating in the physical fitness program.

(f) Prepare such reports and returns as the Secretary of Defense may prescribe and require.

(g) Provide military police or security guards to secure or guard any state military reservation or armory that he finds necessary to secure or guard.

(h)~~(g)~~ Perform such other duties as may be required of him by the commander in chief.

(i)~~(h)~~ The Adjutant General may employ such clerical help as is necessary for the proper conduct of the Military Department, and he is authorized to accept such clerical, technical, or other assistants as may be provided by the Federal Government.

(j)~~(i)~~ Establish and maintain as part of his office a repository of records of the services of Florida troops, including Florida officers and enlisted men, during all wars, and shall be the custodian of all records, relics, trophies, colors, and histories relating to such wars, now in possession of or which may be acquired by the state.

(k)~~(j)~~ The Adjutant General shall have a seal of office, to be approved by the commander in chief, and all copies of papers in his office, duly certified and authenticated under the said seal, shall be admissible in evidence in all cases in like manner as if the original were produced.

(l)~~(k)~~ The Adjutant General shall, not less than 10 days before each session of the Legislature, report to the Governor the number and condition of the Organized Militia, and the number and condition of the arms and accouterments in the custody of the state, and shall transmit to the Governor at said time a detailed report of all funds and moneys received and disbursed by the Military Department. He shall also make such recommendations as to needed legislation as he may deem proper.

(3)~~(2)~~ There shall be furnished suitable buildings for conducting the business of the Military Department and for the proper storage, repair and issuance of military property.

(4)~~(3)~~ The Adjutant General shall employ a federally recognized officer of the Florida National Guard who shall have served therein as such for at least 5 years and have obtained the rank of major or higher, to be the Assistant Adjutant General who shall perform such duties as the Adjutant General may require, and who shall in the absence of the Adjutant General be the acting Adjutant General and perform the duties required of the Adjutant General.

(5)~~(4)~~ The Adjutant General shall employ a federally recognized officer of the Florida National Guard as the state quartermaster who under the direction of the Adjutant General shall be accountable for all funds accruing to the Military Department, receive, preserve, repair, issue, distribute and account for all State Military Department property to include real estate pertaining to the State Armory Board; construct, maintain, improve and repair facilities pertaining to the Military Department and the armory board; he will be the recorder of the armory board, and will perform such other duties as may be required of him by the Adjutant General; he shall give a surety bond in a surety company approved by the Adjutant General in such amount as the Adjutant General may determine.

(Renumber subsequent sections.)

Amendment 6—In title, on page 1, strike line 2 and insert: An act relating to state military personnel and property; amending s. 901.15, F.S.; granting arrest and law enforcement powers to military police officers of the Florida National Guard and to military personnel who are employed as security guards by the Department of Military Affairs; authorizing the Adjutant General to prescribe training; amending s. 250.10, F.S.; requiring the Adjutant General of the state to provide military police and security guards at certain state military reservations and armories; amending s.

On motion by Senator Bankhead, by two-thirds vote CS for HB 374 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Jennings	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Deratany

SB 1250—A bill to be entitled An act relating to the acquisition of state lands; authorizing the Department of Natural Resources to acquire the Mullet Creek Islands by the exercise of the power of eminent domain; providing for compensation; prescribing a time limit for the filing of petitions; providing an effective date.

—was read the second time by title.

One amendment to SB 1250 failed.

Pending further consideration of SB 1250, on motion by Senator Deratany, by two-thirds vote HB 1157 was withdrawn from the Committee on Appropriations.

On motion by Senator Deratany—

HB 1157—A bill to be entitled An act relating to the acquisition of state lands; authorizing the Department of Natural Resources to acquire the Mullet Creek Islands, North Key Largo Hammock, the North Key Largo project and North Key Largo Hammock additions by the exercise of the power of eminent domain; providing for compensation; prescribing a time limit for the filing of petitions; providing an effective date.

—a companion measure, was substituted for SB 1250 and read the second time by title. On motion by Senator Deratany, by two-thirds vote HB 1157 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Forman	Langley	Stuart
Bankhead	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	
Deratany	Kirkpatrick	Ros-Lehtinen	
Dudley	Kiser	Souto	

Nays—None

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote HB 748 was withdrawn from the Committees on Judiciary-Criminal and Appropriations and by two-thirds vote placed on the special order calendar.

On motion by Senator Scott, by two-thirds vote HB 620 was placed on the special order calendar.

On motion by Senator Margolis, by two-thirds vote CS for SB 1178 was placed on the special order calendar.

SPECIAL ORDER, continued

CS for SB 1178—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.03, F.S.; limiting to certain facilities the exemption from the transient rentals tax for an entire facility; amending s. 212.08, F.S.; exempting sales of magazines, books, records, or tapes under certain circumstances; providing an effective date.

—was read the second time by title.

On motions by Senator Margolis, the rules were waived to allow the following amendments to be considered:

Senators Margolis, Meek and Gordon offered the following amendments which were moved by Senator Margolis and adopted:

Amendment 1—On page 2, strike all of lines 6-21 and insert:

Section 2. Paragraph (n) is added to subsection (3) of section 125.0104, Florida Statutes, 1988 Supplement, to read;

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

(n)1. Any county, as defined in s. 125.011(1), which, on January 1, 1989 imposes a tourist development tax on leases and rentals, may impose an additional tax, by ordinance adopted by a majority vote of the governing body, at the rate of 2 percent on the sale of food, beverages, or alcoholic beverages in hotels and motels only, or in hotels, motels, and any establishment which is licensed under s. 565.02 except any establishment, other than a hotel or motel, licensed under s. 564.02 or s. 563.02. However, if on January 1, 1989, the county is not administering the tourist development tax pursuant to subsection (10), the governing body of the county shall not adopt the ordinance authorized in this paragraph until January 1, 1990.

2.a. If the county imposes the tax authorized in this paragraph on sales of food, beverages, or alcoholic beverages in hotels and motels only, the proceeds of such tax shall be allocated by the county to a county-wide convention and visitors bureau which, by interlocal agreement and contract with the county, has been given the primary responsibility for promoting the county and its constituent cities as a destination site for conventions, trade shows, and pleasure travel, to be used for purposes provided in subparagraph (5)(a)2. or 3. In the event the county is not or is no longer a party to such an interlocal agreement and contract with a county-wide convention and visitors bureau, the county shall allocate the proceeds of such tax for the purposes described in subparagraphs 5(a)2. or 3.

b. If the county imposes the tax authorized in this paragraph on sales of food, beverages, or alcoholic beverages in hotels, motels, and any establishment which is licensed under s. 565.02, the proceeds from the tax shall be allocated as follows:

(I) For the first two years after the tax is imposed, thirty-five percent shall be used by the county to revitalize economically blighted areas, twenty percent shall be used by the county as provided by law, and forty-five percent shall be allocated by the county to a county-wide convention and visitors bureau which, by interlocal agreement and contract with the county, has been given the primary responsibility for promoting the county and its constitutent cities as a destination site for conventions, trade shows, and pleasure travel, to be used for purposes provided in subparagraph (5)(a)2. or 3. In the event the county is not or is no longer a party to such an interlocal agreement and contract with a convention and visitors bureau, the county shall allocate the forty-five percent of the proceeds for the purposes described in subparagraph (5)(a)2. or 3.

(II) Thereafter, an amount equal to the average of the proceeds collected from such tax during each of the first two years after the tax is imposed shall be allocated as provided in subsubsubparagraph (I) and any excess above such amount shall be allocated to the county to be used as provided by law.

3. The penalties provided in subsection (8) apply to the tax on the sale of food, beverages, or alcoholic beverages authorized in this paragraph.

Section 3. This act shall take effect October 1, 1989.

Amendment 2—In title, on page 1, line 8, after the semicolon (;) insert: amending s. 125.0104, Florida Statutes, 1988 Supplement; providing for an additional tourist development tax on food, beverages, and alcoholic beverages under certain circumstances; providing for distribution and uses of proceeds; providing penalities;

On motion by Senator Margolis, by two-thirds vote CS for SB 1178 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Mr. President	Dudley	Kirkpatrick	Thurman
Bankhead	Forman	Kiser	Walker
Beard	Girardeau	Malchon	Weinstein
Brown	Gordon	Margolis	Weinstock
Bruner	Grant	McPherson	Woodson-Howard
Childers, D.	Grizzle	Meek	
Childers, W. D.	Jennings	Scott	
Crenshaw	Johnson	Thomas	

Nays—4

Casas	Plummer	Ros-Lehtinen	Souto

Senator W. D. Childers presiding

The Senate resumed consideration of—

CS for HB 1818—A bill to be entitled An act relating to prevention, early assistance, and early childhood; creating part I of chapter 411, F.S., relating to general provisions; providing a short title; providing definitions; providing a continuum of comprehensive services; specifying requirements for the continuum; providing requirements for evaluation design and contracting; providing for rules; creating part II of chapter 411, F.S., relating to prevention and early assistance; providing legislative intent; requiring a joint strategic plan; requiring submission of the plan to the Governor and Legislature; specifying contents; delineating respon-

sibilities of the Department of Health and Rehabilitative Services and the Department of Education; requiring establishment of an Office of Prevention, Early Assistance, and Child Development in each department; establishing an interagency coordinating council; delineating intraagency and interagency responsibilities; requiring a memorandum of agreement; creating the State Coordinating Council for Early Childhood Services; providing membership, terms of office, organizational procedures, and duties; providing for funding; requiring a report; requiring the development of uniform standards; creating part III of chapter 411, F.S., relating to infants and toddlers; providing a short title; providing legislative intent; requiring development of prototypes for comprehensive services to high-risk infants and toddlers; providing requirements; providing for grants; providing selection criteria; requiring third-party evaluation and providing requirements; creating the Children's Trust Fund; providing for use, access, source of funds, and reversion of funds; amending s. 409.029, F.S.; revising criteria with respect to participation in employment and training activity; creating s. 402.27, F.S.; providing for establishment of child care and early childhood resource information agencies; specifying purpose; providing for rules; creating s. 402.28, F.S.; providing for special licensure for certain child care programs; specifying standards; providing for grants; creating s. 402.3193, F.S.; creating the Child Care Trust Fund; providing for use, source of funds, and reversion of funds; amending s. 402.3195, F.S.; providing for loans to establish new or expand existing family day care homes; changing the name of a trust fund; creating s. 402.45, F.S.; establishing a community resource mother or father program; providing for contracts; providing requirements; providing for coordination with and review by the State Coordinating Council for Early Childhood Services; providing for an evaluation; providing for rules; creating s. 402.47, F.S.; establishing a foster grandparent and retired senior volunteer services program; providing definitions; providing for contracts; providing for program criteria and evaluation; providing for rules; creating s. 383.013, F.S.; providing for a statewide prenatal care program; requiring provision of services, risk factor analysis, and program monitoring; providing for expedited services and training; creating s. 383.215, F.S.; establishing developmental intervention and parent support and training programs; providing definitions; delineating program components; providing requirements for coordination and operation; providing for evaluation; creating s. 230.2303, F.S.; creating the Florida First Start Program; allowing school districts to submit plans; requiring components for plan approval; requiring evaluation, monitoring, and technical assistance; requiring an annual report; providing for coordination; providing for funding; providing for rules; repealing s. 228.0615(8), F.S., relating to the State Advisory Council on Early Childhood Education; repealing s. 402.30, F.S., relating to the Department of Health and Rehabilitative Services advisory council on child care; repealing ss. 411.101, 411.102, 411.103, 411.104, 411.105, 411.106, 411.107, 411.1071, 411.1072, 411.1075, and 411.108, F.S., relating to the Handicap Prevention Act of 1986; providing for review and repeal; amending s. 230.2316, F.S., relating to dropout prevention; revising criteria for teenage parent programs; requiring school district development and implementation of teenage parent programs; providing exceptions; requiring an inventory of community services and programs; amending s. 232.01, F.S.; entitling pregnant or parenting teens to participation in a teenage parent program; amending s. 232.246, F.S.; revising topics to be included in life management skills courses; amending s. 232.304; revising the duties and responsibilities of district multiagency coordinating councils; amending s. 233.067, F.S., relating to comprehensive health education and substance abuse; revising intent; revising a definition; expanding program requirements; requiring instruction in the consequences of teenage pregnancy; amending s. 233.011, F.S.; requiring the Department of Education to revise curriculum frameworks; amending s. 236.083, F.S.; providing for transportation of pregnant students or student parents; amending s. 234.01, F.S.; requiring transportation as part of teenage parent programs; amending s. 42 of chapter 88-337, Laws of Florida; extending time for submission of final report of the Task Force on the Future of the Florida Family; providing an effective date.

—which had been considered May 31. Pending **Amendment 1** was withdrawn.

Senator Weinstock moved the following amendment:

Amendment 2—On page 5, strike everything after the enacting clause and insert:

Section 1. Part I of chapter 411, Florida Statutes, consisting of sections 411.201, 411.202, 411.203, 411.204, and 411.205, is created to read:

PART I
GENERAL PROVISIONS

411.201 Short title.—This chapter may be cited as the "Florida Prevention, Early Assistance, and Early Childhood Act."

411.202 Definitions.—As used in this chapter, the term:

(1) "Assistance services" means those assessments, individualized therapies, and other medical, educational, and social services designed to enhance the environment for the high-risk or handicapped preschool child, in order to achieve optimum growth and development. Provision of such services may include monitoring and modifying the delivery of assistance services.

(2) "Case management" means those activities aimed at assessing the needs of the high-risk child and his family; planning and linking the service system to the child and his family, based on child and family outcome objectives; coordinating and monitoring service delivery; and evaluating the effect of the service delivery system.

(3) "Developmental assistance" means individualized therapies and services needed to enhance both the high-risk child's growth and development and family functioning.

(4) "Discharge planning" means the modification of the written individual and family service plan at the time of discharge from the hospital, which plan identifies for the family of a high-risk or handicapped infant a prescription of needed medical treatments or medications, specialized evaluation needs, and necessary nonmedical and educational intervention services.

(5) "Drug-exposed child" means any child from birth to 5 years of age for whom there is documented evidence that the mother used illicit drugs or was a substance abuser, or both, during pregnancy and the child exhibits:

(a) Abnormal growth;

(b) Abnormal neurological patterns;

(c) Abnormal behavior problems; or

(d) Abnormal cognitive development.

(6) "Early assistance" means any sustained and systematic effort designed to prevent or reduce the assessed level of health, educational, biological, environmental, or social risk for a high-risk child and his family.

(7) "Handicapped child" means a preschool child who is developmentally disabled, mentally handicapped, speech-impaired, language-impaired, deaf or hard of hearing, blind or partially sighted, physically handicapped, health-impaired, or emotionally handicapped; a preschool child who has a specific learning disability; or any other child who has been classified under rules of the State Board of Education as eligible for preschool special education services, with the exception of those who are classified solely as gifted.

(8) "High-risk child" or "at-risk child" means a preschool child with one or more of the following characteristics:

(a) The child is a victim or a sibling of a victim in a confirmed or indicated report of child abuse or neglect.

(b) The child is a graduate of a perinatal intensive care unit.

(c) The child's mother is under 18 years of age, unless the mother received necessary comprehensive maternity care and the mother and child currently receive necessary support services.

(d) The child has a developmental delay of one standard deviation below the mean in cognition, language, or physical development.

(e) The child has survived a catastrophic infectious or traumatic illness known to be associated with developmental delay.

(f) The child has survived an accident resulting in a developmental delay.

(g) The child has a parent or guardian who is developmentally disabled, severely emotionally disturbed, drug or alcohol dependent, or incarcerated and who requires assistance in meeting the child's developmental needs.

(h) The child has no parent or guardian.

(i) The child is drug-exposed.

(j) The child's family's income is at or below 100 percent of the federal poverty level or the child's family's income level impairs the development of the child.

(k) The child is a handicapped child as defined in subsection (7).

(l) The child has been placed in residential care under the custody of the state through dependency proceedings pursuant to chapter 39.

(9) "Individual and family service plan" means a written individualized plan describing the developmental status of the high-risk child and the therapies and services needed to enhance both the high-risk child's growth and development and family functioning, and shall include the contents of the written individualized family service plan as defined in Part H of Pub. L. No. 99-457.

(10) "Infant" or "toddler" means any child from birth to 3 years of age.

(11) "Interdisciplinary team" means a team that may include the physician, psychologist, educator, social worker, nursing staff, physical or occupational therapist, speech pathologist, parents, developmental intervention and parent support and training program director, case manager for the child and family, and others who are involved with the individual and family service plan.

(12) "Parent support and training" means a range of services for families of high-risk or handicapped preschool children, including family counseling; financial planning; agency referral; development of parent-to-parent support groups; education relating to growth and development, developmental assistance, and objective measurable skills, including abuse avoidance skills; training of parents to advocate for their child; and bereavement counseling.

(13) "Post-hospital assistance services" means assessment, individual and family service planning, developmental assistance, counseling, parent education, and referrals which are delivered as needed in a home or non-home setting, upon discharge, by a professional or paraprofessional trained for this purpose.

(14) "Prenatal" means the time period from pregnancy to delivery.

(15) "Preschool child" means a child from birth to 5 years of age, including a child who attains 5 years of age before September 1.

(16) "Prevention" means any program, service, or sustained activity designed to eliminate or reduce high-risk conditions in pregnant women or to eliminate or ameliorate handicapping or high-risk conditions in infants, toddlers, or preschool children.

(17) "Preventive health care" means periodic physical examinations, immunizations, and assessments for hearing, vision, nutritional deficiencies, development of language, physical growth, small and large muscle skills, and emotional behavior, as well as age-appropriate laboratory tests.

(18) "Strategic plan" means a report that analyzes existing programs, services, resources, policy, and needs and sets clear and consistent direction for programs and services for high-risk pregnant women and for preschool children, with emphasis on high-risk and handicapped children, by establishing goals and child and family outcomes, and strategies to meet them.

(19) "Teen parent" means a person under 18 years of age or enrolled in school in grade 12 or below, who is pregnant, who is the father of an unborn child, or who is the parent of a child.

411.203 Continuum of comprehensive services.—The Department of Education and the Department of Health and Rehabilitative Services shall utilize the continuum of prevention and early assistance services for high-risk pregnant women and for high-risk and handicapped children and their families, as outlined in this section, as a basis for the intraagency and interagency program coordination, monitoring, and analysis required in this chapter. The continuum shall be the guide for the comprehensive statewide approach for services for high-risk pregnant women and for high-risk and handicapped children and their families, and may be expanded or reduced as necessary for the enhancement of those services. Expansion or reduction of the continuum shall be determined by intraagency or interagency findings and agreement, whichever is applicable. Implementation of the continuum shall be based upon applicable eligibility criteria, availability of resources, and interagency prioritization when programs impact both agencies, or upon single agency prioritization when programs impact only one agency. The continuum shall include, but not be limited to:

(1) EDUCATION AND AWARENESS.—

(a) Education of the public concerning, but not limited to, the causes of handicapping conditions, normal and abnormal child development, the benefits of abstinence from sexual activity, and the consequences of teenage pregnancy.

(b) Education of professionals and paraprofessionals concerning, but not limited to, the causes of handicapping conditions, normal and abnormal child development, parenting skills, the benefits of abstinence from sexual activity, and the consequences of teenage pregnancy, through preservice and inservice training, continuing education, and required post-secondary coursework.

(2) INFORMATION AND REFERRAL.—

(a) Providing information about available services and programs to families of high-risk and handicapped children.

(b) Providing information about service options and providing technical assistance to aid families in the decisionmaking process.

(c) Directing the family to appropriate services and programs to meet identified needs.

(3) CASE MANAGEMENT.—

(a) Arranging and coordinating services and activities for high-risk pregnant women, and for high-risk children and their families, with identified service providers.

(b) Providing appropriate casework services to pregnant women and to high-risk children and their families.

(c) Advocating for pregnant women and for children and their families.

(4) SUPPORT SERVICES PRIOR TO PREGNANCY.—

(a) Basic needs, such as food, clothing, and shelter.

(b) Health education.

(c) Family planning services, on a voluntary basis.

(d) Counseling to promote a healthy, stable, and supportive family unit, to include, but not be limited to, financial planning, stress management, and educational planning.

(5) MATERNITY AND NEWBORN SERVICES.—

(a) Comprehensive prenatal care, accessible to all pregnant women and provided for high-risk pregnant women.

(b) Adoption counseling for unmarried pregnant teenagers.

(c) Nutrition services for high-risk pregnant women.

(d) Perinatal intensive care.

(e) Delivery services for high-risk pregnant women.

(f) Postpartum care.

(g) Nutrition services for lactating mothers of high-risk children.

(h) A new mother information program at the birth site, to provide an informational brochure about immunizations, normal child development, abuse avoidance and appropriate parenting strategies, family planning, and community resources and support services for all parents of newborns and to schedule Medicaid-eligible infants for a health check-up.

(i) Appropriate screenings, to include, but not be limited to, metabolic screening, sickle-cell screening, hearing screening, developmental screening, and categorical screening.

(j) Follow-up family planning services for high-risk mothers and mothers of high-risk infants.

(6) HEALTH AND NUTRITION SERVICES FOR PRESCHOOL CHILDREN.—

(a) Preventive health services for all preschool children.

(b) Nutrition services for all preschool children, including, but not limited to, the Child Care Food Program and the Special Supplemental Food Program for Women, Infants, and Children.

(c) Medical care for seriously medically impaired preschool children.

(d) Cost-effective quality health care alternatives for medically involved preschool children, in or near their homes.

(7) EDUCATION, EARLY ASSISTANCE, AND RELATED SERVICES FOR HIGH-RISK CHILDREN AND THEIR FAMILIES.—

(a) Early assistance, including, but not limited to, developmental assistance programs, parent support and training programs, and appropriate follow-up assistance services, for handicapped and high-risk infants and their families.

(b) Special education and related services for handicapped children.

(c) Education, early assistance, and related services for high-risk children.

(8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS OF HIGH-RISK CHILDREN.—

(a) Nonmedical prenatal and support services for pregnant teenagers and other high-risk pregnant women.

(b) Child care and early childhood programs, including, but not limited to, subsidized child care, licensed nonsubsidized child care, family day care homes, therapeutic child care, Head Start, and preschool programs in public and private schools.

(c) Parent education and counseling.

(d) Transportation.

(e) Respite care, homemaker care, crisis management, and other services that allow families of high-risk children to maintain and provide quality care to their children at home.

(f) Parent support groups, such as the community resource mother or father program as established in s. 402.45, the Florida First Start Program as established in s. 230.2303, or parents as first teachers, to strengthen families and to enable families of high-risk children to better meet their needs.

(g) Utilization of the elderly, either as volunteers or paid employees, to work with high-risk children.

(h) Utilization of high school and postsecondary students as volunteers to work with high-risk children.

(9) MANAGEMENT SYSTEMS AND PROCEDURES.—

(a) Resource information systems on services and programs available for families.

(b) Registry of high-risk newborns and newborns with birth defects, which utilizes privacy safeguards for children and parents who are subjects of the registry.

(c) Local registry of preschoolers with high-risk or handicapping conditions, which utilizes privacy safeguards for children and parents who are subjects of the registry.

(d) Information sharing system among the Department of Health and Rehabilitative Services, the Department of Education, local education agencies, and other appropriate entities, on children eligible for services. Information may be shared when parental or guardian permission has been given for release.

(e) Well-baby insurance for preschoolers included in the family policy coverage.

(f) Evaluation, to include:

1. Establishing child-centered and family-focused goals and objectives for each element of the continuum.

2. Developing a system to report child and family outcomes and program effectiveness for each element of the continuum.

(g) Planning for continuation of services, to include:

1. Individual and family service plan by an interdisciplinary team, for the transition from birth or the earliest point of identification of a high-risk infant or toddler into an early assistance, preschool program for 3-year-olds or 4-year-olds, or other appropriate programs.

2. Individual and family service plan by an interdisciplinary team, for the transition of a high-risk preschool child into a public or private school system.

411.204 Program evaluation design and conduct; independent third-party evaluation.—

(1)(a) The Legislature finds that:

1. In order to identify and eliminate any ineffective, unintended, and harmful effects of program implementation; to identify and sustain or enhance the effects of legislated change; and to justify the continuation or discontinuation of public funds for programs, it is desirable to have comprehensive, unbiased, and timely decision-oriented evaluation.

2. Without a uniform evaluation design system, it would be impossible to permit the collection, aggregation, and analysis of data within, across, and among agencies, advisory structures, and field-oriented prototypes and related programs, in order to meaningfully evaluate program implementation. The uniform evaluation design system should also help ensure that pressures to prematurely measure project effects do not lead to goals, objectives, and strategies which may damage the sound development of prevention and early assistance strategies and programs most likely to help high-risk families.

(b) The Legislature intends that:

1. A uniform evaluation design system shall be jointly utilized by intraagency evaluators, prototype evaluators, project evaluators, and independent third-party evaluators to guide and coordinate the conduct of evaluations and technical assistance activities.

2. Formative data collected from evaluations shall be available on a regular basis to program managers, agencies, relevant state and local advisory entities, field-based prototypes and projects, and third-party evaluators to help ensure the timely removal of bureaucratic and programmatic barriers and to empower state and local advisory panels, in order that they may review and advise on corrective actions and make judgments regarding how successfully identified problems are resolved.

3. The design and conduct of such evaluations shall be consistent with national and state professional evaluation standards and with the intent expressed in this section.

4. The design and conduct of such evaluations shall use existing data bases and information systems to the maximum extent possible.

(2)(a) Intraagency and interagency evaluation activities shall be performed by internal evaluators within the Offices of Prevention, Early Assistance, and Child Development of the Department of Education and the Department of Health and Rehabilitative Services as created by s. 411.222.

(b) Major responsibilities for the evaluator in each such office shall include, but not be limited to, the following activities:

1. Coordinating with other intraagency and interagency evaluators, evaluators of prototypes established pursuant to part III, and other related project evaluators, the State Coordinating Council for Early Childhood Services established pursuant to s. 411.222(4), and independent third-party evaluators.

2. Facilitating and documenting intradepartmental and interdepartmental decisions and accomplishments, including, but not limited to, strategic planning, memoranda of interagency agreement, and the continuum of services.

3. Assisting in the development of processes and criteria for decision-making and conflict resolution.

4. Identifying and documenting problems which inhibit program implementation, and screening alternative solutions to those problems.

5. Identifying and documenting unanticipated program benefits and problems.

6. Providing technical assistance to related intraheadquarters and interheadquarters programs and field-based prototypes and related programs.

7. Assisting in the design and implementation of timely, unbiased, decision-oriented mechanisms for identifying and bridging jurisdictional lines within and across agencies to address the needs of high-risk children and their families.

8. Developing processes for the clearinghouses established pursuant to s. 411.222, to ensure that judgments and decisions regarding exemplary, effective programs and services are based upon an accumulation and analysis of available quantitative and qualitative evaluation evidence, the experience of practitioners, input from families of high-risk children, and consistency of such findings with other research and knowledge.

9. Identifying processes for the clearinghouses to develop and utilize dissemination and diffusion mechanisms which ensure the exportability of exemplary and effective programs to new sites.

During the initial year of implementation, evaluation shall focus upon needs assessment and planning. During subsequent years, evaluation shall focus upon the development of solution alternatives, implementation of plans, and summative evaluation.

(3) Prototypes established pursuant to part III shall utilize an internal evaluator to conduct evaluation activities to implement subparagraphs (2)(b)1.-7. and part III.

(4) Other field-based programs for high-risk children and their families established either pursuant to this chapter or s. 230.2303, s. 402.27, s. 402.28, s. 402.45, or s. 402.47, or participating in the continuum, shall utilize the uniform evaluation design system specified in paragraph (1)(b) and in subsection (5).

(5)(a) Consistent with the intent specified in subsection (1), by September 1, 1989, the Department of Education in cooperation with the Department of Health and Rehabilitative Services shall contract for the development and implementation of an independent third-party uniform evaluation design system and for evaluation of program implementation which shall be consistent with the uniform evaluation design system.

(b) The Department of Education in cooperation with the Department of Health and Rehabilitative Services shall contract with one or more entities to develop the uniform evaluation design system and conduct the evaluation. Contract decisions shall be determined at the earliest possible time to ensure the integrity and utility of evaluation-related data.

(c) The uniform evaluation design system shall include, but not be limited to, the following:

1. Activities and programs related to intraagency and interagency coordination and to the State Coordinating Council for Early Childhood Services established pursuant to s. 411.222.

2. Evaluation of the management systems and procedures for the continuum as set forth in s. 411.203(9)(f).

3. Activities and prototypes related to comprehensive services for high-risk infants and toddlers and their families as specified in part III.

4. Program evaluation of ss. 402.27, 402.28, 402.45, 402.47, and 230.2303 and other programs directly related to the intent of this chapter.

Such evaluation design system shall be based upon the achievement of desired outcomes resulting from prevention or early intervention efforts.

(d) The independent third-party evaluators shall utilize data and evaluation findings provided through intraagency, interagency, prototype, and field-based project evaluations, in addition to other data which they shall independently collect. Evaluation reports shall include, but not be limited to, the following:

1. Analyses of the nature and effectiveness of intraagency and interagency activities required by this chapter, of the State Coordinating Council for Early Childhood Services, of prototypes established pursuant to part III and of other field-based programs and operations as specified in subparagraph (c)4.

2. Analyses of the nature and effectiveness of the development, revisions, and use of the continuum of comprehensive services, of strategic planning, of clearinghouse operations, and of the memorandum of interagency agreement.

3. Formative and summative evaluations which shall ensure that the Legislature and agency heads make decisions consistent with the provisions of paragraph (1)(a). Such evaluations shall include, but not be limited to, design effectiveness; effectiveness of each delivery system; participant outcomes as specified in the evaluation design; cost-effectiveness and estimates of future savings; assessments of the use of resources; of administrative and governance structures; of policies and procedures; of staff qualifications; of programmatic methodologies; of evaluation methodologies; and of the quality and effectiveness of the programs delivered to high-risk children and their families.

(e) Notwithstanding the provisions of chapter 216, the Executive Office of the Governor shall transfer at least $130,000 from the appropriation for the prototypes established pursuant to part III to the Department of Education for the development of the uniform evaluation design system and the third-party evaluation pursuant to this subsection and part III.

411.205 Rules.—The Department of Health and Rehabilitative Services and the State Board of Education shall adopt rules necessary for the implementation of this chapter.

Section 2. Part II of chapter 411, Florida Statutes, consisting of sections 411.22, 411.221, 411.222, and 411.223, is created to read:

PART II
PREVENTION AND EARLY ASSISTANCE

411.22 Legislative intent.—The Legislature finds and declares that 50 percent of handicapping conditions in young children can be prevented, and such conditions which are not prevented can be minimized by focusing prevention efforts on high-risk pregnant women and on high-risk and handicapped preschool children and their families. The Legislature further finds that by preventing handicaps in preschool children, infant mortality and child abuse can be reduced and this state can reap substantial savings in both human potential and state funds. The Legislature finds that a continuum of integrated services is needed to identify, diagnose, and treat high-risk conditions in pregnant women and in preschool children. The Legislature further finds that intraagency and interagency coordination can enhance the framework of a continuum that is already in existence and that coordination of public-sector and private-sector prevention services can reduce infant mortality and handicapping conditions in preschool children and minimize the effects of handicapping conditions. It is the intent of the Legislature, therefore, that a continuum of efficient and cost-effective prevention and early assistance services be identified, that a plan for intraagency and interagency coordination be developed for the purpose of implementing such a continuum, and that the continuum of services be implemented as resources are made available for such implementation.

411.221 Prevention and early assistance strategic plan; agency responsibilities.—

(1) The Department of Health and Rehabilitative Services and the Department of Education shall prepare a joint strategic plan relating to prevention and early assistance, which shall include, but not be limited to, the following:

(a) Identification of the department which has the responsibility for each program area described in the continuum.

(b) Identification of the unit within each department which has responsibility for each program area described in the continuum.

(c) Identification of the unit which has responsibility for coordination, monitoring, and implementation, as described in subsection (4).

(d) Identification of existing continuum programs on an intraagency and interagency basis.

(e) Identification of strategies for coordination of services on both an intraagency and interagency basis and a description of the progress of implementation of strategies.

(f) Identification of strategies for reducing duplication of services on both an intraagency and interagency basis and a description of progress of those strategies in reduction of duplication.

(g) Identification of activities for coordination and integration of prevention and early assistance services with state agencies other than the Department of Education or the Department of Health and Rehabilitative Services.

(h) Identification of activities for coordination and integration of prevention and early assistance services at the district and local levels and strategies for public and private partnerships in the provision of the continuum of services.

(i) Recommendations for implementation of the continuum of comprehensive services, including, but not limited to, the schedule for implementation of components.

(j) Identification of barriers impacting implementation of components of the continuum of services.

(k) Proposed changes to the continuum of services.

(l) Identification of methods of comparing program and child and family outcomes and identification of standardized reporting procedures to enhance data collection and analysis on an intraagency and interagency basis.

(m) Recommendations, if any, for legislative, administrative, or budgetary changes. Budgetary changes shall include recommendations regarding the development by the Department of Health and Rehabilitative Services and the Department of Education of a unified program budget for all prevention and early assistance services to high-risk pregnant women and to high-risk preschool children and their families. Such budget recommendations shall be consistent with the goals of the joint strategic plan and with the continuum of comprehensive services.

(2) The strategic plan and subsequent plan revisions shall incorporate and otherwise utilize, to the fullest extent possible, the evaluation findings and recommendations from intraagency, independent third-party, field projects, and auditor general evaluations, as well as the recommendations of the State Coordinating Council for Early Childhood Services.

(3) The Department of Health and Rehabilitative Services and the Department of Education shall present the joint strategic plan as described in this section to the President of the Senate, the Speaker of the House of Representatives, and the Governor by January 1, 1991. At least biennially, the Department of Health and Rehabilitative Services and the Department of Education shall readdress the joint strategic plan submitted pursuant to this section and make necessary revisions. The revised plan shall be submitted to the Governor, the Speaker of the House of Representatives, and the President of the Senate no later than January 1, 1993, and by January 1 of alternate years thereafter.

(4) The Department of Health and Rehabilitative Services and the Department of Education shall establish an Office of Prevention, Early Assistance, and Child Development, pursuant to s. 411.222, within each respective department. Each office shall have intraagency responsibilities for developing the strategic plan and for coordinating and ongoing monitoring of the implementation of the continuum. Interagency responsibilities shall include coordination in the analysis of and implementation of the continuum.

(5) There is established an interagency coordinating council to advise the Department of Health and Rehabilitative Services, the Department of Education, and other state agencies in the development of the joint strategic plan and to monitor the development of the plan. For the purpose of carrying out its responsibilities, the interagency coordinating council shall have access to statistical information, budget documents, and workpapers developed by the Department of Health and Rehabilitative Services and the Department of Education in preparing the joint strategic plan. The interagency coordinating council shall advise the appropriate substantive committees of the Senate and House of Representatives, and the Office of the Governor, on the progress of activities required in this chapter. The Florida Developmental Disabilities Planning Council shall continue to serve and advise the Department of Health and Rehabilitative Services, the Department of Education, and other state agencies in the development of the joint plan required by this section until such time as the coordinating council created in s. 411.222 assumes this responsibility as the interagency coordinating council, which shall be no later than May 1, 1990.

411.222 Intraagency and interagency coordination; creation of offices; responsibilities; memorandum of agreement; creation of coordinating council; responsibilities.—

(1) DEPARTMENT OF EDUCATION.—There is created within the Department of Education an Office of Prevention, Early Assistance, and Child Development for the purpose of intraagency and interagency planning, policy, and program development and coordination to enhance existing programs and services and to develop new programs and services for high-risk children and their families. The Department of Education, as the designated lead agency for administration of Part H of Pub. L. No. 99-457, shall assign primary responsibility for implementation of Part H to the Office of Prevention, Early Assistance, and Child Development. In order to meet the responsibilities of the federal law and of this chapter, staff shall be assigned to the office no later than September 1, 1989.

(a) Intraagency responsibilities.—

1. Assure planning, policy, and program coordination in programs serving high-risk children and their families, including, but not limited to:

a. Preschool programs for children of migrant farm workers.

b. Preschool programs for handicapped children.

c. Prekindergarten Early Intervention Program.

d. Florida First Start Program.

e. Preschool programs for educationally disadvantaged children funded through federal funds, such as Head Start and Chapter I of Pub. L. No. 97-35, when applicable.

f. Programs for teen parents and their children.

g. Food services for preschool and child care programs.

h. Transportation for programs serving preschool children.

i. Facilities for programs serving preschool children.

j. School volunteer programs serving preschool children.

k. Support services, including social work and school health services for preschool children.

l. Parent education, child care courses, and child care laboratories in high schools and vocational-technical centers.

2. Serve as clearinghouse for the collection and dissemination of information relating to programs and services for high-risk children and their families, including model and exemplary programs that have demonstrated effectiveness and beneficial outcomes.

3. Develop publications, including, but not limited to, directories, newsletters, public awareness documents, and other resource materials which assist agencies, programs, and families in meeting the needs of the high-risk population.

4. Provide technical assistance at the request of agencies, programs, and services.

5. Disseminate information regarding the availability of federal, state, and private grants which target high-risk children and their families.

6. Perform duties relating to the joint strategic plan as specified in s. 411.221.

(b) Interagency responsibilities.—

1. Perform the joint functions related to the joint strategic plan as specified in s. 411.221.

2. Prepare jointly with the Department of Health and Rehabilitative Services a memorandum of agreement pursuant to this section, or other cooperative agreements necessary to implement the requirements of this chapter.

3. Develop, in collaboration with the Department of Health and Rehabilitative Services, and recommend to the State Board of Education, rules necessary to implement this chapter.

4. Perform the responsibilities enumerated in subparagraphs (a)2.-5. on a statewide basis in conjunction with the Office of Prevention, Early Assistance, and Child Development within the Department of Health and Rehabilitative Services.

(2) DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES.—There is created within the Department of Health and Rehabilitative Services an Office of Prevention, Early Assistance, and Child Development for the purpose of intraagency and interagency planning, policy, and program development and coordination to enhance existing

programs and services and to develop new programs and services for high-risk pregnant women and for high-risk preschool children and their families. In order to meet the responsibilities of this chapter, staff shall be assigned to the office no later than September 1, 1989.

(a) Intraagency responsibilities.—

1. Assure planning, policy, and program coordination in programs serving high-risk pregnant women and high-risk preschool children and their families, within the following offices of the Department of Health and Rehabilitative Services:

a. Alcohol, Drug Abuse, and Mental Health.

b. Children's Medical Services.

c. Children, Youth, and Families.

d. Developmental Services.

e. Economic Services.

f. Health.

g. Medicaid.

h. Child Support Enforcement.

2. Assure planning, policy, and program coordination in the following interprogram areas:

a. Transportation.

b. Migrant and refugee services.

c. Volunteer services.

d. Child abuse and neglect prevention, early intervention, and treatment.

e. Chapter I of Pub. L. No. 97-35.

3. Ensure, within available resources, the implementation of the continuum of comprehensive services in the service districts.

4. Serve as clearinghouse for the collection and dissemination of information relating to programs and services for high-risk pregnant women and for high-risk preschool children and their families, including model and exemplary programs that have demonstrated effectiveness and beneficial outcomes.

5. Develop publications, including, but not limited to, directories, newsletters, public awareness documents, and other resource materials which assist agencies, programs, and families in meeting the needs of the high-risk population.

6. Provide technical assistance at the request of program offices, service districts, providers, advisory councils, and advocacy groups, and other agencies or entities with which the Department of Health and Rehabilitative Services has contracts or cooperative agreements.

7. Disseminate information regarding the availability of federal, state, and private grants which target high-risk pregnant women, and high-risk preschool children and their families.

8. Perform duties relating to the joint strategic plan as specified in s. 411.221.

(b) Interagency responsibilities.—

1. Perform the joint functions related to the joint strategic plan as specified in s. 411.221.

2. Prepare jointly with the Department of Education a memorandum of agreement pursuant to this section, or other cooperative agreements necessary to implement the requirements of this chapter.

3. Develop, in collaboration with the Department of Education, rules necessary to implement this chapter.

4. Perform the responsibilities enumerated in subparagraphs (a)4.-7. on a statewide basis in conjunction with the Office of Prevention, Early Assistance, and Child Development within the Department of Education.

(3) MEMORANDUM OF INTERAGENCY AGREEMENT.—

(a) The Commissioner of Education and the Secretary of Health and Rehabilitative Services shall prepare a joint memorandum of interagency agreement to implement the provisions of this chapter, which shall include, but not be limited to, the following:

1. Designation of staff responsible for interagency and intraagency planning and coordination.

2. Description of staff roles and responsibilities regarding interagency coordination.

3. Delineation of the relationships between the departments' respective advisory councils, commissions, committees, and task forces addressing the needs of high-risk children and their families.

4. Procedures for conflict resolution.

5. Procedures for reviewing, amending, and renewing the memorandum of interagency agreement.

6. Procedures for interagency evaluation coordination.

(b) On or before January 1, 1990, the Commissioner of Education and the Secretary of Health and Rehabilitative Services shall jointly submit to the Governor, the President of the Senate, and the Speaker of the House a copy of the signed memorandum of interagency agreement.

(4) STATE COORDINATING COUNCIL FOR EARLY CHILDHOOD SERVICES.—

(a) Creation; intent.—The State Coordinating Council for Early Childhood Services is hereby created to ensure coordination among the various agencies and programs serving preschool children; to facilitate communication, cooperation, and maximum use of resources; and to promote high standards for all programs serving preschool children in Florida. It is the intent of the Legislature that the coordinating council shall be an independent nonpartisan body and shall not be identified or affiliated with any one agency, program, or group.

(b) Membership.—The council shall be composed of 27 members to be appointed as follows:

1. The Governor shall appoint five members to the council, one of whom shall represent an agency serving high-risk preschool children, one of whom shall represent the effort to prevent developmental disabilities, one of whom shall represent local social services agencies, one of whom shall represent the business community, and one of whom shall be a parent of a preschool child enrolled in a child care, preschool, or prekindergarten program.

2. The Commissioner of Education shall appoint seven members to the council, one of whom shall represent public school administrators, one of whom shall represent persons serving preschool children in public school programs, one of whom shall represent an independent advocacy group, one of whom shall represent a professional organization serving preschool children and their families, one of whom shall be a parent of a handicapped or high-risk preschool child, one of whom shall represent groups providing training leading to a certificate, credential, or degree in early childhood education, and one of whom shall have expertise in program evaluation.

3. The Secretary of Health and Rehabilitative Services shall appoint seven members to the council, one of whom shall represent state-subsidized child care providers, one of whom shall represent child care providers who are not state-subsidized, one of whom shall represent public health services, one of whom shall represent pediatric health care, one of whom shall have expertise in developmental assessments, one of whom shall be a private provider of services for high-risk preschool children, and one of whom shall be a parent of a preschool child enrolled in a child care, family day care, preschool, or prekindergarten program.

4. The President of the Senate shall appoint four members to the council, one of whom shall represent Head Start programs, one of whom shall represent programs of parent education serving families of infants and preschool children, one of whom shall represent programs for children of migrant farm workers, and one of whom shall be the parent of a high-risk or handicapped preschool child.

5. The Speaker of the House of Representatives shall appoint four members to the council, one of whom shall represent programs for handicapped preschool children in the public schools, one of whom shall represent community action groups, one of whom shall represent business-

education and business-child care partnerships, and one of whom shall be a parent of a preschool child enrolled in a child care, preschool, or prekindergarten program.

(c) Terms.—The initial members of the council shall be appointed before September 1, 1989. Each appointing authority in paragraph (b) shall appoint one member for a term of 1 year, one member for a term of 2 years, and all remaining members for a term of 3 years. Thereafter, all members shall be appointed to serve a term of 3 years. No member shall serve more than two consecutive terms. To the extent feasible, current members of the State Advisory Council on Early Childhood Education appointed pursuant to s. 228.0615, repealed by this act, and the Department of Health and Rehabilitative Services advisory council on child care appointed pursuant to s. 402.30, repealed by this act, shall be appointed to the State Coordinating Council for Early Childhood Services to serve the remainder of their current terms.

(d) Organization.—

1. The council shall adopt internal organizational procedures or bylaws necessary for efficient operation of the council. The council may establish committees which shall be given responsibility for conducting specific council programs and activities. Council bylaws shall include duties of officers, a process for selecting officers, duties of committees, quorum requirements for committees, provisions for special or ad hoc committees, and policies for council staff. The Commissioner of Education and the Secretary of Health and Rehabilitative Services shall designate staff of their Offices of Prevention, Early Intervention, and Child Development to assist the council in performing its duties and responsibilities.

2. The council shall have a budget and shall be financed through an annual appropriation made for this purpose in the General Appropriations Act. Council members shall be entitled to receive per diem and expenses for travel, as provided in s. 112.061, while carrying out official business of the council. When appropriate, parent representatives shall receive a stipend for child care costs incurred while attending council meetings. For administrative purposes only, the council shall be assigned to the Department of Education for the fiscal years beginning in an odd year and to the Department of Health and Rehabilitative Services for the fiscal years beginning in an even year.

3. The council shall meet and conduct business at least quarterly. At least biannually, the council shall meet jointly with the Florida Interagency Coordinating Council for Infants and Toddlers, required pursuant to 20 U.S.C. s. 1474, Education of the Handicapped, to coordinate the development of the statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for handicapped infants and toddlers and their families. At such time as the Florida Interagency Coordinating Council for Infants and Toddlers is no longer required in order for the state to meet the provisions of 20 U.S.C., Education of the Handicapped, said council shall be disbanded and its duties shall be assumed by the State Coordinating Council for Early Childhood Services.

4. Quarterly meetings of the coordinating council shall be open to the public and opportunity for public comment shall be made available at each such meeting. The staff of the coordinating council shall notify all persons who request such notice as to the date, time, and place of each quarterly meeting.

(e) Duties.—The council shall recommend to the Governor, Commissioner of Education, Secretary of Health and Rehabilitative Services, President of the Senate, and Speaker of the House of Representatives methods for coordinating the various agencies, public and private programs, and entities serving preschool children and their families, and procedures to facilitate communication, cooperation, and maximum use of resources. The council shall be advised as to the development of the statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services for handicapped infants and toddlers and their families required pursuant to 20 U.S.C., Education of the Handicapped. Further, the council shall:

1. Serve as interagency coordinating council for monitoring of the joint strategic plan as required by s. 411.221.

2. Advise the Department of Education and the Department of Health and Rehabilitative Services concerning standards, rules, rule revisions, agency guidelines, and administration and enforcement affecting child care facilities, family day care homes, prekindergarten early intervention programs, preschool programs for handicapped and migrant children, programs for handicapped and high-risk infants and toddlers, and other programs and services for preschool children and their families.

3. Advise the Department of Education and the Department of Health and Rehabilitative Services concerning criteria for grant guidelines, plan and proposal review, and eligibility for services for programs serving preschool children.

4. Review preservice and inservice training programs and graduate programs for personnel of child care programs, prekindergarten early intervention programs, preschool programs for handicapped and migrant children, programs for handicapped and high-risk infants and toddlers, and other early childhood programs and services for preschool children and their families. Advise the departments regarding needed improvements and revisions in training requirements and the content of training programs, including programs offered by school districts, the Department of Health and Rehabilitative Services, community colleges, and universities.

5. Recommend methods to increase public-private partnership involvement in services for preschool children, to maximize federal funding availability, and for effective use of available resources through cooperative funding and coordinated services.

6. Recommend legislation, when needed, affecting child care facilities, prekindergarten early intervention programs, preschool programs for handicapped and migrant children, programs for handicapped and high-risk infants and toddlers, and other programs and services for preschool children and their families.

7. Advise the Commissioner of Education and the Secretary of Health and Rehabilitative Services regarding issues and trends in early childhood services, the identification of programs providing high quality services for preschool children, and the dissemination of information about these programs.

8. Advise the respective Offices of Prevention, Early Assistance, and Child Development on the need for, and the nature of, technical assistance and on ways to enhance the offices' roles in intraagency and interagency coordination.

9. Conduct onsite visitation and provide technical assistance to programs.

10. Review procedures for prototype selection, monitoring, technical assistance, and evaluation and make recommendations for change.

(f) Reporting requirements.—

1. The council shall submit by March 1, 1991, to the Governor, the Commissioner of Education, the Secretary of Health and Rehabilitative Services, the President of the Senate, and the Speaker of the House of Representatives, a report including recommendations regarding methods and procedures for promoting coordination among agencies and programs serving preschool children and their families. Thereafter, the council shall report by March 1 of each year on the progress the state is making toward coordination and the status of services for preschool children in the state and shall recommend needed changes and improvements.

2. The council shall submit copies of all reports and formal recommendations as required by this subsection to the appropriate substantive committees and appropriations subcommittees of the respective houses.

411.223 Uniform standards.—

(1) The Department of Health and Rehabilitative Services, in consultation with the Department of Education, shall establish a minimum set of procedures for each preschool child who receives preventive health care with state funds. Preventive health care services shall meet the minimum standards established by federal law for the Early Periodic Screening, Diagnosis, and Treatment Program and shall provide guidance on screening instruments which are appropriate for identifying health risks and handicapping conditions in preschool children.

(2) Duplicative diagnostic and planning practices shall be eliminated to the extent possible. Diagnostic and other information necessary to provide quality services to high-risk or handicapped children shall be shared among the program offices of the Department of Health and Rehabilitative Services, pursuant to the provisions of s. 228.093.

Section 3. Part III of chapter 411, Florida Statutes, consisting of sections 411.23, 411.231, and 411.232, is created to read:

PART III
INFANTS AND TODDLERS

411.23 Sections 411.23-411.232 may be cited as the "Children's Early Investment Act."

411.231 Legislative intent; purpose.—The Legislature recognizes the need for and value of intensive, comprehensive, integrated, and continuous services statewide for young children who are at risk of developmental dysfunction or delay. For the purposes of the Children's Early Investment Program, the term "young children" includes infants, one-year-olds, and two-year-olds. The Legislature supports intensive and comprehensive supportive programs and services being directed to expectant mothers and young children who, because of economic, social, environmental, or health factors need such services to enhance their development. The Legislature recognizes that children are part of families and that lasting effects on children can occur most productively when there is investment in and with families. The participants in the Children's Early Investment Program shall receive priority consideration for needed services, including prenatal care; health services to mothers and their young children; child care; alcohol and drug abuse treatment services; and economic support and training services. It is the intent of the Legislature that programs and services that will enhance a child's physical, social, emotional, and intellectual development and provide support to parents and other family members be provided initially to geographic areas where the expectant mothers and young children are at great risk and that these programs and services ultimately be available statewide to all children and families who need them. These programs and services must be offered and coordinated by persons who have adequate time, skill, and resources to work with participants in a meaningful and effective manner.

411.232 Children's Early Investment Program.—

(1) CREATION.—There is hereby created the Children's Early Investment Program for young children who are at risk of developmental dysfunction or delay and for their families. This program shall coordinate a variety of resources to program participants through a responsible agent for the child and the child's family. The services and assistance provided shall focus on the family and shall be comprehensive. The programs and services offered shall enhance family independence and shall provide social and educational resources needed for healthy child development.

(2) GOALS.—The goal of the Children's Early Investment Program is to encourage and assist an effective investment strategy for the at-risk young children in this state and their families so that they will develop into healthy and productive members of society. The Children's Early Investment Program is designed to provide intensive early intervention to at-risk expectant mothers, young children, and their families in order that this state will invest now for a future in which the work force is skilled and stable; in which crime rates are reduced; and in which the social and economic costs of high-risk pregnancies and low birthweight babies are reduced. The objectives of the Children's Early Investment Program are to increase the percentage of children entering the school system who are ready and able to learn; to reduce teenage pregnancies among this at-risk population; to reduce the numbers of cocaine babies born in this state; to reduce the crime rate among these children as they grow up; to reduce the rate of school dropouts in this state and to increase the basic skills and ability of the future work force. It is anticipated the efforts targeted now to expectant mothers and young children will show their greatest results in the years when these at-risk children enter school and when they are teenagers and young adults. Benefits are also anticipated, however, as the families of these children are assisted in addressing their own needs, and corresponding reductions in foster care placements, low birthweight babies, teen pregnancy, economic instability and dependence, and other signs of dysfunction are anticipated.

(3) ESSENTIAL ELEMENTS.—

(a) Initially, the program shall be directed to geographic areas where at-risk young children and their families are in greatest need because of an unfavorable combination of economic, social, environmental, and health factors, including, without limitation, extensive poverty, high crime rate, great incidence of low birthweight babies, high incidence of alcohol and drug abuse, and high rates of teenage pregnancy. The selection of a geographic site shall also consider the incidence of young children within these at-risk geographic areas who are cocaine babies, children of AFDC mothers, children of teenage parents, low birthweight babies and very young foster children. To receive funding under this section, an agency, board, council, or provider must demonstrate:

1. Its capacity to administer and coordinate the programs and services in a comprehensive manner and provide a flexible range of services;

2. Its capacity to identify and serve those children least able to access existing programs and case management services;

3. Its capacity to administer and coordinate the programs and services in an intensive and continuous manner;

4. The proximity of its facilities to young children, parents, and other family members to be served by the program, or its ability to provide off-site services;

5. Its ability to use existing federal, state, and local governmental programs and services in implementing the investment program;

6. Its ability to coordinate activities and services with existing public and private, state and local agencies and programs such as those responsible for health, education, social support, mental health, child care, respite care, housing, transportation, alcohol and drug abuse treatment and prevention, income assistance, employment training and placement, nutrition, and other relevant services, all the foregoing intended to assist children and families at risk;

7. How its plan will involve project participants and community representatives in the planning and operation of the investment program;

8. Its ability to participate in the evaluation component required in this section; and

9. Its consistency with the strategic plan pursuant to s. 411.221.

(b) While a flexible range of services is essential in the implementing of this act, the following services shall be considered the core group of services:

1. Adequate prenatal care;

2. Health services to the at-risk young children and their families;

3. Infant and child care services;

4. Parenting skills training;

5. Education or training opportunities appropriate for the family; and

6. Economic support.

Additional services may include, without limitation, alcohol and drug abuse treatment, mental health services, housing assistance, transportation, and nutrition services.

(4) IMPLEMENTATION.—

(a) The Department of Health and Rehabilitative Services or its designee shall implement the Children's Early Investment Program using the criteria provided in this section. The department or its designee shall evaluate and select the programs and sites to be funded initially. The initial contract awards must be made no later than January 15, 1990. No more than one of each of the following prototypes may be selected among the first sites to be funded:

1. A program based in a county public health unit;

2. A program based in an office of the Department of Health and Rehabilitative Services;

3. A program based in a local school district;

4. A program based in a local board or council that is responsible for coordinating and managing community resources from revenue sources earmarked for helping children and meeting their needs;

5. A program based in a local, public or private, not-for-profit provider of services to children and their families; and

6. A program based in a local government.

(b) By January 1, 1993, the Children's Early Investment Program shall be available in all communities meeting the criteria in paragraph (3)(a) of this section. While the program will serve at-risk children at various ages, it is intended that the program will identify and expand to infants and their families as new participants and assist them in an intensive and continuous manner until age 3.

(5) EVALUATION.—There shall be an independent third-party evaluation of the prototypes as specified in s. 411.204. The contract for the third-party evaluation shall be entered into pursuant to s. 411.204 prior to the prototype selection to ensure integrity of the evaluation design, ongoing monitoring and periodic review of progress, and a timely, comprehensive evaluation report. The evaluation shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and appropriate substantive committees and subcommittees of the Legislature by January 1, 1991, and biennially thereafter. The first longitudinal report on participant outcomes shall be due by January 1, 1995, or 5 years after the startup of the prototypes, whichever is later.

(6) RULES FOR IMPLEMENTATION.—The Department of Health and Rehabilitative Services shall adopt rules necessary to implement this section.

Section 4. Paragraph (e) of subsection (9) of section 409.029, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 409.029(9)(e), F.S., for present text.)

409.029 Florida Employment Opportunity Act.—

(9) PARTICIPATION REQUIREMENTS.—

(e)1. It is the intent of the Legislature to encourage teenage parents and teenage recipients of Aid to Families with Dependent Children (AFDC) to remain in or return to school to obtain their high school diploma, high school equivalency diploma, special diploma, certificate of completion, vocational certificate, or other state-approved diploma or certificate. In achieving the goal of this policy, the Legislature recognizes the need to provide teenage recipients and teenage parents with the necessary programs to allow this population to remain in or return to school or vocational school or program. To the extent that programs are available in the county and state resources otherwise permit, participation in an educational or employment and training activity shall be a requirement for receiving AFDC. In framing this policy, it is the further intent of the Legislature not to sanction AFDC recipients when they have demonstrated a good faith participation in program activities.

2.a. For the purpose of this paragraph, school means any elementary, secondary, vocational, technical school, adult educational program or a program to prepare for the test of receiving a high school equivalency diploma.

b. A teenage parent or teenage recipient of AFDC who is attending school or who is working on his high school equivalency diploma or a teenage parent or a teenage recipient who has dropped out of school, vocational school, or technical school shall be considered a mandatory participant, notwithstanding (8)(b), for purposes of completing school or obtaining a high school equivalency diploma. Persons attending school shall not be required to participate in other employment and training activities except where school attendance is not full time during the regular school year. Teenage recipients and teenage parents who are in school or other employment and training activities shall be advised both orally and in writing that if they drop out of school as defined by the local education agency without good cause or fail to participate in program requirements without good cause they may be sanctioned and their AFDC grant will be reduced or eliminated. Every applicant or recipient shall be informed in writing at the time of application and at the time of any action affecting his AFDC grant of his right to a hearing pursuant to applicable federal and state laws and regulations.

3. For the purpose of this paragraph, good cause for failure to attend school or participate in other employment and training activities shall include, but not be limited to:

a. Illness of the participant.

b. Illness or incapacity of another family member who resides in the home and requires the presence of the participant.

c. Participation in a drug or alcohol rehabilitation program.

d. Employment, offer of employment, or activity in other training for employment which involve conditions and specific responsibilities that impair the individual's physical and mental health and are beyond the individual's capability to perform on a regular basis.

e. Needed child care, transportation, or other support services are not available or accessible.

f. Inclement weather or other acts of nature preclude the individual and other persons similarly situated from traveling to an activity.

g. Acceptance of the employment would result in a net loss of income for the assistance group.

h. The parent, custodian, or guardian of the teenage recipient or the parent, custodian, or guardian of the teenage parent participates in all activities designed to address the teenage recipient's or teenage parent's habitual truancy pursuant to s. 232.19.

i. Failure of the school administration to satisfy the requirements of s. 232.19, particularly the escalating activities, to determine the cause and attempt the remediation of a teenage program participant's truant behavior. For purposes of this paragraph, the school administration shall satisfy the requirements of s. 232.19, regardless of whether the teenage program participant is beyond the age of compulsory school attendance.

j. The teenage recipient or teenage parent has a valid certificate of exemption from compulsory school attendance pursuant to s. 232.06.

k. The parent, custodian, or guardian of the teenage recipient or the parent, custodian, or guardian of the teenage parent participates in activities designed to stop the teenage recipient or teenage parent from dropping out of school pursuant to a plan developed by the local education agency or the case plan developed pursuant to this section.

l. Other reasons for good cause as defined under applicable federal law and regulation and rules of the department.

4. Prior to imposing a sanction, the department shall make a reasonable effort to resolve disputes when a mandatory participant fails to meet program requirements. Reasonable efforts shall include oral and written notices to the AFDC grant recipient of intent to sanction as a result of the teenage recipient's or teenage parent's failure to attend school or failure to participate in other employment and training programs. The notices shall include the specific reasons for the proposed sanction, the actions the teenage recipient or the teenage parent and the parent of the teenage recipient or teenage parent may take to avoid sanctions, an offer to discuss barriers to participation, and, if appropriate, alternative program elements that may be incorporated in the case plan.

5. If reasonable efforts fail to eliminate nonattendance in school or nonparticipation in employment and training activities, the teenage recipient or teenage parent shall be referred to assessment and provided support services to assist the teenage recipient or teenage parent to remain in school, vocational or technical school, or employment and training programs. If support services necessary to eliminate barriers to remaining in school, or employment and training programs are not available and accessible, the teenage recipient or teenage parent shall not be sanctioned. For the purpose of this paragraph, support services shall include, but not be limited to, day care, transportation, medical services, vocational or technical education, educational services and employment and training programs.

6. When an AFDC grant payee who is a custodial parent under age 20 fails to comply with program requirements, the department shall provide an oral and written notice to the custodial parent that failure to participate will, after 90 days, cause the department to make an investigation to determine the well-being of the child.

7. When an AFDC grant payee who is a custodial parent under age 20 fails to comply with program requirements, the department shall appoint a protective payee after the determination of noncompliance. If a protective payee cannot be appointed, the payee name shall remain the same. When noncompliance continues to exist 90 days after the determination of noncompliance, and good cause for failure to comply does not exist:

a. The department shall remove the needs of the noncompliant custodial parent under age 20 in accordance with federal and state law and regulation.

b. The case manager shall report the custodial parent to the department for the purpose of conducting an investigation to determine the well being of the child, if he has determined the child of the custodial parent to be at risk.

8. Upon compliance with program requirements, the needs of the custodial parent under age 20 or the needs of the teenage recipient will be restored in the AFDC grant.

9. Teenage recipients and teenage parents who obtain their high school diploma, high school equivalency diploma, special diploma, certificate of completion, vocational certificate, or other state-approved diploma or certificate shall be provided employment assistance and such case management necessary for achieving economic and social independence.

10. The department shall apply for federal waivers no later than October 1, 1989, if necessary to carry out the mandates of this paragraph.

11. Prior to May 1, 1990, the department shall file with the Secretary of State rules necessary to carry out the provisions of this paragraph. Such rules shall include, but not be limited to, eligibility criteria, good cause determinations, participation criteria, sanctioning procedures, accessibility to support services, and administrative and legal recourse available to participants.

Section 5. Section 402.27, Florida Statutes, is created to read:

402.27 Child care and early childhood resource and referral.—The Department of Health and Rehabilitative Services shall establish a statewide child care resource and referral network. Preference shall be given to using the already established central agencies for subsidized child care as the child care resource and referral agency. If the agency cannot comply with the requirements to offer the resource information component or does not want to offer that service, the Department of Health and Rehabilitative Services shall select the resource information agency based upon a request for proposal. At least one child care resource and referral agency must be established in each district of the department, but no more than one may be established in any county. Child care resource and referral agencies shall provide the following services:

(1) Identification of existing child care and early childhood education services and the development of a resource file of those services. These services may include family day care, public and private child care programs, head start, prekindergarten early intervention programs, special education programs for prekindergarten handicapped children, services for children with developmental disabilities, full-time and part-time programs, before-school and after-school programs, vacation care programs, parent education, and related family support services. The resource file shall include, but not be limited to:

(a) Type of program.

(b) Hours of service.

(c) Ages of children served.

(d) Number of children served.

(e) Significant program information.

(f) Fees and eligibility for services.

(2) The establishment of a referral process which responds to parental need for information and which is provided with full recognition of the confidentiality rights of parents. Resource and referral programs shall make referrals to licensed child care facilities. Referrals shall be made to an unlicensed care facility or arrangement only if there is no requirement that the facility or arrangement be licensed.

(3) Maintenance of ongoing documentation of requests for service tabulated through the internal referral process. The following documentation of requests for service shall be maintained by all child care resource and referral agencies:

(a) Number of calls and contacts to the child care information and referral agency component by type of service requested.

(b) Ages of children for whom service was requested.

(c) Time category of child care requests for each child.

(d) Special time category, such as nights, weekends, and swing shift.

(e) Reason that the child care is needed.

(4) Provision of technical assistance to existing and potential providers of child care services. This assistance may include:

(a) Information on initiating new child care services, zoning, and program and budget development and assistance in finding such information from other sources.

(b) Information and resources which help existing child care services providers to maximize their ability to serve children and parents in their community.

(5) Assistance to families in applying for various sources of subsidy including, but not limited to, Title XX/SSBG subsidized child care, head start, prekindergarten early intervention programs, project independence, private scholarships, and the federal dependent care tax credit.

(6) Assistance to state agencies in determining the market rate for child care.

(7) Information and assistance to local interagency councils coordinating services for prekindergarten handicapped children.

Section 6. Section 402.28, Florida Statutes, is created to read:

402.28 Child Care Plus.—

(1) For the purpose of this section, a child care facility or family day care home meeting the standards to provide quality child care to high-risk and handicapped preschool children, as defined in chapter 411, shall be referred to as "Child Care Plus."

(2) In addition to the licensing requirements and standards in s. 402.305, a child care facility or family day care home shall meet additional requirements and standards and shall receive a separate and distinct license to operate as a Child Care Plus facility or home.

(3) The child care quality standards for a Child Care Plus facility or home shall be developed by the Department of Health and Rehabilitative Services, in consultation with the Department of Education, and shall address, but not be limited to, the following areas:

(a) Child development, including language, cognitive, motor, social, and self-help skill development.

(b) Child health.

(c) Family counseling.

(d) Parent training.

(e) Child nutrition.

(f) Staff credentials.

(4)(a) A facility or home that has received a separate and distinct license indicating that it is a Child Care Plus facility or home may apply, either directly or, in the case of a family day care home, through an agency representing a network of family day care homes, to the department for a 1-year Child Care Plus grant. The grant shall be considered a supplement to the operational costs associated with compliance with Child Care Plus requirements.

(b) Each child care facility, home, or agency representing a network of family day care homes wishing to apply for a Child Care Plus grant shall submit a grant proposal for funding the department no later than March 1, 1990. Thereafter, each such facility, home, or agency wishing to apply for continued funding through an annual Child Care Plus grant shall apply to the department no later than March 1 of each year.

(c) A facility, home, or agency on behalf of a network of family day care homes that applies for a Child Care Plus grant shall be required to demonstrate the following in order to qualify for a grant:

1. Linkages with local education agencies, social service agencies, and health care systems, as well as with state service systems, in order to provide the services needed for children in their care and the families of those children, and to provide the necessary linkages with various forms of case management, assessment, and family support systems.

2. Linkages with or plans for linkages with the private sector, in order to enhance the efforts to better serve the children in their care and the families of those children.

3. Ability to ensure for children in their care continuity of services and ease of transition between the facility and home or homes and between the facility, home or homes, and preschool and prekindergarten programs serving high-risk and handicapped children.

Section 7. Section 402.3193, Florida Statutes, is created to read:

402.3193 Child Care Trust Fund created; definition.—

(1) As used in this section, "child care" is defined as provided in s. 402.302.

(2) There is created with the State Treasury a Child Care Trust Fund to be used by the Department of Health and Rehabilitative Services. Funds deposited in the trust fund shall be used for the following purposes:

(a) To reduce and, if possible, to eliminate the waiting list for subsidized child care.

(b) To promote public-private partnerships for full-day and before and after school child care.

(c) To expand the availability of child care and to enhance the quality of child care through, but not limited to, such efforts as payment of market rates; training of child care personnel as defined in s. 402.302; assistance in program development and expansion through provision of low-interest loans pursuant to s. 402.3195; and provision of support services and technical assistance to child care providers.

(d) To provide child care and early childhood program resource information pursuant to s. 402.27.

(3) The Department of Health and Rehabilitative Services may accept gifts and donations from individuals, private organizations, and foundations or grants from state or federal government. All funds received in this manner shall be deposited in the trust fund. The trust fund may receive state appropriations.

(4) Funds that are not expended by the end of the budget cycle or through a supplemental budget approved by the Legislature shall revert to the trust fund.

(5) Funds deposited into the Child Care Trust Fund shall not be used to supplant any funds currently being used to fund child care, including the purposes as specified in subsection (2).

Section 8. Subsections (1), (2), (3), and (4) and paragraph (a) of subsection (5) of section 402.3195, Florida Statutes, 1988 Supplement, are amended to read:

402.3195 Legislative intent; definition; Child Care Facility *and Family Day Care Home* Trust Fund; loan program.—

(1) The Legislature finds and declares that the development of child care facilities *and family day care homes* is desirable and recommended and should be encouraged and fostered by the state. The Legislature further recognizes that the demand for child care services will be increasing as a greater percentage of the mothers of children under age 6 enter the labor force each year. The capital outlay required to establish a new child care facility *or family day care home* or expand an existing child care facility *or family day care home* makes it very difficult for child care providers to recover their investment while providing good quality care at a price that customers can afford to pay. Therefore, it is the intent of the Legislature to develop a loan trust fund to provide support and encouragement in the establishment and expansion of child care facilities *and family day care homes.*

(2) As used in this section, "child care facility" is a facility as defined in s. 402.302(4) *and "family day care home" is a home as defined in s. 402.302(5).*

(3) There is created a Child Care Facility *and Family Day Care Home* Trust Fund in the State Treasury to be used by the Department of Health and Rehabilitative Services for the purpose of granting loans to eligible applicants for the costs of expanding existing child care facilities *and family day care homes* and establishing new child care facilities *and family day care homes.* There shall be deposited into the fund all moneys appropriated by the Legislature or moneys received from any other source for the purpose of this section and all proceeds derived from the use of such moneys; however, interest earned on loans made from the fund as well as income earned by the fund invested pursuant to s. 18.125 shall revert to the Child Care Facility *and Family Day Care Home* Trust Fund and shall be used by the department to cover administrative and personnel costs incurred in implementing the provisions of this section. Any interest earned on loans or income from the invested fund not required for the administration or implementation of this section shall revert to the Child Care Facility *and Family Day Care Home* Trust Fund.

(4) The department shall issue requests for proposals to establish or expand child care facilities *and family day care homes* in areas of the state with the greatest need for child care facilities *or family day care homes.* 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 *or home'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 *or home'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.

Section 9. Section 402.45, Florida Statutes, is created to read:

402.45 Community resource mother or father program.—

(1) The Department of Health and Rehabilitative Services shall establish a community resource mother or father program pursuant to this section within the resources allocated. The purpose of the program 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 children through the promotion of increased awareness by mothers and fathers of their own strengths and potentials as home educators; to support family integrity through the provision of social support and parent education and training; and to provide assistance to high-risk pregnant women and to high-risk or handicapped infants, toddlers, and preschool children and their parents.

(2) No later than January 1, 1990, the department shall have community resource mother or father programs operational in some counties with high incidences of medically underserved high-risk children, low birthweight babies, and infant mortality. The programs shall be established in areas where the Florida First Start Program established under s. 230.2303 is not operational or is not able to serve the entire population needs in a community.

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

(4) A community resource mother or father shall be an individual who by residence and resources is able to identify with the target population, and meets the following minimum criteria:

(a) Is at least 25 years of age.

(b) Is a mother or father.

(c) Is an AFDC recipient or person with an income below the federal poverty level, or has 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 mother or father services.

(6) The community resource mother or father program shall be included under the jurisdiction of the State Coordinating Council for Early Childhood Services established pursuant to s. 411.222. The council shall make recommendations for effective implementation of the program and shall advise the Department of Health and Rehabilitative Services in the development of program guidelines, the schedule for implementation, the establishment of evaluation procedures, the provision of technical assistance to individual programs, and the development of the program evaluation report.

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

(8) Individuals under contract to provide community resource mother or father services shall participate in preservice and ongoing training as determined by the Department of Health and Rehabilitative Services in consultation with the State Coordinating Council for Early Childhood Services. A community resource mother or father shall not be assigned a client caseload until all preservice training requirements are completed.

(9) The community resource mother or father shall be assigned a caseload based on the criteria established by the Department of Health and Rehabilitative Services, which criteria consider 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 a minimum:

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

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

(c) The services to be provided by the community resource mother or father.

(d) Community resources to be used.

(e) Schedule of visits between community resource mothers or fathers and clients.

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

(11) The department shall conduct or contract for a longitudinal study of the effectiveness of the program. Such study shall include, but not be limited to, incidence of low birthweight babies, incidence of teenage pregnancies, assessment of children's growth and development, achievement of children in educational programs, the parents' continued involvement with the education of the child, family stability, and incidence of abuse and neglect. The evaluation shall include cost-effectiveness data and recommendations for the program's continuation or discontinuation. The interim results of this evaluation shall be reported annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives, on or before January 1, beginning January 1, 1991, and a final report to the Legislature shall be due on or before January 1, 1995.

(12) The department may adopt rules necessary to implement this section.

Section 10. Section 402.47, Florida Statutes, is created to read:

402.47 Foster grandparent and retired senior volunteer services to high-risk and handicapped children.—

(1) As used in this section, the term:

(a) "Foster grandparent" means an individual who volunteers to provide support services to high-risk and handicapped children.

(b) "Foster grandparent program" means a program established under the Domestic Volunteer Service Act of 1973, Pub. L. No. 93-113, to provide opportunities for low-income persons 60 years of age and older to give support services to high-risk and handicapped children.

(c) "Retired senior volunteer" means an individual who volunteers to provide services under the retired senior volunteer program.

(d) "Retired senior volunteer program" means a program established under the Domestic Volunteer Service Act of 1973, Pub. L. No. 93-113, for the purpose of providing volunteer opportunities for any person 60 years of age or older who wants to use his or her experience and talents in useful service to others in the community.

(2) The Department of Health and Rehabilitative Services shall:

(a) Establish a program to provide foster grandparent and retired senior volunteer services to high-risk and handicapped children. Foster grandparent services and retired senior volunteer services to high-risk and handicapped children shall be under the supervision of the Deputy Secretary for Programs, in coordination with intraagency and interagency programs and agreements as provided for in s. 411.203.

(b) In authorized districts, contract with foster grandparent programs and retired senior volunteer programs for services to high-risk and handicapped children, utilizing funds appropriated for handicap prevention.

(c) Develop guidelines for the provision of foster grandparent services and retired senior volunteer services to high-risk and handicapped children, and monitor and evaluate the implementation of the program.

(d) Coordinate with the Federal Action State Office and the department's Office of Prevention, Early Assistance, and Child Development regarding the development of criteria for program elements and funding.

(3) The department may adopt rules necessary to implement the provisions of this section.

Section 11. Section 383.013, Florida Statutes, is created to read:

383.013 Prenatal care.—The Department of Health and Rehabilitative Services shall:

(1) Provide a statewide prenatal care program for low-income pregnant women, which includes early, regular prenatal care by practitioners trained in prenatal care and delivery.

(2) Provide a risk-factor analysis to identify women at risk for a preterm birth, or other high-risk conditions, and provide education regarding maintaining healthy birth conditions.

(3) Monitor the availability and accessibility of prenatal care services and the development of special outreach programs for medically underserved and rural areas.

(4) Establish by rule the eligibility criteria for prenatal care for indigent pregnant women when state funds are used for prenatal care.

(5) Develop guidelines for expediting the provision of prenatal care for eligible women and monitor the implementation of the guidelines to determine the need for further action.

(6) Expand, to the extent possible, training of state and local health providers in programs and practices pertaining to improved pregnancy outcomes.

Section 12. Section 383.215, Florida Statutes, is created to read:

383.215 Developmental intervention and parent support and training programs.—

(1) The Legislature finds that the high-risk and handicapped newborns in this state are in need of in-hospital developmental intervention and monitoring and that their families need training and support services. The Legislature further finds that there is an identifiable and increasing number of infants who need developmental intervention and family support due to the fact that increased numbers of low-birthweight and sick full-term newborns are now surviving due to the advances in neonatal intensive care medicine; increased numbers of medically involved infants are remaining inappropriately in hospitals because their parents lack the confidence or skills to care for these infants without support; and increased numbers of infants are at risk due to parent risk factors, such as substance abuse, teenage pregnancy, and other high-risk conditions.

(2) It is the intent of the Legislature to establish developmental intervention and parent support and training programs at all Level III regional perinatal intensive care centers and stepdown perinatal intensive care centers, in order that families with high-risk or handicapped infants may gain the services and skills they need to support their infant.

(3) As used in this section:

(a) "Developmental intervention" means individualized therapies and services needed to enhance both the infant's growth and development and family functioning.

(b) "Discharge planning" means the modification of the written individual and family service plan at the time of discharge from the hospital, which plan identifies for the family of a high-risk or handicapped infant a prescription of needed medical treatments or medications, specialized evaluation needs, and necessary intervention services.

(c) "Individual and family service plan" means a written plan describing the developmental status of the infant and the therapies and services needed to enhance both the infant's growth and development and family functioning.

(d) "In-hospital intervention services" means the provision of assessments; individualized therapies; monitoring and modifying the delivery of medical interventions; and enhancing the environment for the high-risk or handicapped infant in order to achieve optimum growth and development.

(e) "Interdisciplinary team" means a team that may include the physician, psychologist, educator, social worker, nursing staff, physical or occupational therapist, speech pathologist, parents, developmental intervention and parent support and training program director, case manager, and others who are involved with the in-hospital and post-hospital discharge individual and family service plan.

(f) "Parent support and training" means a range of services to families of high-risk or handicapped infants, including family counseling; financial planning; agency referral; development of parent-to-parent support groups; education concerning growth, development, and developmental intervention and objective measurable skills, including abuse avoidance skills; training of parents to advocate for their child; and bereavement counseling.

(g) "Post-hospital intervention services" means the provision of assessment, individual and family service planning, developmental intervention, counseling, parent education, and referrals which are delivered, as needed, in a home or nonhome setting by a professional or paraprofessional trained for this purpose.

(4) The developmental intervention and family support and training programs shall be established in conjunction with the Level III regional perinatal intensive care centers. Additional programs may be established at stepdown perinatal intensive care centers based on geographic location and population. Each program shall have a program director and the necessary staff. The program director shall establish and coordinate the developmental intervention and family support and training program. The program shall include:

(a) In-hospital intervention services, parent support and training, and individual and family service planning.

(b) Interdisciplinary team meetings on a regular basis to develop and update the individual and family service plan.

(c) Discharge planning by the interdisciplinary team.

(d) Education and training for neonatal intensive care unit staff, volunteers, and others, as needed, in order to expand the services provided to high-risk or handicapped infants and their families.

(e) Follow-up intervention services after hospital discharge, to aid the family and high-risk or handicapped infant's transition into the community. These services shall include home intervention services and nonhome-based intervention services, both contractual and voluntary.

(f) Coordination of services with community providers.

(g) Educational materials about infant care, infant growth and development, community resources, medical conditions and treatments, and family advocacy.

(5) The Department of Health and Rehabilitative Services shall:

(a) Coordinate with the Department of Education the Offices of Prevention, Early Assistance, and Child Development, and the State Coordinating Council for Early Childhood Services in the planning and implementing of this section.

(b) Develop, in conjunction with the developmental intervention and family support and training program directors, an evaluation system to examine the impact of the programs. Instruments shall be developed or adapted to effectively monitor the impacts of the program on families and infants served.

Section 13. Section 230.2303, Florida Statutes, is created to read:

230.2303 Florida First Start Program.—

(1) LEGISLATIVE INTENT; PURPOSE.—The Legislature recognizes that the years of a child's life between birth and the third birthday are critical for fostering intellectual ability, language competence, physical development, and social skills. The Florida First Start Program is intended as a home-school partnership designed to give handicapped children and children at risk of future school failure the best possible start in life and to support parents in their role as the children's first teachers. The purpose of the program is to assist school districts in providing early, high-quality parent education and support services that enable the parents to enhance their children's intellectual, language, physical, and social development, thus maximizing the children's overall progress during the first 3 years of life, laying the foundation for future school success, and minimizing the development of handicaps and developmental problems which interfere with learning.

(2) PROGRAM.—There is hereby created the Florida First Start Program for children from birth to 3 years of age and their parents. The program shall be administered, implemented, and conducted by school districts pursuant to a plan developed and approved as provided in this section.

(3) PLAN.—Each school board may submit to the Commissioner of Education a plan for conducting a Florida First Start Program. Each plan and subsequent amended plan shall be developed in cooperation with the district interagency coordinating council on prekindergarten education established pursuant to s. 228.0615 and the Interagency Handicapped Prekindergarten Council, and shall be approved by the commissioner. To be eligible for state funding pursuant to this section, a district school board's plan shall be designed to serve children from birth to 3 years of age who are handicapped or at risk of future school failure and to serve their parents. For the purposes of this section, "handicapped or at risk of future school failure" shall be defined as having one or more of the characteristics described in s. 411.202(8).

(4) PLAN APPROVAL.—To be considered for approval, each plan, or amendment to a plan, shall be based on current research findings regarding the growth and development of infants and young children and shall include the following program components:

(a) The establishment of parent resource centers located in neighborhood schools.

(b) Visits, at least once a month, by trained parent educators from the parent resource center, who shall inform the parents about stages of child development and suggest methods for parents to encourage children's intellectual, language, physical, and social development. Parent educators shall also offer guidance on home safety, nutrition, effective discipline, constructive play activities, and other topics.

(c) Monthly group meetings for parents with similarly aged children held at the parent resource centers.

(d) Periodic formal educational and medical screening for the children.

(e) A referral network to help parents who need special assistance, for themselves or their children, that is beyond the scope of this program.

(f) Assurances that each school parent resource center shall be staffed by an administrator or lead teacher trained in parent education and eligible for certification in the appropriate age levels pursuant to s. 231.17 and State Board of Education rules.

(g) A method for training parent educators and for recruiting parent educators from among the families in the school's attendance zone. Training for parent educators shall include, but not be limited to, child growth and development, health, safety, nutrition, identifying and reporting child abuse and neglect, developmentally appropriate activities for young children, and avoidance of income-based, race-based, and gender-based stereotyping.

(h) An inservice staff development component, including arrangements for staff access to child development associate certificate training or its equivalent, coordination with local teacher education centers established pursuant to s. 231.603, and integration with district master inservice plans required pursuant to s. 236.0811.

(i) Coordination with district prekindergarten early intervention programs and the Florida Primary Education Program.

(5) EVALUATION.—The commissioner shall conduct or contract for a longitudinal study of the effectiveness of the program. This study shall include, but not be limited to, longitudinal assessment of the children's behavior, growth and development, achievement, and success in school, and the parents' continued involvement with the education of their children. The interim results of this evaluation shall be reported annually to the Legislature on or before January 1, and a final report to the Legislature shall be due on or before January 1, 1995.

(6) MONITORING AND TECHNICAL ASSISTANCE.—The commissioner shall monitor each district program at least annually to determine compliance with the district plan and the provisions of this section. The department shall develop manuals and guidelines for the development of district plans and shall provide technical assistance to ensure that each district program maintains high standards of quality and effectiveness. The department shall identify exemplary programs in the state to serve as model Florida First Start Programs and shall disseminate information on these programs to all districts.

(7) ANNUAL REPORT.—Each district school board that implements a program under this section shall, with the assistance of the district interagency coordinating council on prekindergarten education, submit an annual report of its program to the commissioner. Such report shall describe the overall program operations, activities of the district interagency coordinating council, expenditures, the number of children served, staff training and qualifications, evaluation findings, and other information required by the commissioner or the State Coordinating Council for Early Childhood Services.

(8) COORDINATION.—

(a) The Florida First Start Program shall be included under the jurisdiction of the State Coordinating Council for Early Childhood Services established pursuant to s. 411.222. The council shall make recommendations for effective implementation of the program and shall advise the Department of Education on needed legislation, rules, and technical assistance to ensure the continued implementation of an effective program.

(b) To be eligible for a Florida First Start Program, each school district shall develop, implement, and evaluate its program in cooperation with the district interagency coordinating council established pursuant to s. 228.0615.

(9) FUNDING.—Funding for the Florida First Start Program shall be determined annually in the General Appropriations Act. These funds shall be distributed to each participating school district in an equitable manner based upon the official estimate of the number of children born that year in the county, the number of handicapped students enrolled in the schools of the district, and the number of district children participating in the free and reduced-price lunch program.

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

(11) REPEAL.—This section is repealed on July 1, 1995, and shall be reviewed by the Legislature prior to that date.

Section 14. Subsection (4) of section 411.222, Florida Statutes, is repealed on October 1, 1999, and the State Coordinating Council for Early Childhood Services shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 15. Subsection (8) of section 228.0615, Florida Statutes, as created by chapter 86-261, Laws of Florida; section 402.30, Florida Statutes, as amended by chapter 88-391, Laws of Florida; sections 411.101, 411.102, 411.105, 411.107, and 411.108, Florida Statutes, as created by chapter 86-220, Laws of Florida; section 411.103, Florida Statutes, as created by chapter 86-220, Laws of Florida, and as amended by chapters 87-119 and 88-337, Laws of Florida; section 411.104, Florida Statutes, as created by chapter 86-220, Laws of Florida, and as amended by chapter 87-290, Laws of Florida; section 411.106, Florida Statutes, as created by chapter 86-220, Laws of Florida, and as amended by chapter 87-339, Laws of Florida; section 411.1071, Florida Statutes, as created by chapter 87-290, Laws of Florida; section 411.1072, Florida Statutes, as created by chapter 88-337, Laws of Florida; and section 411.1075, Florida Statutes, as created by chapter 87-119, Laws of Florida, are hereby repealed.

Section 16. Paragraph (c) of subsection (3), paragraph (b) of subsection (4), paragraph (b) of subsection (5), and subsection (9) of section 230.2316, Florida Statutes, 1988 Supplement, are amended to read:

230.2316 Dropout prevention.—

(3) DEFINITIONS.—As used in this section, the term:

(c) "Teenage parent programs" means educational programs which are designed to provide a specialized curriculum and other services to meet the needs of *both* students who are pregnant or students who are *mothers or fathers and the children of the students* ~~parents~~.

(4) STUDENT ELIGIBILITY AND PROGRAM CRITERIA.—All programs funded pursuant to the provisions of this section shall be positive and shall reflect strong parental and community involvement. In addition, specific programs shall meet the following criteria:

(b) Teenage parent programs.—

1. *The program shall provide pregnant students or students who are parents and the children of these students with a comprehensive teenage parent program consisting of educational and ancillary service components.* The program shall provide pregnant students or students who are parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs pursuant to s. 232.01. Students participating in teenage parent programs shall be exempt from minimum attendance requirements for absences related to pregnancy, but shall be required to make up work missed due to absence.

2. The curriculum shall include instruction in such topics as prenatal and postnatal health care, parenting skills, *benefits of sexual abstinence and consequences of subsequent pregnancies. Parenting skills should include instruction in the stages of child growth and development, methods for aiding in the intellectual, language, physical, and social development of children, and guidance on constructive play activities* ~~and child growth and development~~.

3. *Provision for necessary* ~~Ancillary services such as~~ child care, health care, social services, and transportation *shall be required ancillary service components of teenage parent programs. Ancillary services* may be provided through the coordination of existing programs and services *and through joint agreements between school districts and between school districts and other appropriate public and private providers.*

(5) PROGRAM PLANNING AND IMPLEMENTATION.—

(b) Any school district desiring to receive state funding for a dropout prevention program pursuant to the provisions of s. 236.081(1)(c) shall develop a comprehensive dropout prevention program plan which describes all of the programs and services which the district will make available to students pursuant to subsection (4). *As part of that plan, each school district shall develop, either singly or through a joint agreement with other school districts, a teenage parent program and implement the program unless:*

1. There are no pregnant or parenting teenagers in the school district interested in participating in a teenage parent program;

2. The school district submits demonstrable proof that the particular needs of pregnant or parenting teenagers interested in participating in a teenage parent program are being met through other agencies, entities, or family members, including a description of needs and any relevant service agreements; or

3. The school district submits demonstrable proof that:

a. It is financially unable to meet the particular ancillary services needs of pregnant or parenting teenagers interested in participating in a teenage parent program; and

b. The needed ancillary services are unavailable from the agencies or entities included on the community services inventory conducted pursuant to subsection (9).

Districts choosing not to implement all of the *four remaining* programs described in subsection (4) shall provide evidence that such programs are either not needed within the district or that the needs of students are already being provided through existing public or private agencies or entitles or that the district is unable to provide the program.

1. In order to be approved, each plan shall include the following components:

a. Emphasis on parental, community, and business involvement.

b. Interagency coordination in order to maximize existing human and fiscal resources.

c. A method for early identification of potential dropouts.

d. Dropout retrieval activities.

e. Employability skills and other career awareness activities related to preparation for the work force.

f. Commitment of the district to achieve the goals and objectives of this section, as evidenced by the assignment of at least one person to be responsible for the implementation and administration of the district's dropout prevention program.

2. For each program to be provided by the district pursuant to subsection (4), the following information shall be provided in the program plan:

a. Student eligibility criteria.

b. Student admission procedures.

c. Operating procedures.

d. Program goals and outcome objectives.

e. Qualifications of program personnel.

f. The program budget, including identification of all federal, state, local, or other funds which will be used to support the program.

g. A schedule for staff development activities.

h. Evaluation procedures which describe how outcome objectives will be achieved and measured.

(9) COORDINATION WITH OTHER AGENCIES.—School district dropout prevention programs shall be coordinated with social service, law enforcement, prosecutorial, and juvenile justice agencies in the school district. *School districts shall inventory community services and programs relevant to implementation of their comprehensive dropout prevention program plans.* Notwithstanding the provisions of s. 228.093, these agencies are authorized to exchange information contained in student records and juvenile justice records. Notwithstanding the provisions of s. 119.14, such information is exempt from the requirements of s. 119.07(1). School districts and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the dropout prevention program; and shall maintain the confidentiality of such information unless otherwise provided by law or rule. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 17. Paragraph (d) of subsection (1) of section 232.01, Florida Statutes, is amended to read:

232.01 Regular school attendance required between ages of 6 and 16; permitted at age of 5; exceptions.—

(1)

(d)1. This section shall not apply to students who are pregnant; however, a student who is a parent may be exempt under provisions of s. 232.06.

2. Students who become or have become married and students who are pregnant shall not be prohibited from attending school. These students and students who are parents shall receive the same educational instruction or its equivalent as other students, but may voluntarily be assigned to a class or program suited to their special needs. *Consistent with s. 230.2316, pregnant or parenting teens shall be entitled to participate in a teenage parent program.*

Section 18. Paragraph (b) of subsection (1) of section 232.246, Florida Statutes, 1988 Supplement, is amended to read:

232.246 General requirements for high school graduation.—

(1)

(b) Beginning with the 1986-1987 school year and each year thereafter, successful completion of a minimum of 24 academic credits in grades 9 through 12 shall be required for graduation. The 24 credits shall be distributed as follows:

1. Four credits in English, with major concentration in composition and literature.

2. Three credits in mathematics.

3. Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a school district that certifies that its laboratory facilities are inadequate, provided the district submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the school board.

4. One credit in American history.

5. One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems in fulfillment of the requirements of s. 233.064.

6. One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and local school boards in developing curriculum materials for the study of economics.

7. One-half credit in American government.

8. One-half credit in practical arts vocational education or exploratory vocational education. Any vocational course as defined in s. 228.041(22) may be taken to satisfy the high school graduation requirement for one-half credit in practical arts or exploratory vocational education provided in this subparagraph.

9. One-half credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one-half credit in performing arts pursuant to this subparagraph.

10. One-half credit in life management skills to include consumer education, positive emotional development, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, *benefits of sexual abstinence and consequences of teenage pregnancy,* information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

11. One-half credit in physical education to include assessment, improvement, and maintenance of personal fitness.

12. Nine elective credits.

Section 19. Paragraph (a) of subsection (2) of section 232.304, Florida Statutes, is amended to read:

232.304 District multiagency coordinating councils.—

(2) The duties and responsibilities of each district council are jointly to:

(a) Develop local procedures to coordinate the delivery of services to public school students in kindergarten through grade 12, with initial emphasis on grades 4 through 8 *and on teenage parent programs.*

Section 20. Subsections (2) and (3) and paragraph (c) of subsection (4) of section 233.067, Florida Statutes, 1988 Supplement, are amended to read:

233.067 Comprehensive health education and substance abuse prevention.—

(2) INTENT.—The Legislature recognizes that sound health habits are essential to the educational and personal success of the student. The Legislature further recognizes that schools are uniquely situated to effectively promote the establishment of sound health habits among our youth, including prevention of substance abuse *and an awareness of the benefits of sexual abstinence and the consequences of teenage pregnancy.* To this end, it is the intent of the Legislature to implement a comprehensive health education and substance abuse prevention program in Florida's public schools.

(3) DEFINITIONS.—As used in this section, the term "comprehensive health education" includes, but is not limited to, such concerns as mental and emotional health, sexually transmissible diseases, human immunodeficiency virus infection, acquired immune deficiency syndrome and other communicable diseases, substance abuse (including alcohol and tobacco), *benefits of sexual abstinence and consequences of teenage pregnancy,* environmental health, safety and emergency care, nutrition and food management, personal health and hygiene, dental health, hereditary diseases, developmental disabilities, growth and development, and consumer health and careers.

(4) ADMINISTRATION OF THE COMPREHENSIVE HEALTH EDUCATION AND SUBSTANCE ABUSE PREVENTION PROGRAM.—

(c) The comprehensive health education and substance abuse prevention program shall include the following:

1. Implementation of inservice education programs for teachers, counselors, and other persons, which programs deal with comprehensive health education, substance abuse prevention, ~~and~~ prevention of sexually transmissible diseases, especially human immunodeficiency virus infection and acquired immune deficiency syndrome, *and the benefits of sexual abstinence and consequences of teenage pregnancy.* Such inservice education programs shall be consistent with the 5-year master plan, as specified in s. 236.0811, and shall include training in substance abuse identification and prevention. The training plan may provide for the option of using teachers as trainers and shall include, but not be limited to: information on current theory, knowledge, and practice regarding substance abuse; identification and referral procedures; legal issues; peer counseling; and methods of teaching decisionmaking skills and building self-concept. Inservice teacher education materials and student materials which are based upon individual performance and designed for use with a minimum of supervision shall be developed and made available to all school districts.

2. Implementation of management training programs consistent with the provisions of s. 231.087 for principals and other school leaders on the identification, prevention, and treatment of substance abuse and the availability of local and regional referral resources.

3. Instruction in nutrition education as a specific area of health education instruction. Nutrition education shall include, but not be limited to, sound nutritional practices, wise food selection, analysis of advertising claims about food, proper food preparation, and food storage procedures. The purpose of such nutrition education programs shall be to educate students in the overall area of nutrition education and significantly reduce health problems associated with poor or improper nutrition practices.

4. Instruction in substance abuse prevention in kindergarten through grade 12. Such instruction shall be designed to meet local needs and priorities and shall articulate clear instructional objectives aimed at the prevention of alcohol and substance abuse. The instruction shall be appropriate for the grade and age of the student and shall reflect current theory, knowledge, and practice regarding prevention of substance abuse and may contain instruction in such components as health, personal, and economic consequences of substance abuse and instruction in decisionmaking, resisting peer pressure, self-concept building skills, and identifying and dealing with situations that pose a risk to one's health and may lead to substance abuse.

5. Instruction in the causes, transmission, and prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases for students. Such instruction shall be included in appropriate middle school or junior high school health and science courses and in life management skills and other high school courses. Any student whose parent makes written request to the school principal shall be exempt from AIDS instructional activities. Curriculum frameworks for AIDS education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

6. Design and development of programs for the selection and training of health education instructors from existing teaching staff and the orientation to teaching roles for persons employed in appropriate health fields and community volunteers.

7. Development of training programs to allow the use of school food service personnel as resource persons.

8. Instruction in the benefits of sexual abstinence and consequences of teenage pregnancy in appropriate middle school or junior high school health, science, and home economics courses and in life management skills and other appropriate high school courses. Curriculum frameworks shall be created or modified as necessary to help ensure such instruction.

Section 21. Paragraph (a) of subsection (3) of section 233.011, Florida Statutes, is amended to read:

233.011 Accountability in curriculum, educational instructional materials, and testing.—

(3)(a) Pursuant to subsection (2), the Department of Education shall develop, maintain, and revise as necessary curriculum frameworks for the purpose of ensuring instructional consistency and assessment within academic disciplines among public schools. A curriculum framework is a set of broad guidelines which aids educational personnel in producing specific instructional plans for a given subject area or area of study. The process for developing and periodically revising curriculum frameworks shall emphasize the recommendations of national professional organizations and instructional material consortia by subject area or area of study. The Department of Education shall develop, as part of the curriculum framework, intended outcomes specific to child abuse and neglect prevention and to drug and alcohol abuse prevention, which must be accomplished during the four progressional levels, K-3, 4-6, 7-9, and 10-12. Each such framework shall be initially approved by the State Board of Education by July 30, 1986. *The Department of Education shall revise curriculum frameworks, as appropriate, to include building self-esteem and enhancing decisionmaking skills. Each such revised framework shall be approved as necessary by the State Board of Education, with implementation to begin in school districts by no later than the beginning of the 1991-1992 school year.*

Section 22. Paragraphs (c) and (d) of subsection (1) of section 236.083, Florida Statutes, are amended, and paragraph (e) is added to said subsection, to read:

236.083 Funds for student transportation.—The annual allocation to each district for transportation to public school programs of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(1) Subject to the rules of the state board, each district shall determine the membership of students who are transported:

(c) By reason of being vocational, dual enrollment, or exceptional students transported from one school center to another to participate in an instructional program or service; or exceptional students, except gifted, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, public community college, public university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a public community college or a public university program under a written agreement to partially fulfill ss. 229.814 and 240.115 and earning full-time equivalent membership under s. 236.081(1)(h); ~~and~~

(d) With respect to elementary school students whose grade level does not exceed grade 6, by reason of being subjected to hazardous walking conditions en route to or from school as provided in s. 234.021. Such rules shall, when appropriate, provide for the determination of membership under this paragraph for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected*; and.*

(e) By reason of being a pregnant student or student parent, and the child of a student parent as provided in s. 230.2316, regardless of distance from school.

Section 23. Paragraph (e) is added to subsection (1) of section 234.01, Florida Statutes, to read:

234.01 Purpose; transportation; when provided.—

(1) School boards, after considering recommendations of the superintendent:

(e) Shall provide necessary transportation to pregnant students or student parents, and the children of those students, as part of a teenage parent program pursuant to s. 230.2316.

Section 24. Paragraph (f) of subsection (3) of section 42 of chapter 88-337, Laws of Florida, is amended to read:

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

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

(f) Issue a final report to the President of the Senate, Speaker of the House of Representatives, and the Governor by *April* ~~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.

Section 25. Subsection (10) is added to section 402.305, Florida Statutes, to read:

402.305 Licensing standards; child care facilities.—The state minimum standards shall be designed to protect the health, sanitation, safety, and well-being of all children under care by ensuring competent personnel, adequate physical surroundings, and healthful food. All standards established under ss. 402.301-402.319 shall be consistent with rules promulgated by the State Fire Marshal for child care facilities. The minimum standards for child care facilities shall include the following areas:

(10) URBAN CHILD CARE FACILITIES.—Minimum standards for child care facilities located in urban areas. The standards must allow urban child care facilities to substitute indoor play space for outdoor play space, if outdoor play space is not available in the area, and must set forth additional requirements that apply to a facility which makes that substitution, including, but not limited to, additional square footage requirements for indoor space; air ventilation provisions; and a requirement to provide facilities and equipment conducive to physical activities appropriate for the age of the children.

Section 26. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later, except that section 25 shall take effect October 1, 1989.

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

Amendment 2A—On page 81, lines 6 and 7, insert:

Section . Subsection (2) of section 125.901, Florida Statutes, is amended to read:

125.901 County juvenile welfare services; independent special district; powers, duties, and functions of governing body.—

(2) The governing board of the district shall be a board of juvenile welfare consisting of *ten* ~~nine~~ members, including: the superintendent of schools, a local school board member, the district administrator from the appropriate district of the Department of Health and Rehabilitative Services *or his designee*, ~~and~~ one member of the board of county commissioners, *and the judge assigned to juvenile cases who shall sit as a voting member of the board, except that said judge shall not vote or participate in the setting of ad valorem taxes under this section. In the event there is more than one judge assigned to juvenile cases in a county, the chief judge shall designate one of said juvenile judges to serve on the board.* The other five members of the board shall be appointed by the Governor and shall serve for terms of 4 years each. If any of the members of the board required to be appointed by the Governor under the provisions of this act shall resign, die, or be removed from office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor, and such appointment to fill a vacancy shall be for the unexpired term of the person who resigns, dies, or is removed from office.

(Renumber subsequent sections.)

On motion by Senator Weinstock, the Senate reconsidered the vote by which **Amendment 2A** was adopted. **Amendment 2A** was adopted. The vote was:

Yeas—19

Bankhead	Childers, W. D.	Jennings	Ros-Lehtinen
Beard	Dudley	Johnson	Scott
Bruner	Gardner	Kiser	Souto
Casas	Grant	Langley	Walker
Childers, D.	Grizzle	Myers	

Nays—14

Brown	Girardeau	Meek	Weinstock
Davis	Gordon	Stuart	Woodson-Howard
Deratany	Malchon	Thurman	
Forman	McPherson	Weinstein	

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

Amendment 2B—On page 79, after line 6, insert:

Section 25. Early delinquency intervention program.—

(1) The Department of Health and Rehabilitative Services shall, with the cooperation of local law enforcement agencies, the judiciary, district school board personnel, the office of the state attorney, the office of the public defender, the community service agencies that work with juveniles, establish an early delinquency intervention program, the components of which shall include, but not be limited to:

(b) Treatment modalities, including substance abuse treatment and mental health services.

(c) Prevocational educational and vocational education services.

(d) Diagnostic evaluation services.

(e) Educational services.

(f) Self-sufficiency planning.

(g) Independent living skills.

(h) Parenting skills.

(i) Recreational and leisure time activities.

(j) Program evaluation.

(k) Medical screening.

(2) The early delinquency intervention program shall consist of intensive residential treatment in a secure facility for 2 to 6 weeks, followed by 6 to 9 months of aftercare.

Section 26. (1) A copy of the arrest report of any child 14 years of age or younger who is taken into custody for committing a delinquent act or any violation of law shall be forwarded to the local Children, Youth, and Families Program Office of the Department of Health and Rehabilitative Services. Upon receiving the second arrest report of any such child from the judicial circuit in which the program is located, the department shall, in areas where the program is operating, initiate an intensive review of the child's social and educational history to determine the likelihood of further significant delinquent behavior. In making this determination, the department shall consider, without limitation, the following factors:

(a) Any prior allegation that the child is dependent.

(b) The physical, emotional, and intellectual status and developmental level of the child.

(c) The child's academic history, including school attendance, school achievements, grade level, and involvement in school-sponsored activities.

(d) The nature and quality of the child's peer group relationships.

(e) The child's history of substance abuse or behavioral problems.

(f) The child's family status, including the capability of the child's family members to participate in a family-centered intervention program.

(g) The child's family history of substance abuse or criminal activity.

(h) The supervision that is available in the child's home.

(i) The nature of the relationship between the parents and the child and the siblings and the child.

(2) Upon determination that a child is likely to continue to exhibit significant delinquent behavior, the department may, with the concurrence of the state attorney and pursuant to a court order, refer the child to an early delinquency intervention program.

(3) Notwithstanding any provision of law to the contrary, the Department of Health and Rehabilitative Services shall have access as needed to records applying to children and juveniles for the purposes of the intensive review as specified in this section to assess the likelihood of further significant delinquent behavior. Neither the confidential records provided to the Department of Health and Rehabilitative Services nor the records developed from these records shall be available for public disclosure and inspection under section 119.07, Florida Statutes.

Section 27. The Department of Health and Rehabilitative Services shall adopt rules necessary to implement this act.

(Renumber subsequent section.)

Amendment 2 as amended was adopted.

Senator Weinstock moved the following amendment:

Amendment 3—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to prevention, early assistance, and early childhood; creating part I of chapter 411, F.S., relating to general provisions; providing a short title; providing definitions; providing a continuum of comprehensive services; specifying requirements for the continuum; providing requirements for evaluation design and contracting; providing for rules; creating part II of chapter 411, F.S., relating to prevention and early assistance; providing legislative intent; requiring a joint strategic plan; requiring submission of the plan to the Governor and Legislature; specifying contents; delineating responsibilities of the Department of Health and Rehabilitative Services and the Department of Education; requiring establishment of an Office of Prevention, Early Assistance, and Child Development in each department; establishing an interagency coordinating council; delineating intraagency and interagency responsibilities; requiring a memorandum of agreement; creating the State Coordinating Council for Early Childhood Services; providing membership, terms of office, organizational procedures, and duties; providing for funding; requiring a report; requiring the development of uniform standards; creating ss. 411.23, 411.231, 411.232, F.S.; creating the Children's Early Investment Act and the Children's Early Investment Program; providing legislative intent; providing goals; providing essential elements; providing criteria for funding providers of program services; providing that the Department of Health and Rehabilitative Services shall select providers for initial funding; providing guidelines for the selection; providing for evaluation of the program; requiring reports to the Governor and the Legislature; providing for rulemaking; amending s. 409.029, F.S.; revising criteria with respect to participation in employment and training activity; creating s. 402.27, F.S.; directing the Department of Health and Rehabilitative Services to establish a statewide child care resource and referral network; providing for child care resource and referral agencies; prescribing services which such agencies must provide; creating s. 402.28, F.S.; providing for special licensure for certain child care programs; specifying standards; providing for grants; creating s. 402.3193, F.S.; creating the Child Care Trust Fund; providing for use, source of funds, and reversion of funds; amending s. 402.3195, F.S.; providing for loans to establish new or expand existing family day care homes; changing the name of a trust fund; creating s. 402.45, F.S.; establishing a community resource mother or father program; providing for contracts; providing requirements; providing for coordination with and review by the State Coordinating Council for Early Childhood Services; providing for an evaluation; providing for rules; creating s. 402.47, F.S.; establishing a foster grandparent and retired senior volunteer services program; providing definitions; providing for contracts; providing for program criteria and evaluation; providing for rules; creating s. 383.013, F.S.; providing for a statewide prenatal care program; requiring provision of services, risk factor analysis, and program monitoring; providing for expedited services and training; creating s. 383.215, F.S.; establishing developmental intervention and parent support and training programs; providing definitions; delineating program components; providing requirements for coordination and operation; providing for evaluation; creating s. 230.2303, F.S.; creating the Florida First Start Program; allowing school districts to submit plans; requiring components for plan approval; requiring evaluation, monitoring, and technical assistance; requiring an annual report; providing for coordination; providing for funding; providing for rules; repealing s. 228.0615(8), F.S., relating to the State Advisory Council on Early Childhood Education; repealing s. 402.30, F.S., relating to the Department of Health and Rehabilitative Services advisory council on child care; repealing ss. 411.101, 411.102, 411.103, 411.104, 411.105, 411.106, 411.107, 411.1071, 411.1072, 411.1075, and 411.108, F.S., relating to the Handicap Prevention Act of 1986; providing for review and repeal; amending s. 230.2316, F.S., relating to dropout prevention; revising criteria for teenage parent programs; requiring school district development and implementation of teenage parent programs; providing exceptions; requiring an inventory of community services and programs; amending s. 232.01, F.S.; entitling pregnant or parenting teens to participation in a teenage parent program; amending s. 232.246, F.S.; revising topics to be included in life management skills courses; amending s. 232.304; revising the duties and responsibilities of district multiagency coordinating councils; amending s. 233.067, F.S., relating to comprehensive health education and substance abuse; revising intent; revising a definition; expanding program requirements; requiring instruction in the consequences of teenage pregnancy; amending s. 233.011, F.S.; requiring the Department of Education to revise curriculum frameworks; amending s. 236.083, F.S.; providing for transportation of pregnant students or student parents; amending s. 234.01, F.S.; requiring transportation as part of teenage parent programs; amending s. 42 of chapter 88-337, Laws of Florida; extending time for submission of final report of the Task Force on the Future of the Florida Family; amending s. 402.305, F.S.; requiring the inclusion of standards for urban child care facilities, including substitutes for outdoor play space; providing an effective date.

Senator Myers moved the following amendment to Amendment 3 which was adopted:

Amendment 3A—In title, on page 1, line 30, insert: amending s. 125.901, F.S.; revising membership of boards of juvenile welfare;

Amendment 3 as amended was adopted.

On motion by Senator Weinstock, by two-thirds vote CS for HB 1818 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Bankhead	Dudley	Kiser	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Meek	Thurman
Casas	Girardeau	Myers	Walker
Childers, D.	Gordon	Peterson	Weinstein
Childers, W. D.	Grant	Plummer	Weinstock
Crenshaw	Grizzle	Ros-Lehtinen	Woodson-Howard
Davis	Jennings	Scott	
Deratany	Johnson	Souto	

Nays—2

Bruner	Langley

Vote after roll call:

Nay to Yea—Bruner

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

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Scott, by two-thirds vote CS for SB 988 and CS for SB 656 were placed on the special order calendar.

SPECIAL ORDER, continued

Consideration of **SB 892** was deferred.

RECESS

On motion by Senator Scott, the Senate recessed at 5:12 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 6:18 p.m. A quorum present—37:

Mr. President	Bruner	Crenshaw	Forman
Bankhead	Casas	Davis	Gardner
Beard	Childers, D.	Deratany	Girardeau
Brown	Childers, W. D.	Dudley	Gordon

Grant	Malchon	Ros-Lehtinen	Weinstein
Grizzle	Margolis	Scott	Weinstock
Johnson	Meek	Souto	Woodson-Howard
Kirkpatrick	Myers	Thomas	
Kiser	Peterson	Thurman	
Langley	Plummer	Walker	

SPECIAL ORDER, continued

On motions by Senator Johnson, by two-thirds vote—

CS for CS for CS for HB 1502—A bill to be entitled An act relating to nonpublic postsecondary institutions; amending s. 246.011, F.S.; providing intent; amending s. 246.013, F.S.; revising provisions relating to participation in the common course designation and numbering system; amending s. 246.021, F.S., and repealing subsection (6) thereof, relating to definition of "diploma"; revising definitions; amending s. 246.031, F.S.; revising membership of the State Board of Independent Colleges and Universities; revising grounds for removal from the board; amending s. 246.041, F.S.; revising powers and duties of the board; amending s. 246.081, F.S.; requiring certain licensure of nonpublic colleges conducting diploma programs; amending s. 246.085, F.S.; revising provisions relating to exemption from licensing requirements; amending s. 246.087, F.S.; revising minimum standards for the licensing of agents; amending s. 246.091, F.S.; providing application requirements; amending s. 246.095, F.S.; deleting provision for suspension of a license and providing for denial with respect to provisions relating to disclosure to prospective students; amending s. 246.101, F.S.; revising fees; amending s. 246.111, F.S.; deleting provision for suspension of a license; requiring board rules for denial, probation, and revocation of exemption from licensure and providing for certain disciplinary action; amending s. 246.121, F.S.; revising provisions relating to use of the title "college" or "university"; repealing s. 246.125, F.S.; relating to repository for current information and data; amending s. 246.203, F.S.; revising definitions; amending s. 246.205, F.S.; revising membership of the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; revising grounds for removal from the board; amending s. 246.207, F.S.; revising powers and duties of the board; amending s. 246.213, F.S.; requiring basic skills testing of students; requiring certain information; requiring recommendations for certain placement standards; revising minimum requirements for the licensing of agents; requiring the adoption of criteria for educational credentials; amending s. 246.215, F.S.; requiring school licensure by the board and prohibiting certain activities until licensure is obtained; amending s. 246.217, F.S.; revising provisions relating to license period and renewal; providing for a license to remain in effect under certain circumstances; providing for amended licensure; amending s. 246.219, F.S.; revising license fees; providing for board rules; creating s. 246.224, F.S.; creating the Institutional Assessment Trust Fund; providing for use of funds; providing for fund administration; amending s. 246.226, F.S.; revising provisions relating to disciplinary proceedings; providing procedures for investigations by the board; providing that certain actions shall not be considered disciplinary; creating s. 246.2265, F.S.; providing for cease and desist orders while disciplinary proceedings are pending; amending s. 246.227, F.S.; revising provisions relating to unlicensed operation of a school; amending s. 246.228, F.S.; revising grounds for disciplinary action; revising administrative fines; reenacting s. 246.231, F.S.; providing penalties; amending s. 476.114, F.S.; revising examination prerequisites to practice barbering as they relate to licensure of barbering schools; amending s. 476.155, F.S.; deleting reference to barbering instructor's license; repealing ss. 476.034(2) and 476.158, F.S., relating to licensing of barbering instructors; amending s. 476.178, F.S., and repealing subsections (1) and (3)-(11) thereof, relating to licensure, operation, and requirements of barbering schools; requiring certain barbering schools to be licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; amending s. 476.192, F.S.; deleting reference to barbering schools and barbering instructors; amending s. 476.204, F.S.; conforming penalties; repealing s. 477.013(4), F.S.; deleting the definition of cosmetology instructor; amending s. 477.014, F.S.; deleting reference to cosmetology instructors; amending s. 477.019, F.S.; revising examination prerequisites to practice cosmetology as they relate to licensure of schools of cosmetology; repealing s. 477.021, F.S., relating to licensing of cosmetology instructors; amending s. 477.0212, F.S.; deleting reference to cosmetology instructor's license; amending s. 447.022, F.S., and repealing subsection (4) thereof, relating to licensing of cosmetology instructors; conforming provisions; amending s. 477.023, F.S., and repealing subsections (2)-(10) thereof, relating to licensure, operation, and requisites of schools of cosmetology; requiring certain schools of cosmetology to be licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; repealing s. 477.024, F.S., relating to the adoption of rules governing enrollment at schools of cosmetology and records to be kept by such schools; amending s. 477.026, F.S.; deleting reference to schools of cosmetology and cosmetology instructors; amending s. 477.028, F.S.; conforming disciplinary proceedings; amending s. 477.029, F.S., conforming penalties; amending s. 488.01, F.S.; requiring commercial truck driving schools to be licensed by the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; providing for review and repeal; providing for transfer of licensure and certain proceedings; providing an appropriation; providing effective dates.

—a companion measure, was substituted for CS for SB 1458 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for CS for CS for HB 1502 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Crenshaw	Johnson	Ros-Lehtinen
Bankhead	Davis	Kirkpatrick	Souto
Beard	Deratany	Langley	Thomas
Brown	Dudley	Malchon	Thurman
Bruner	Forman	Margolis	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Stuart

LOCAL CALENDAR

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, 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 1278 and requests the Senate to recede.

John B. Phelps, Clerk

HB 1278—A bill to be entitled An act relating to Escambia County; amending chapter 83-405, Laws of Florida, relating to the Escambia County Civil Service Act; establishing the right of all classified employees, including deputy sheriffs, to engage in collective bargaining and retain all rights of public employees under law; providing an effective date.

On motions by Senator W. D. Childers, the Senate receded from Senate Amendments 1 and 2. HB 1278 passed and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Johnson	Souto
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

On motion by Senator Scott, the following local bills were taken up by unanimous consent:

On motion by Senator Dudley, by two-thirds vote—

HB 656—A bill to be entitled An act relating to Lee County; providing for liens in favor of any nonprofit corporation operating a charitable hospital, as defined, in said county upon causes of actions, suits, claims, counterclaims, and demands accruing to patients therein, or their legal representatives, and upon amounts due or payable under hospital insur-

ance or the like, and upon judgments, settlements, and settlement agreements, related to illness or injuries to such patients, for all reasonable charges for hospital care, treatment, and maintenance necessitated by such illness or injuries, and upon amounts due under hospitalization, public liability, and other indemnity policies; providing for method of perfecting and enforcing such liens; providing for recovery of costs, attorney's fees, and expenses; requiring claims for liens to be recorded; providing for fees for recording; providing for method of satisfaction of such liens; providing that a release or satisfaction is not valid as against such a lien unless the lienholder joins therein or executes a release; providing that acceptance of a release or satisfaction of any cause of action, suit, claim, counterclaim, demand, or judgment, or any settlement in absence of release or satisfaction of lien, prima facie constitutes impairment of such lien; giving the lienholder a right of action at law for damages on account of such impairment; providing for recovery from one accepting a release or satisfaction or making settlement; exempting from provisions of this act matters within the purview of the Worker's Compensation Law of this state; providing an effective date.

—was read the second time by title.

Senator Dudley moved the following amendment which was adopted:

Amendment 1—On page 6, line 30 through page 7, line 18 strike all of said lines and renumber subsequent sections.

On motion by Senator Dudley, by two-thirds vote HB 656 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Johnson	Souto
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

On motions by Senator W. D. Childers, by two-thirds vote—

HB 791—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 21483, Laws of Florida, 1941, as amended, providing for refund of contributions to the Firefighters Relief and Pension Trust; amending chapter 57-1713, Laws of Florida, as amended, providing for repayment of withdrawals from the Firefighters Relief and Pension Trust; providing for supersedure of existing law relating thereto; 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—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Johnson	Souto
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

On motions by Senator Woodson-Howard, by two-thirds vote—

HB 1546—A bill to be entitled An act relating to Manatee County; providing for the inclusion of certain unincorporated land in Manatee County into the North River Fire District; providing for a board of fire commissioners; providing authority to levy special assessments; providing for deposit of funds; providing for use of funds; providing borrowing power of the district; providing authority and power to acquire certain property; providing duties of board of commissioners; providing authority to employ qualified personnel; providing for financial reporting; providing for existence of the district; providing definitions; providing for impact fees; providing a schedule of special assessments; providing consolidation; repealing chapter 84-475, Laws of Florida, as amended, relating to the Palmetto Fire Control District; repealing chapter 85-452, Laws of Florida, as amended, relating to the Ellenton Fire Control District; 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—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Johnson	Souto
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

On motions by Senator Bruner, by two-thirds vote—

HB 1676—A bill to be entitled An act relating to Panama City, Bay County; amending chapter 74-571, Laws of Florida; defining the St. Andrews Central Business District; limiting expenditure of all taxes and other funds received from or on behalf of St. Andrews Central Business District; providing that such funds be segregated from all other funds of the downtown improvement board; 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—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Johnson	Souto
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

On motions by Senator Dudley, by two-thirds vote—

HB 1811—A bill to be entitled An act relating to the North Fort Myers Fire Control District, Lee County; removing certain described lands from said district which are within the boundaries of the City of Cape Coral; providing for a referendum; providing effective dates.

—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—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Johnson	Souto
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

On motions by Senator W. D. Childers, by two-thirds vote—

HB 1093—A bill to be entitled An act relating to the City of Pensacola, Escambia County; amending chapter 15425, Laws of Florida, 1931, as amended; amending method for qualifying candidates for election for whom filing fee is undue burden; providing for severability; 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—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Johnson	Souto
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

On motions by Senator Dudley, by two-thirds vote—

HB 192—A bill to be entitled An act relating to the North Naples Fire Control and Rescue District, Collier County; adding section 3 to article III of chapter 84-416, Laws of Florida; excluding property annexed by the City of Naples; 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—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Johnson	Souto
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

On motions by Senator W. D. Childers, by two-thirds vote—

HB 984—A bill to be entitled An act relating to the City of Pensacola and Escambia County; providing for an Economic Development Authority of Pensacola and Escambia County; providing for a minimum appropriation from both the City of Pensacola and the County of Escambia; providing authority to sponsor, develop, operate, and maintain activities and developments relating to business, industry, tourism, and commerce; providing for bonding authority; providing for composition of membership and appointment thereto; providing for authority to create and define the geographic boundaries of special economic development districts within Escambia County; repealing chapters 67-1365, 76-366, 79-462, 80-579, 83-501, 85-487, 86-448, 86-449, and 86-459, Laws of Florida; abolishing the Pensacola-Escambia Promotion and Development Commission and transferring assets and liabilities thereof to the authority; 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—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Johnson	Souto
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

On motions by Senator Dudley, by two-thirds vote—

HB 508—A bill to be entitled An act relating to the East Naples Fire Control and Rescue District, Collier County; adding section 25 to chapter 61-2034, Laws of Florida, as amended, to include authorization of the use and imposition of impact fees for capital improvement on new construction within the district; providing for a referendum.

—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—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Johnson	Souto
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

On motions by Senator Kirkpatrick, by two-thirds vote—

HB 1803—A bill to be entitled An act relating to Clay County; providing permanent status for certain employees of the Clay County Sheriff; specifying rights of such employees; providing procedures for appeal of disciplinary actions and complaints against employees of the sheriff; providing for the appointment of boards to hear appeals and procedures with respect thereto; 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—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Johnson	Souto
Beard	Deratany	Kirkpatrick	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1237 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1237—A bill to be entitled An act relating to designation of state facilities; designating the Florida Highway Patrol Troop G Station in St. Augustine as the "Corporal C. L. Tomlinson, Jr., Highway Patrol Station"; directing the Department of Highway Safety and Motor Vehicles to erect suitable markers; designating the bridge over the Ochlockonee River between Gadsden and Leon counties as the "C. Fred Arrington Bridge"; authorizing the Department of Transportation to erect appropriate markers; providing an effective date.

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

Section 5. The replacement bridge which spans the Alafia River at U.S. Highway 301 is designated the W. T. Williams Bridge.

Section 6. The Department of Transportation is directed to erect suitable markers designating the W. T. Williams Bridge.

(Renumber subsequent section.)

Amendment 2—On page 1 in the title, line 12, after the semicolon (;) insert: designating the replacement bridge on U.S. Highway 301 that spans the Alafia River as the W. T. Williams Bridge;

Amendment 3—On page 2, line 19, insert:

Section 5. *U.S. Highway 301/441 from State Road 40 (Silver Springs Boulevard) North to County Road 25-A (Old Gainesville Road), 2.2 miles, is designated the William V. Chappell, Jr., Memorial Highway.*

Section 6. *The Department of Transportation is directed to erect suitable markers designating the William V. Chappell, Jr., Memorial Highway.*

(Renumber subsequent section.)

Amendment 4—On page 1 in the title, line 12, after the semicolon (;) insert: designating a portion of U. S. Highway 301/441 from Silver Springs Boulevard to Old Gainesville Road as the William V. Chappell, Jr., Memorial Highway; directing the Department of Transportation to erect suitable markers;

Amendment 5—On page 2, line 7, insert:

Section 1. *(1) Southwest 8th Street from 34th Avenue to 42nd Avenue in Miami is hereby codesignated as "Felipe Valls Way."*

(2) The Department of Transportation is hereby directed to erect suitable markers codesignating Felipe Valls Way in Miami.

(Renumber subsequent sections.)

Amendment 6—On page 1 in the title, line 8, after the semicolon (;) insert: designating a portion of Southwest 8th Street in Miami as "Felipe Valls Way"; directing the Department of Transportation to erect suitable markers;

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

SB 1237 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	Davis	Kirkpatrick	Ros-Lehtinen
Bankhead	Deratany	Kiser	Scott
Beard	Dudley	Langley	Souto
Brown	Forman	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Stuart

Yea to Nay—Ros-Lehtinen

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has amended Senate Amendments 1, 2, 3, 4, 5, 6, 7, and 8 concurred in same as amended and passed as amended CS for HB 1226 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 1226—A bill to be entitled An act relating to education; amending s. 231.0861, F.S.; directing the State Board of Education to include certain provisions for Superintendents, Assistant Superintendents, and Area Superintendents; providing that persons may be liable for certain damages, court costs, and attorneys' fees which are suffered by a university as a result of the violation of certain bylaws of the National Collegiate Athletic Association; providing that such damages may be used to create scholarships; amending s. 231.621, F.S.; renaming the Student Loan Forgiveness Program; expanding recipient eligibility; deleting certain funding requirements; providing technical revisions; amending s. 240.402, F.S.; revising language with respect to the Florida Undergraduate Scholars' Fund; providing an additional criteria; amending s. 240.401, F.S.; revising eligibility criteria for state tuition vouchers; revising payment provisions; amending s. 240.402, F.S.; revising student eligibility for scholarships from the Florida Undergraduate Scholars' Fund; revising departmental administration and institutional responsibility; 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; amending s. 240.404, F.S.; revising general requirements for 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; 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. 240.4068, F.S.; revising eligibility criteria for the "Chappie" James Most Promising Teacher Scholarship Loan Program; providing for reduction in loans under certain circumstances; revising provisions relating to loan repayment; 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 Florida Public Student Assistance Grant Fund; deleting certain funding requirements; revising transfer provisions; 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.; creating the Florida Private 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; providing institutional responsibility; creating a trust fund and providing for moneys to remain therein; providing for rules; creating s. 240.4097, F.S.; creating 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; providing institutional responsibility; 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. 240.421, F.S.; revising provisions relating to council meetings and submission of council meeting minutes; amending s. 240.429, F.S.; requiring the department to maintain records on student loan default rates; requiring an annual report; amending s. 240.60, F.S.; revising institutional expenditure authority relating to the college career work experience program; revising 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 ss. 295.01, 295.015, 295.016, 295.017, 295.018, and 295.019, 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; amending s. 320.0808, F.S., to conform terminology; 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; providing for the appointment of an advisory committee to recommend the order of funding proposals under the program; requiring a report on program effectiveness; providing for termination of the program and for legislative review; amending s. 230.645, F.S.; authorizing school boards to establish a consumable supply fee for postsecondary students enrolled in certain programs or courses when the course or program expenditure exceeds revenue; providing effective dates.

Amendment 1 to Senate Amendment 1—On page 5, lines 8-22, insert:

Section 3. Subsection (3) of section 231.0861, Florida Statutes, is amended to read:

231.0861 Principals and assistant principals; selection.—

(3) By July 1, 1986, all candidates for the position of assistant principal or principal in the public schools of this state must have satisfactorily met the written examination and performance requirements adopted by the State Board of Education for certification. Such State Board of Education rules shall include provisions for those persons who have been certified prior to the effective date of this act. *Such State Board of Education rules shall also include provisions for Superintendents, Assistant Superintendents and Area Superintendents with equal certification rights as principals.*

(Renumber subsequent sections.)

Amendment 1 to Senate Amendment 2—On page 1, lines 2-5, strike all of said lines and insert:

Section 34. Paragraph (a) of subsection (1) of section 121.051, Florida Statutes, 1988 Supplement, is amended to read:

121.051 Participation in the system.—

(1) COMPULSORY PARTICIPATION.—

(a) The provisions of this law shall be compulsory as to all officers and employees, except legislators who meet the requirements of s. 121.052(1)(c), who are employed on or after December 1, 1970, of an employer other than those referred to in paragraph (2)(b), and each officer or employee, as a condition of employment, shall become a member of the system as of his date of employment, except that a person who is retired from any state retirement system and is reemployed on or after December 1, 1970, shall not be permitted to renew his membership in any state retirement system except as provided in s. 121.091(4)(e), for a person who recovers from disability, and s. 121.091(9)(b)5., for a person who is elected to public office. Officers and employees of the University Athletic Association, Inc., a nonprofit association connected with the University of Florida, employed on and after July 1, 1979, shall not participate in any state-supported retirement system. *Any person appointed on or after July 1, 1989, to a faculty position in a college at the J. Hillis Miller Health Center at the University of Florida or the Medical Center at the University of South Florida which has a faculty practice plan provided by rule adopted by the Board of Regents shall not participate in the Florida Retirement System. A faculty member so appointed shall participate in the Optional Retirement Program on the basis of his state-funded compensation, notwithstanding the provisions of s. 121.35(2)(a).*

Section 35. Subsection (1) of section 121.055, Florida Statutes, 1988 Supplement, is 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 *III* ~~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) Effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for the president of each community college, the manager of each participating city or county, and all appointed district school superintendents. However, in lieu of participation in the Senior Management Service Class, such members may withdraw from the Florida Retirement System altogether and participate in a lifetime monthly annuity program which may be provided by the employing agency. The cost to the employer for such annuity shall equal the normal cost portion of the contributions required in the Senior Management Service Class. The employer providing such annuity shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Senior Management Service Class contribution rate. The decision to participate in such local government annuity shall be irrevocable for as long as the employee holds a position eligible for the annuity. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Senior Management Service Class shall not be earned after such withdrawal. Such members shall not be eligible to participate in the Senior Management Service Optional Annuity Program.

(c)1. Effective January 1, 1990, participation in the Senior Management Service Class shall be compulsory for up to 75 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the House of Representatives, as selected by the Speaker of the House of Representatives, up to 50 nonelective positions at the level of committee staff director or higher or equivalent managerial or policymaking positions within the Senate, as selected by the President of the Senate, all staff directors of Joint Committees of the Legislature, the Auditor General and up to nine managerial or policymaking positions within his office as selected by the Auditor General, and the executive director of the Commission on Ethics.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3. below, for any legislative employee who holds a position designated for coverage in the Senior Management Service Class and such participation shall continue until the employee terminates employment in a covered position.

3. In lieu of participation in the Senior Management Service Class, in the discretion of the Joint Legislative Management Committee, such members may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

4. Any member of the Senior Management Service Class may purchase additional retirement credit in such class for creditable service within the purview of the Senior Management Service Class retroactive to February 1, 1987, and may upgrade retirement credit for such past service, to the extent of 2 percent of the member's average monthly compensation as specified in subsection (4)(d) of this section for such service. Contributions for upgrading the additional senior management service credit pursuant to this paragraph shall be equal to the difference in the contributions paid and the senior management service class contribution rate as a percentage of gross salary in effect for the period being claimed, plus interest thereon at the rate of 6.5 percent a year, compounded annually until the date of payment. This past service credit may be purchased by the employer on behalf of the member.

(Renumber subsequent sections.)

Amendment 1 to Senate Amendment 3—On page 2, line 26, insert:

Section 1. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 240.4125, Florida Statutes, is created to read:

240.4125 Mary McLeod Bethune Scholarship Challenge Grant Fund.—

(1) There is hereby established a Mary McLeod Bethune Scholarship Challenge Grant Fund to be administered by the Department of Education pursuant to this section and rules of the State Board of Education. The fund shall provide matching grants for private sources that raise money for scholarships to be awarded to students who attend Florida Agricultural and Mechanical University, Bethune-Cookman College, Edward Waters College, or Florida Memorial College.

(2) There is created the Mary McLeod Bethune Scholarship Challenge Grant Trust Fund. The Comptroller shall authorize expenditures from this fund upon receipt of vouchers approved by the Department of Education. The Department of Education shall receive all moneys collected from private sources for the purposes of this section and shall deposit such moneys into the 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 the fund.

(3) The Legislature shall designate funds to be transferred to the trust fund from the General Revenue Fund. Such funds shall be divided into challenge grants to be administered by the Department of Education. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for challenge grants.

(4) The amount appropriated to the trust fund shall be allocated by the department on the basis of one $5,000 challenge grant for each $5,000 raised from private sources. Matching funds shall be generated through contributions made after July 1, 1990, and pledged for the purposes of this section. Pledged contributions shall not be eligible for matching prior to the actual collection of the total funds. The department shall not allocate to recipients who attend an eligible institution more moneys than the proportionate share of the contributions and matching funds generated by such institution.

(5)(a) In order to be eligible to receive a scholarship pursuant to this section, an applicant shall:

1. Meet the general eligibility requirements set forth in s. 240.404.

2. Be a resident for tuition purposes pursuant to s. 240.1201.

3. Be accepted at Florida Agricultural and Mechanical University, Bethune-Cookman College, Edward Waters College, or Florida Memorial College.

4. Enroll as a full-time undergraduate student.

5. Earn a 3.0 grade point average on a 4.0 scale, or the equivalent, for high school subjects creditable toward a diploma.

(b) In order to renew a scholarship awarded pursuant to this section, a student shall demonstrate a minimum cumulative grade point average of 2.0 on a 4.0 scale and complete 12 credits per term for the number of terms for which the student received the grant.

(6) The annual scholarship to each recipient shall be $3,000. 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 student shall receive an award for more than the equivalent of 8 semesters or 12 quarters over a period of 6 consecutive years, except that students participating in college preparatory instruction or requiring additional time to complete the college-level communication and computation skills testing program shall continue to receive a scholarship during enrollment in such instruction.

(7) The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department is directed to establish a rating system upon which to base the approval of grants. Such system shall include a certification of acceptability by the postsecondary institution of the applicant's choice.

(8) Payment of scholarships shall be transmitted to the president of the postsecondary institution that the recipient is attending or to the president's designee. Should a recipient terminate his enrollment during the academic year, the president or his designee shall refund the unused portion of the scholarship to the department within 60 days. In the event that a recipient transfers from one eligible institution to another, his scholarship shall be transferable upon approval of the department.

(9) This section shall be implemented during the 1990-1991 academic year and thereafter to the extent funded and authorized by law.

(10) The State Board of Education may adopt any rules necessary to implement the provisions of this section.

Section 2. *There is hereby appropriated the sum of $50,000 and one position from the General Revenue Fund to the Department of Education for financial aid administration and the sum of $200,000 from the General Revenue Fund to be transferred to the Mary McLeod Bethune Scholarship Challenge Grant Trust Fund for matching purposes pursuant to s. 240.4125, Florida Statutes.*

(Renumber subsequent sections.)

Amendment 1 to Senate Amendment 4—On page 48, line 28, insert:

Section 28. *The Department of Education shall award tuition scholarships to a Nicaraguan and a Haitian in Florida to attend a State University System institution. The two scholarships shall be awarded annually on the basis of acamedic competence and service to the community. The State Board of Education shall adopt rules to implement the provisions of this section.*

(Renumber subsequent sections.)

Amendment 1 to Senate Amendment 5—On page 1, line 26, after the semicolon (;) insert: creating s. 240.4125, F.S.; creating the Mary McCloud Bethune Sholarship Challenge Grant Fund; providing an appropriation;

Amendment 1 to Senate Amendment 6—In title, on page 1, line 18, after the semicolon (;) insert: providing for specified scholarship awards;

Amendment 1 to Senate Amendment 7—On page 1, lines 2-4, strike all of said lines and insert: amending s. 121.051, F.S.; providing that certain college faculty positions shall not participate in the Florida Retirement System, but shall participate in the Optional Retirement Program; amending s. 121.055, F.S., requiring certain persons to participate in the Senior Management Service Class of the Florida Retirement System; permitting such persons to withdraw under certain circumstances; providing for purchase of past service under certain circumstances;

Amendment 1 to Senate Amendment 8—On page 1, lines 2-6, after the semicolon (;) insert: *amending s. 231.0861, F.S.; directing the State Board of Education to include certain provisions for Superintendents, Assistant Superintendents, and Area Superintendents;*

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

CS for HB 1226 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Deratany, Stuart

SPECIAL ORDER, continued

On motions by Senator Plummer, by two-thirds vote CS for HB 1479 was withdrawn from the Committees on Community Affairs; and Finance, Taxation and Claims.

On motion by Senator Plummer—

CS for HB 1479—A bill to be entitled An act relating to areas of critical state concern; amending s. 380.0552, F.S.; delays the possible removal of the designation as an area of critical state concern for one year; amending s. 125.0108, F.S.; providing that the area of critical state concern tourist impact tax shall continue until all bonds and interest thereon have been paid; providing for determination of distribution of bond proceeds and revenue support when separate areas of critical state concern are affected; increasing the amount that may be used for administration; providing an effective date.

—a companion measure, was substituted for SB 1560 and read the second time by title.

Senator Plummer moved the following amendments which were adopted:

Amendment 1—On pages 1-9, strike everything after the enacting clause and insert:

Section 1. Subsection (4) of section 380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(4) REMOVAL OF DESIGNATION.—The state land planning agency, ~~3 years~~ following July 15, *1990* ~~1986~~, shall recommend to the Administration Commission the removal of the designation specified in subsection (3) if it determines that all local land development regulations and local comprehensive plans and the administration of such regulations and plans are adequate to protect the Florida Keys Area and continue to carry out the legislative intent incorporated in subsection (2) and are in compliance with the principles for guiding development incorporated in subsection (7). If the Administration Commission concurs with the recommendations of the state land planning agency to remove the designation, it shall, within 45 days of receipt of the recommendation, initiate rulemaking to remove the designation. The state land planning agency shall thereafter make said determination annually, until such time as the designation is removed.

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

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to areas of critical state concern; amending s. 380.0552, F.S.; delaying the date at which the state land planning agency is to recommend, under certain circumstances, the removal of the designation of the Florida Keys as an area of critical state concern; providing an effective date.

On motion by Senator Plummer, by two-thirds vote CS for HB 1479 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Crenshaw	Grizzle	Ros-Lehtinen
Bankhead	Davis	Kirkpatrick	Souto
Beard	Deratany	Kiser	Thomas
Brown	Dudley	Langley	Thurman
Bruner	Forman	Malchon	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Peterson	Weinstock
Childers, W. D.	Grant	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Stuart

Motion

On motion by Senator Scott, by two-thirds vote CS for SB 182 was placed on the special order calendar.

CLAIMS BILLS

SB 16—A bill to be entitled An act for the relief of Wanda Ray; providing an appropriation to compensate Mrs. Ray for injuries she sustained as a result of the negligence of the Department of Transportation; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Peterson and adopted:

Amendment 1—On page 2, lines 3 and 8, strike "$109,000" and insert: $60,000

Amendment 2—In title, on page 1, line 29, strike "NOW, THEREFORE," and insert: and

WHEREAS, the Legislature has determined that she should receive the sum of $60,000, NOW, THEREFORE,

On motion by Senator Peterson, by two-thirds vote SB 16 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	Deratany	Kirkpatrick	Souto
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Langley	Thurman
Brown	Gardner	Malchon	Walker
Bruner	Gordon	Margolis	Weinstein
Casas	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Girardeau

Yea to Nay—Dudley

SB 180—A bill to be entitled An act for the relief of Gerald Clearwater and Denise K. Clearwater, as personal representatives of the estate of Ryan Patrick Clearwater, deceased, and for the relief of Gerald Clearwater, individually, and Denise Clearwater, individually; directing the North Broward Hospital District to compensate them for the death of Ryan Patrick Clearwater as a result of the negligence of the North Broward Hospital District, d/b/a Broward General Medical Center; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Weinstein and adopted:

Amendment 1—On page 2, line 20 through page 3, line 9, 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 North Broward Hospital District is directed to appropriate the sum of $355,840.70 out of funds of the district not otherwise appropriated to be paid to Gerard Clearwater and Denise Clearwater.

Section 3. The North Broward Hospital District shall draw its warrant in favor of Gerard Clearwater and Denise Clearwater in the amount of $355,840.70 out of funds of the district not otherwise appropriated.

Section 4. This act shall take effect upon becoming a law.

Amendment 2—In title, on page 1, line 1, through page 2, line 16, strike everything before the enacting clause and insert: A bill to be entitled An act for the relief of Gerard Clearwater and Denise Clearwater; directing the North Broward Hospital District to compensate them for the death of Ryan Patrick Clearwater as a result of the negligence of the North Broward Hospital District, d/b/a Broward General Medical Center; providing an effective date.

WHEREAS, section 768.28, Florida Statutes, provides that a judgment rendered in excess of the statutory tort liability of state agencies or subdivisions may be reported to the Legislature so that it may be paid by further act of the Legislature, and

WHEREAS, pursuant to a jury verdict, a judgment which included $225,000 in favor of Gerard Clearwater and $225,000 in favor of Denise Clearwater was entered in the Circuit Court of the 17th Judicial Circuit on June 27, 1984, against the North Broward Hospital District, d/b/a Broward General Medical Center, and

WHEREAS, the purpose of the judgment was compensation for Gerard Clearwater and Denise Clearwater for mental pain and suffering resulting from the severe brain damage and subsequent death of their infant son, and

WHEREAS, this death was caused primarily by the hospital's negligence in that the physician on duty sent Mrs. Clearwater home when she was in labor; consequently, the infant was born at home where he did not have access to suction equipment, and, as a result, he sustained severe brain damage from lack of oxygen and subsequently died, and

WHEREAS, the sum of $350,000 remains payable under said judgment, together with a cost judgment in the amount of $5,840.70, the district having paid $100,000 to Gerard Clearwater and Denise Clearwater on March 16, 1987, NOW, THEREFORE,

On motion by Senator Weinstein, by two-thirds vote SB 180 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

Mr. President	Davis	Kirkpatrick	Thurman
Bankhead	Forman	Kiser	Walker
Beard	Gardner	Langley	Weinstein
Brown	Girardeau	Malchon	Weinstock
Bruner	Gordon	Meek	Woodson-Howard
Casas	Grant	Ros-Lehtinen	
Childers, W. D.	Grizzle	Souto	
Crenshaw	Jennings	Thomas	

Nays—3

Dudley	Johnson	Myers

SB 181—A bill to be entitled An act for the relief of Brent R. Eldred, a minor; directing the North Broward Hospital District to compensate him for injuries he sustained as a result of the negligence of the North Broward Hospital District, d/b/a Broward General Medical Center; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendment which was moved by Senator Langley:

Amendment 1—On page 2, line 9, 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 North Broward Hospital District is directed to appropriate the total sum of $584,000 out of funds of the district not otherwise appropriated, the sum of $296,000 to be paid to Brent Eldred, a minor, by and through his parents and next friends, Susan E. Eldred and Richard K. Eldred, and the sum of $288,000 to be expended for the purchase of an annuity payable to Brent Eldred in monthly installments beginning at age 18 and for 30 years certain, in satisfaction of the judgment.

Section 3. The North Broward Hospital District shall draw its warrant in favor of Brent Eldred, a minor, by and through his parents and next friends, Susan E. Eldred and Richard K. Eldred, in the amount of $296,000, and shall purchase the annuity described in section 2, out of funds of the district not otherwise appropriated.

Section 4. This act shall take effect upon becoming a law.

Senator Langley moved the following substitute amendment which failed:

Amendment 2—On page 2, line 9, 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 North Broward Hospital District is directed to pay the total sum of $584,000, inclusive of the underlying judgment, as follows: the sum of $296,000 to be paid to Brent Eldred, a minor, by and through his parents and next friends, Susan E. Eldred and Richard K. Eldred, and the sum of $288,000 to be paid to Brent Eldred in monthly installments beginning at age 18, compounded annually at 7 percent, amortized for 30 years, in satisfaction of the judgment and release of all claims.

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

Amendment 1 was adopted.

On motion by Senator Weinstein, by two-thirds vote SB 181 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	Davis	Kirkpatrick	Souto
Bankhead	Deratany	Kiser	Thomas
Beard	Dudley	Malchon	Thurman
Brown	Forman	Margolis	Walker
Bruner	Gardner	Meek	Weinstein
Casas	Girardeau	Myers	Weinstock
Childers, D.	Gordon	Peterson	Woodson-Howard
Childers, W. D.	Grizzle	Plummer	
Crenshaw	Johnson	Ros-Lehtinen	

Nays—2

Grant	Langley

Vote after roll call:

Yea to Nay—Dudley

SB 1034—A bill to be entitled An act for the relief of Scott A. Harkovitch, a minor, and Kelly E. Harkovitch, a minor; providing an appropriation to compensate them for the death of Marsha Harkovitch, their mother, whose death resulted from the negligence of the Department of Transportation; providing an effective date.

—was read the second time by title. On motion by Senator Weinstock, by two-thirds vote SB 1034 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Bruner	Forman	Grizzle
Bankhead	Casas	Gardner	Johnson
Beard	Childers, W. D.	Girardeau	Kirkpatrick
Brown	Crenshaw	Gordon	Kiser
Langley	Peterson	Thomas	Weinstock
Malchon	Ros-Lehtinen	Thurman	Woodson-Howard
Meek	Scott	Walker	
Myers	Souto	Weinstein	

Nays—3

Dudley	Grant	Plummer

SB 1479—A bill to be entitled An act for the relief of James Hursh and June E. Hursh, individually and as husband and wife, for injuries they sustained through the negligence of Broward County; providing an effective date.

—was read the second time by title. On motion by Senator Forman, by two-thirds vote SB 1479 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Crenshaw	Malchon	Thurman
Bankhead	Forman	Meek	Walker
Beard	Gardner	Myers	Weinstein
Brown	Girardeau	Peterson	Weinstock
Bruner	Grizzle	Plummer	Woodson-Howard
Casas	Kirkpatrick	Ros-Lehtinen	
Childers, D.	Kiser	Souto	
Childers, W. D.	Langley	Thomas	

Nays—1

Dudley

HB 179—A bill to be entitled An act relating to the City of Jacksonville, Duval County; providing for the relief of Donald J. Griffin to compensate him for severe personal injuries sustained as a result of the negligence of the city; providing for appropriation of funds and payment thereof by the city; providing an effective date.

—was read the second time by title.

The Committee on Finance, Taxation and Claims recommended the following amendments which were moved by Senator Girardeau and adopted:

Amendment 1—On page 3, line 14, strike "plus interest,"

Amendment 2—On page 3, lines 18-31, 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 City of Jacksonville, Duval County, is authorized and directed to appropriate from funds of the city not otherwise appropriated the sum of $69,600 to Donald J. Griffin to compensate him for his injuries.

Section 3. The City of Jacksonville, Duval County, shall draw a warrant in favor of Donald J. Griffin in the amount of $69,600 upon funds of the city not otherwise appropriated.

Section 4. This act shall take effect upon becoming a law.

On motion by Senator Girardeau, by two-thirds vote HB 179 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Childers, W. D.	Kirkpatrick	Souto
Bankhead	Crenshaw	Kiser	Thomas
Beard	Forman	Margolis	Thurman
Brown	Gardner	Meek	Walker
Bruner	Girardeau	Myers	Weinstein
Casas	Jennings	Plummer	Weinstock
Childers, D.	Johnson	Ros-Lehtinen	Woodson-Howard

Nays—1

Dudley

HB 632—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Paulette Sue, to compensate her for the loss of employment, pain and suffering occasioned by the Metro-

Dade Transit Authority; providing for payment by Metropolitan Dade County, a political subdivision of the State of Florida; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 632 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Bankhead	Forman	Malchon	Souto
Beard	Gardner	Margolis	Thomas
Brown	Girardeau	Meek	Thurman
Bruner	Grizzle	Myers	Walker
Casas	Jennings	Peterson	Weinstein
Childers, D.	Johnson	Plummer	Weinstock
Crenshaw	Kirkpatrick	Ros-Lehtinen	Woodson-Howard

Nays—1

Dudley

HB 1092—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Roy Ysla, as guardian for Viola Ericka Ysla, an incompetent, and Roy Ysla, individually, for injuries sustained by Viola Ericka Ysla through the negligence of Metopolitan Dade County; providing an effective date.

—was read the second time by title. On motion by Senator Girardeau, by two-thirds vote HB 1092 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Deratany	Kiser	Thomas
Bankhead	Forman	Malchon	Thurman
Beard	Gardner	Margolis	Walker
Brown	Girardeau	Meek	Weinstein
Bruner	Gordon	Myers	Weinstock
Casas	Grizzle	Peterson	Woodson-Howard
Childers, D.	Jennings	Plummer	
Childers, W. D.	Johnson	Ros-Lehtinen	
Crenshaw	Kirkpatrick	Souto	

Nays—2

Dudley	Grant

SPECIAL ORDER, continued

On motions by Senator Kiser, by two-thirds vote—

HM 1609—A memorial to the Florida delegation to the United States Congress, urging the Florida delegation to oppose the imposition of a federal tax on motor fuels.

—a companion measure, was substituted for SM 778 and by two-thirds vote read the second time in full. HM 1609 was adopted and certified to the House. The vote on adoption was:

Yeas—37

Mr. President	Dudley	Langley	Stuart
Bankhead	Forman	Malchon	Thomas
Beard	Gardner	Margolis	Thurman
Brown	Girardeau	Meek	Walker
Bruner	Gordon	Myers	Weinstein
Casas	Grizzle	Peterson	Weinstock
Childers, D.	Jennings	Plummer	Woodson-Howard
Childers, W. D.	Johnson	Ros-Lehtinen	
Crenshaw	Kirkpatrick	Scott	
Deratany	Kiser	Souto	

Nays—None

On motions by Senator Peterson, by two-thirds vote—

CS for CS for HB 823—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; including developmental research schools within the definition of public schools; creating s. 228.053, F.S.; establishing developmental research schools; providing mission; providing admission criteria; providing for fees; providing for supplemental support organizations; providing for personnel; creating an advisory board; providing duties; providing for funding; creating a Developmental Research School Educational Facility Trust Fund and a Developmental Research School Trust Fund, and providing purposes thereof; providing 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; creating the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; providing for review and repeal; known as the Sidney Martin Developmental Research School Act; providing an effective date.

—a companion measure, was substituted for CS for SB 571 and by two-thirds vote read the second time by title.

Senator Peterson moved the following amendments which were adopted:

Amendment 1—On page 2, line 9, strike everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 228.041, Florida Statutes, 1988 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(1) STATE SYSTEM OF PUBLIC EDUCATION.—The state system of public education shall consist of such publicly supported and controlled schools, institutions of higher education, other educational institutions, and other educational services as may be provided or authorized by the Constitution and laws of this state.

(a) Public schools.—The public schools shall consist of kindergarten classes; elementary and secondary school grades and special classes; ~~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 2. Section 228.053, Florida Statutes, is created to read:

228.053 Developmental research schools.—

(1) SHORT TITLE.—This section may be cited as the "Sidney Martin Developmental Research School Act."

(2) 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.

(3) MISSION.—The mission of a developmental research school shall be the provision of a vehicle for the conduct of research, demonstration, 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.

(4) 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.

(5) 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.

(6) 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.

(7) PERSONNEL.—

(a) Each developmental research school may employ either a director or a principal, or both, at the discretion of the university. 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. Nothing in this act is intended to affect the collective bargaining rights of developmental research school employees, except as specifically provided herein.

(8) 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.

(9) 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. The nonvoted ad valorem millage that would otherwise be required for developmental research schools shall be allocated from general revenue. Each developmental research school shall also be eligible to receive a sparsity supplement as calculated pursuant to s. 236.081(1)(f). In addition, each developmental research school shall receive its proportional share of categorical funds based on full-time equivalent enrollments, pursuant to ss. 228.195, 230.2312, 230.2313, 230.2314, 230.2319, 231.532, 233.057, 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, 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 1990-1991 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 and shall be at least equal to the total funds provided in the laboratory schools program component of the educational and general budget entity for 1988-1989. 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 1990-1991 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.

(10) IMPLEMENTATION.—This section shall be implemented during the 1990-1991 school year to the extent funded and authorized by law. The 1990-1991 legislative budget request for the developmental research schools shall be calculated as provided for in subsection (9). The State Board of Education shall adopt any rules necessary to facilitate the implementation of this section.

(11) AUDIT.—

(a) The Auditor General shall include developmental research schools within the scope of his annual financial and compliance audits of the State University System. The Auditor General shall further conduct compliance and program audits of such schools no less than once every 10 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 3. 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 4. 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 5. 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, 1991.

(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 6. Section 5 of this act is repealed on October 1, 2000, 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 7. This act shall be known as the Sidney Martin Developmental Research School Act.

Section 8. This act shall take effect July 1, 1990.

Amendment 2—In title, on page 1, line 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 228.041, F.S.; including developmental research schools within the definition of public schools; creating s. 228.053, F.S.; creating the "Sidney Martin Developmental Research School Act"; establishing developmental research schools; providing mission; providing admission criteria; providing for fees; providing for supplemental support organizations; providing for personnel; creating an advisory board; providing duties; providing for funding; creating a Developmental Research School Educational Facility Trust Fund and a Developmental Research School Trust Fund, and providing purposes thereof; providing 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; creating the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; providing for review and repeal; providing an effective date.

On motion by Senator Peterson, by two-thirds vote CS for CS for HB 823 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Deratany	Kiser	Thomas
Bankhead	Dudley	Langley	Thurman
Beard	Gardner	Malchon	Walker
Brown	Girardeau	Meek	Weinstein
Bruner	Gordon	Myers	Weinstock
Casas	Grant	Peterson	Woodson-Howard
Childers, D.	Grizzle	Plummer	
Childers, W. D.	Jennings	Scott	
Crenshaw	Kirkpatrick	Souto	

Nays—None

Vote after roll call:

Yea—Stuart

On motion by Senator Thurman, by two-thirds vote CS for HB 1057 was withdrawn from the Committee on Community Affairs.

On motion by Senator Thurman—

CS for HB 1057—A bill to be entitled An act relating to State Minimum Building Codes; amending s. 553.73, F.S.; revising language with respect to the State Minimum Building Codes to update references to certain codes; providing standards to govern promulgation of administrative rules; providing an effective date.

—a companion measure, was substituted for CS for SB 1189 and read the second time by title.

Senator Thurman moved the following amendments which were adopted:

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

Section 1. Subsections (2), (3), (4), (5), (6), and (7) of section 553.73, Florida Statutes, 1988 Supplement, are amended and a new subsection (15) is added to said section, to read:

553.73 State Minimum Building Codes.—

(2) There is created the State Minimum Building Codes which shall consist of the following nationally recognized model codes:

(a) Standard Building Codes, *1988* ~~1985~~ edition, ~~with 1986 accumulated revisions,~~ pertaining to building, plumbing, mechanical, and gas, and excluding fire prevention;

(b) EPCOT Code, 1982 edition;

(c) One and Two Family Dwelling Code, *1986* ~~1983~~ edition~~, with 1984 accumulated amendments~~; and

(d) The South Florida Building Code, *1988* ~~1983~~ edition~~, with 1984 accumulated amendments~~.

Each local government and state agency with building construction regulation responsibilities shall adopt one of the State Minimum Building Codes as its building code, which shall govern the construction, erection, alteration, repair, or demolition of any building for which the local government or state agency has building construction regulation responsibility. If the One and Two Family Dwelling Code is adopted for residential construction, then one of the other recognized model codes must be adopted for the regulation of other residential and nonresidential structures.

(3) The board may, by rule adopted in accordance with the requirements of chapter 120, designate all or a part of an updated or revised version of a model code listed in subsection (2) as a State Minimum Building Code.

(4)~~(3) After January 1, 1978,~~ Local governments and state agencies with building construction regulation responsibilities may provide for more stringent requirements than those specified in the State Minimum Building Codes provided:

(a) The local governing body determines, following a public hearing which has been advertised in a newspaper of general circulation at least 10 days before the hearing, that there is a need to strengthen the requirements of the State Minimum Building Codes adopted by such governing body. The determination must be based upon a review of local conditions by the local governing body, which review demonstrates that local conditions justify more stringent requirements than those specified in the State Minimum Building Codes for the protection of life and property.

(b) Such additional requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities.

(c) Paragraphs (a) and (b) apply to the enforcing agency's adoption of more stringent requirements than those specified in the State Minimum Building Codes and to the adoption of building construction-related codes that have the effect of amending building construction standards contained in the State Minimum Building Codes. Upon request, the enforcing agency shall provide a person making application for a building permit a listing of all such requirements and codes.

(5)~~(4)~~ All code requirements in effect in any code enforcement jurisdiction on January 1, 1978, which are not inferior to the requirements of any model code specified in subsection (2) are presumed to meet the conditions of subsection *(4)*~~(3)~~.

(6)~~(5)~~ It shall be the responsibility of each municipality and county in the state and of each state agency with statutory authority to regulate building construction to enforce the specific model code of the State Minimum Building Codes adopted by that municipality, county, or agency, in accordance with the provisions of s. 553.80. If such responsibility has been delegated to another unit of government pursuant to s. 553.79(9), the specific model code adopted by the delegate shall apply and be enforced.

(7)~~(6)~~ The specific model code of the State Minimum Building Codes adopted by a municipality, county, or state agency shall regulate every type of building or structure, wherever it might be situated in the code enforcement jurisdiction; however, such regulations shall not apply to nonresidential farm buildings on farms; to temporary buildings or sheds used exclusively for construction purposes; to mobile homes used as temporary offices, except that the provisions of part V relating to accessibility by handicapped persons shall apply to such mobile homes used as temporary offices; or to any construction exempted under s. 553.80(3) by an enforcement district or local enforcement agency. The codes may be divided into a number of segments, as determined by the municipality, county, or state agency. These segments may be identified as building, mechanical, electrical, plumbing, or fire prevention codes or by other titles as are deemed proper. However, the State Minimum Building Codes shall not contain a housing code; nor shall the state interpose in the area of local housing codes, except upon request originating from an enforcement district or local enforcement agency.

~~(7) The board may periodically amend the State Minimum Building Codes by rule, in accordance with the requirements of chapter 120, consistent with the recommendations of the code promulgating organizations.~~

(15) Except within coastal building zones as defined in s. 161.54, specification standards developed by nationally recognized code promulgation organizations to determine compliance with section 1205 and the engineering design criteria of section 1205 of the Standard Building Code shall not apply to one or two family dwellings which are two stories or less in height unless approved by the Board of Building Codes and Standards for use or unless expressly made subject to said standards and criteria by local ordinance adopted in accordance with the provisions of s. 553.73(3).

Section 2. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to building construction requirements; amending s. 553.73, F.S.; specifying updated model codes as the State Minimum Building Codes; authorizing the Board of Building Codes and Standards of the Department of Community Affairs to designate, by rule, updated or revised model codes or parts thereof as State Minimum Building Codes; repealing authority of the board to amend such codes by rule; providing an exception to specification standards developed by nationally recognized code promulgation organizations and sections of the Standard Building Code; providing an effective date.

On motion by Senator Thurman, by two-thirds vote CS for HB 1057 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—23

Mr. President	Childers, W. D.	Kiser	Souto
Bankhead	Crenshaw	Langley	Thomas
Beard	Dudley	Meek	Thurman
Bruner	Forman	Myers	Walker
Casas	Girardeau	Peterson	Woodson-Howard
Childers, D.	Johnson	Ros-Lehtinen	

Nays—6

Brown	Grizzle	Plummer
Davis	Malchon	Weinstock

Vote after roll call:

Nay—Deratany

CS for HB 775—A bill to be entitled An act relating to marine animals; amending s. 370.12, F.S.; directing the Department of Natural Resources to regulate motorboat traffic to protect manatees in additional areas in Volusia County; requiring the department to adopt rules designating a manatee sanctuary and regulating motorboat traffic therein; providing an effective date.

—was read the second time by title.

Senator Brown moved the following amendment which was adopted:

Amendment 1—On page 2, lines 25-27, strike *"from U.S. Highway 1 to the Tomoka River's point of confluence with the Intracoastal Waterway"*

On motion by Senator Brown, by two-thirds vote CS for HB 775 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Casas	Deratany	Grizzle
Bankhead	Childers, D.	Dudley	Jennings
Beard	Childers, W. D.	Forman	Johnson
Brown	Crenshaw	Gardner	Kiser
Bruner	Davis	Girardeau	Langley

Malchon	Plummer	Thurman	Woodson-Howard
Meek	Ros-Lehtinen	Walker	
Myers	Souto	Weinstein	
Peterson	Thomas	Weinstock	

Nays—None

Vote after roll call:

Yea—Grant, Kirkpatrick, Stuart

CS for SB's 392 and 669—A bill to be entitled An act relating to life-prolonging procedures; amending s. 765.03, F.S.; revising the definition of the term "life-prolonging procedure" as used in ss. 765.01-765.15, F.S., the Life-Prolonging Procedure Act of Florida, which act provides a procedure for permitting life-prolonging procedures to be withheld or withdrawn from a patient in a terminal condition under certain circumstances; amending s. 765.05, F.S.; revising the suggested form of declaration; creating s. 765.075, F.S.; requiring certain determinations and documentation to be made by certain physicians before nutrition and hydration may be withheld or withdrawn; creating s. 765.17, F.S.; providing for recognition of declarations executed in other states; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil recommended the following amendments which were moved by Senator Weinstein and adopted:

Amendment 1—On page 3, line 31, after "patient" insert: , and consent is obtained from any of the individuals as provided in s. 765.07(1)(a)-(f) in the order of priority provided in that subsection,

Amendment 2—On page 3, line 2, strike *"if necessary"*

Senator Malchon moved the following amendments which were adopted:

Amendment 3—On page 1, line 31, strike "~~and~~" and insert: and

Amendment 4—On page 4, strike all of lines 15-17

Amendment 5—In title, on page 1, line 15, strike "and" and insert: or

On motion by Senator Malchon, by two-thirds vote CS for SB's 392 and 669 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—24

Mr. President	Dudley	Kiser	Scott
Beard	Forman	Malchon	Thomas
Childers, D.	Girardeau	Margolis	Thurman
Childers, W. D.	Gordon	Meek	Walker
Crenshaw	Grizzle	Myers	Weinstein
Davis	Johnson	Peterson	Weinstock

Nays—9

Bankhead	Gardner	Ros-Lehtinen
Bruner	Langley	Souto
Casas	Plummer	Woodson-Howard

Vote after roll call:

Yea—Deratany, Grant

Yea to Nay—D. Childers

CS for CS for SB 697—A bill to be entitled An act relating to motor vehicles; amending s. 320.02, F.S.; repealing a provision that requires a person to register his motor vehicle in the county in which he resides; revising cross-references; amending s. 325.203, F.S.; specifying a date for inspecting certain motor vehicles; providing that a person who provides false information on a motor vehicle registration application to avoid inspection requirements is guilty of a first-degree misdemeanor; providing a penalty; providing for temporary exemptions from motor vehicle inspection requirements; requiring certain state agencies to file annual reports of the results of certain motor vehicle inspections with the Department of Highway Safety and Motor Vehicles; amending s. 325.207, F.S.; revising a requirement that a contract between the department and a contractor for the operation of inspection stations contain a provision for the calculation of damages upon termination of the contract; creating exemptions from the public records law for certain information; providing for future legislative review and repeal of such exemptions; amending s. 325.209, F.S.; specifying a maximum period of time for which the department may waive inspection requirements; authorizing a motor vehicle owner to repair or adjust his motor vehicle to meet criteria to receive such a waiver; providing a procedure for a motor vehicle owner to appeal a denial of such a waiver by the department; amending s. 325.213, F.S.; requiring applicants for self-inspectors' licenses to file, with the department, sets of fingerprints under certain circumstances; providing an exception; providing an effective date.

—was read the second time by title.

Seven amendments were adopted to CS for CS for SB 697 to conform the bill to CS for CS for HB 1615.

On motions by Senator Kiser, by two-thirds vote—

CS for CS for HB 1615—A bill to be entitled An act relating to motor vehicles; amending s. 320.02, F.S.; repealing a provision that requires a person to register his motor vehicle in the county in which he resides; revising cross-references; amending s. 325.203, F.S.; specifying a date for inspecting certain motor vehicles; providing that a person who provides false information on a motor vehicle registration application to avoid inspection requirements is guilty of a first-degree misdemeanor; providing a penalty; providing for temporary exemptions from motor vehicle inspection requirements; requiring certain state agencies to file annual reports of the results of certain motor vehicle inspections with the Department of Highway Safety and Motor Vehicles; amending s. 325.207, F.S.; revising a requirement that a contract between the department and a contractor for the operation of inspection stations contain a provision for the calculation of damages upon termination of the contract; requiring reasonable access to contractor records; creating exemptions from the public records law for certain information; providing for future legislative review and repeal of such exemptions; amending s. 325.209, F.S.; specifying a maximum period of time for which the department may waive inspection requirements; authorizing a motor vehicle owner to repair or adjust his motor vehicle to meet criteria to receive such a waiver; providing a procedure for a motor vehicle owner to appeal a denial of such a waiver by the department; amending s. 316.2935, F.S.; revising provisions relating to the tampering with air pollution control equipment; revising penalties; amending s. 318.18, F.S.; providing a civil penalty for violations relating to air pollution control equipment and tampering; amending s. 325.206, F.S.; revising provisions relating to exhaust emissions inspection; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 697 and by two-thirds vote read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for CS for HB 1615 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Crenshaw	Kirkpatrick	Souto
Bankhead	Davis	Kiser	Stuart
Beard	Dudley	Meek	Thomas
Brown	Forman	Myers	Thurman
Bruner	Girardeau	Peterson	Walker
Casas	Gordon	Plummer	Weinstein
Childers, D.	Grizzle	Ros-Lehtinen	Weinstock
Childers, W. D.	Johnson	Scott	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Deratany

CS for CS for HB 1810—A bill to be entitled An act relating to serious offenders; creating ch. 953, F.S., the Serious Targeted Offender Program; providing a short title; providing legislative findings, purpose, and intent; providing definitions; requiring the Department of Corrections to contract for the provision of assessment and treatment providers and services for adult and juvenile targeted offenders and for evaluation of the Serious Targeted Offender Program; providing components of the serious targeted adult and juvenile offender programs, including removal of offenders from such programs; providing for assessment of applicable adult and juvenile offenders, including blood and urine tests; providing for records of assessments and confidentiality thereof; providing immunity from liability with respect thereto; providing for information systems, including required reports of providers and development of a state-

wide automated tracking system for adult STOP offenders; providing for treatment of applicable adult and juvenile offenders whose assessments indicate the need therefor; providing principles of assessment and treatment; providing immunity from liability with respect thereto; providing for separate and secure designated facilities for adult and juvenile targeted offenders and authorizing the Department of Corrections to contract for the construction thereof; providing for staffing and security of such facilities and providing for immunity from liability with respect thereto; providing that assessment and treatment of offenders shall be conducted by separate providers exercising professional judgment independently of the Department of Corrections; providing for financial responsibility for provider services and authorizing prospective payment arrangements with providers; creating a Juvenile Justice System Review Task Force and providing for the membership, duties, expenses, and repeal thereof; requiring the Department of Corrections and the Department of Health and Rehabilitative Services to provide information to the Joint Legislative Management Committee for the conduct of studies; amending ss. 39.01 and 39.115, F.S.; renaming serious habitual juvenile offenders; amending s. 39.09, F.S., relating to disposition hearings for delinquency cases; amending s. 39.10, F.S., requiring a finding of delinquency and the surrender of drivers' licenses for all minors violating certain laws relating to alcoholic beverages and drugs; amending s. 322.05, F.S., prohibiting the Department of Highway Safety and Motor Vehicles from issuing a drivers' license to certain persons; amending s. 322.26, F.S., providing for the mandatory revocation of drivers' licenses by the department with respect to minors who violate certain laws relating to alcoholic beverages and drugs; amending ss. 39.11 and 39.111, F.S.; authorizing commitment of certain juvenile offenders to the Department of Corrections for placement in the juvenile Serious Targeted Offender Program; amending ss. 39.424 and 39.44, F.S.; providing for diversion services for children-in-need-of-services; amending s. 958.11, F.S.; providing for placement of youthful offenders into the juvenile STOP offender program and providing for modification of sentence upon such placement; amending s. 958.14, F.S.; deleting a 6-year limitation on the time period for which commitment to custody is authorized upon violation of probation or community control; amending s. 39.04, F.S.; providing definitions; revising delinquency intake procedures; establishing criteria and requiring uniform procedures; providing for substance abuse and mental health screening of child and family; expanding authorized services; creating s. 943.0572, F.S.; providing legislative findings and intent; providing for the Department of Law Enforcement to establish an advisory group to develop a statewide youth and street gang data base; providing for travel expenses; providing for a report; amending s. 944.026, F.S.; providing for additional community-based facilities; creating ss. 396.0815 and 397.0515, F.S.; authorizing local ordinance for involuntary evaluation of minors for alcohol abuse or substance abuse treatment in secure facilities; providing findings and intent; providing criteria for such evaluation; providing procedure; providing for disposition upon evaluation; requiring parental participation and payment of fees; providing for the rights of minors in treatment, including the right to habeas corpus; providing for certain liability and certain immunity from liability; providing appropriations; providing for severability; providing for certain future repeal; providing effective dates.

—was read the second time by title.

Senator Plummer moved the following amendment which was adopted:

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Chapter 953, Florida Statutes, consisting of sections 953.01, 953.02, 953.21, 953.22, 953.23, 953.24, 953.31, 953.32, 953.33, 953.34, 953.41, 953.61, and 953.62 is created to read:

CHAPTER 953
SERIOUS TARGETED OFFENDER PROGRAM
PART I
PURPOSE AND INTENT

953.01 Short title.—This chapter may be cited as the "S.T.O.P. Act of 1989."

953.02 Legislative findings, purpose, and intent.—

(1) The Legislature finds that fighting crime effectively requires a multi-pronged effort focusing on particular classes of offenders and the development of particular programs. Florida's criminal justice system sentences more offenders than the available number of prison beds and other non-prison placements. The potential for overcrowding Florida's prisons beyond allowable limits has forced the early release of violent habitual adult offenders. Furthermore, Florida's correctional system has an inadequate number of programs for a significant number of offenders whose criminality is due to or connected with illicit substance abuse. In addition, a significant number of minors have been adjudicated in adult criminal court and placed in Florida's prisons where programs are inadequate to meet their rehabilitative needs and where space is needed for adult offenders. Recidivism rates for each of these classes of offenders exceed those tolerated by the Legislature and by the citizens of this state.

(2) The Legislature, therefore, concludes that the public policy of the state shall target particular offenders as follows:

(a) Violent habitual adult offenders.—

1. Violent habitual adult offenders, whose likelihood of rehabilitation is least among all classes of offenders, shall be incarcerated for the term of sentence imposed by the courts as provided by law.

2. Close-custody prison beds shall be prioritized by the Department of Corrections to the maximum extent possible for violent habitual adult offenders.

(b) Nonviolent adult offenders.—

1. In order to assure that adequate prison beds are available to permit the lengthening of time served by violent habitual adult offenders, nonviolent adult offenders shall be placed, where appropriate, to the maximum extent possible, in community-based alternatives to prison such as restitution programs, community control programs, intensive supervised probation, probation and restitution centers, electronic monitoring, substance abuse centers, and other similar programs.

2. Community-based alternatives shall be expanded to assure cost-effective and timely responses to criminal activity perpetrated by nonviolent adult offenders and to reduce probation caseloads to levels which permit intensive supervision.

3. For nonviolent adult offenders whose criminality is related to illicit substance addiction, a significant number of comprehensive, intensely supervised substance abuse program beds shall be provided to target those for whom rehabilitation is more feasible and to reduce their potential for recidivism.

(c) Serious habitual youthful offenders.—In order to effect changes in the recidivism rates of serious habitual youthful offenders, to avoid contamination of such offenders resulting from commingling with adult correctional populations, and to remove minors who as a class present institutional management problems within adult correctional facilities, all offenders who are minors who require secure facilities due to serious habitual criminal behavior shall, to the maximum extent practicable, be placed in newly created small, secure, intensive rehabilitation facilities in lieu of prisons.

(3) The Legislature recognizes that the realities of economics and prison space require, in order to ensure maximum incarceration of violent habitual adult offenders, that nonviolent adult offenders who are assessed as rehabilitatable are in fact rehabilitated prior to reintegration into society so that they will be factored out of Florida's prison problem; and that to this end enhanced, comprehensive treatment programs with long-term implications for reducing crime and delinquency in Florida's communities must be developed and community resources for the treatment and rehabilitation of offenders from the community must be expanded.

(4) The Legislature finds that victim restitution is an important part of a comprehensive treatment program for rehabilitatable nonviolent adult offenders. Therefore, it is the intent of the Legislature that victim restitution shall be made by such offenders where possible and where agreed to by the victim. The Legislature finds that the value of restitution is increased when it is paid directly by such an offender to the victim and is most beneficial when made on a timely basis. When appropriate to treatment and approved by the victim, it is the intent of the Legislature that these principles be observed.

(5) The Legislature recognizes that Florida's nonviolent prison population exists primarily because of substance use, abuse, trafficking, and distribution, which the Legislature finds must be countered in order to reduce the escalating crime rate.

(6) It is the intent of the Legislature that nonviolent adult offenders with substance abuse problems who are sentenced to the state correctional system and who are good candidates for rehabilitation receive intensive supervision, substance abuse assessment and, where indicated, treatment, and life skills rehabilitation while confined in secure settings. It is also the intent of the Legislature that serious habitual youthful offenders receive individualized intensive treatment services and life skills rehabilitation while confined in secure settings.

(7) It is the intent of the Legislature that records be compiled and reviewed and procedures developed to assure that the youthful STOP programs are being utilized appropriately.

PART II
SERIOUS TARGETED OFFENDER PROGRAM

953.21 Definitions.—As used in this chapter:

(1) "Youthful STOP offender" means a child who has been transferred for criminal prosecution pursuant to s. 39.09(2)(a).

(2) "Adult STOP offender" means an adult felony offender who is not classified as a youthful STOP offender pursuant to subsection (1) and who is sentenced to the state correctional system and who meets the following criteria:

(a) Has been convicted for three or fewer felony offenses, none of which constitutes a capital or life felony or results in classification as a mentally disordered sex offender, and has not served more than a total of 18 months in a state correctional facility; and

(b)1. Has been convicted of a violation of chapter 893 or s. 316.193;

2. Is believed by the court, based upon reasonable grounds, to have engaged in criminal activity due to habitual substance abuse; or

3. Has voluntarily admitted to the habitual use of a controlled substance or the abuse of alcohol and has requested treatment.

(3) "STOP offenders" means offenders who meet the criteria of subsection (1) or subsection (2).

(4) "Comprehensive assessment" or "assessment" means the gathering of information for the evaluation of a STOP offender's physical, psychological, educational, vocational, and social condition and family environment as they relate to the STOP offender's need for rehabilitative and treatment services.

(5) "STOP facility," "designated facility," or "designated treatment facility" means any facility designated by law to provide treatment to STOP offenders.

(6) "STOP" or "program" means the Serious Targeted Offender Program.

953.22 Assessment and treatment providers.—Pursuant to the provisions of this chapter, and the consequent establishment of appropriate program guidelines and standards by the Legislature, contractual instruments, which shall include safeguards of the constitutional rights afforded inmates, shall be developed as follows:

(1) ADULT STOP OFFENDERS.—The Department of Corrections shall contract with the Florida Mental Health Institute at the University of South Florida for:

(a) The oversight of implementation of assessment and treatment approaches.

(b) The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to adult STOP offenders.

(c) The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.

(d) The development of an annual report on the performance of treatment to be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1 of each year.

The Department of Corrections shall contract for assessment and treatment services, each to be provided by a separate provider. Providers shall be selected who have the capacity to assess and treat the unique problems presented by offenders with different racial and ethnic backgrounds. The Department of Corrections shall retain contractual authority to reject any assessment or treatment provider for lack of qualification or contract noncompliance.

(2) YOUTHFUL STOP OFFENDERS.—The Department of Corrections shall contract with the Center for the Study of Youth Policy at Florida Atlantic University for:

(a) The oversight of implementation of assessment and treatment approaches.

(b) The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to youthful STOP offenders.

(c) The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.

(d) The development of an annual report on the performance of treatment to be presented to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than January 1 of each year.

The Department of Corrections shall contract for assessment and treatment services, each to be provided by a separate provider. Providers shall be selected who have the capacity to assess and treat the unique problems presented by offenders with different racial and ethnic backgrounds. The Department of Corrections shall retain contractual authority to reject any assessment or treatment provider for lack of qualification or contract noncompliance.

953.23 Serious Targeted Offender Program.—

(1) There is created the Serious Targeted Offender Program, the components of which shall include, but not be limited to, the following:

(a) Appropriate treatment modalities, including substance abuse intervention and mental health services and additionally, for youthful offenders, sexual behavior dysfunction and gang-related behavior interventions.

(b) Prevocational and vocational services.

(c) Job training, job placement, and employability skills training.

(d) Diagnostic evaluation services.

(e) Case management services.

(f) Educational services, including special education and pre-GED literacy.

(g) Self-sufficiency planning.

(h) Independent living skills.

(i) Parenting skills.

(j) Recreational activities.

(k) Community involvement opportunities commencing, where appropriate, with the direct and timely payment of restitution to the victim.

(l) Graduated reentry into the community.

(m) A diversity of forms of individual and family treatment appropriate to and consistent with the STOP offender's needs.

(n) Consistent and clear consequences for misconduct.

Nothing contained in this subsection shall confer a right to or an expectation of a right to treatment.

(2) Graduated reentry into the community shall be consistent with the provisions of s. 945.091, which shall include work at paid employment and payment of victim restitution where appropriate.

(3) The treatment provider may request the department to authorize a reassessment of a STOP offender who does not appear to be benefiting from the treatment. If the assessment provider determines that a

STOP offender can no longer benefit from treatment at the STOP offender facility, the offender shall be placed in an appropriate facility as determined by the Department of Corrections.

(4) The treatment provider shall, when feasible, contract with the Correctional Education School Authority for delivery of the educational components of treatment.

953.24 STOP offenders; principles of assessment and treatment.—

(1) The Department of Corrections shall have the authority to contract with individuals and not-for-profit organizations for the assessment and treatment services required under this act.

(2) Assessment and treatment of adult and youthful offenders under this chapter shall be conducted by licensed or certified treatment professionals with expertise in specific treatment procedures, which professionals shall exercise all professional judgment independently of the department.

(3) STOP offenders may be required by the Department of Corrections to attend the STOP program. A STOP offender who becomes a severe disruptive influence shall be subject to such disciplinary sanctions as apply under relevant rules of the Department of Corrections.

(4) Treatment provided to STOP offenders in designated facilities shall be suited to the assessed needs of each individual offender and shall be administered safely and humanely, with respect for human dignity.

(5) STOP offenders shall be subject to all gain-time and early release provisions pursuant to chapter 944. Participation in the adult STOP program shall not affect time served.

(6) The Department of Corrections shall have the authority to promulgate rules for the implementation of this chapter.

PART III
ASSESSMENT

953.31 Assessment, placement, and procedure.—All offenders who meet the criteria pursuant to s. 953.21 shall be assessed as provided for in this section. Such assessment shall be performed in conjunction with or subsequent to the initial classification intake assessment conducted by the Department of Corrections.

(1) Pursuant to the provisions of s. 953.22, the Department of Corrections shall contract for the implementation of the comprehensive assessment instrument for the treatment needs of STOP offenders and for the administration of the assessment, which assessment shall be as described in s. 953.21(4) and shall include, but not be limited to, the following:

(a) Amenability to treatment, including length of sentence.

(b) Substance abuse or addiction and the level thereof.

(c) Potential for rehabilitation.

(d) Level of security risk.

For youthful offenders, assessments shall also include proclivity toward violence; tendency toward gang involvement; history of being a victim of child abuse or sexual abuse, or indication of sexual behavior or dysfunction; number and type of previous adjudications, findings of guilt, and convictions.

(2) The Department of Corrections shall contract with multiple individuals or not-for-profit organizations to perform the assessments and shall assure that the staff of each provider are trained in the proper administration of the assessments.

(3) Based on assessment results, the offender shall be placed in a STOP facility if space is available or if space is not available shall be placed in an appropriate facility as determined by the Department of Corrections.

953.32 Blood and urine tests of STOP offenders.—

(1) Assessment and treatment providers shall have a written procedure developed, in consultation with licensed treatment professionals, establishing conditions under which a STOP offender's blood and urine samples will be tested for substance abuse indications. It is not unlawful for the person receiving the test results to divulge the test results to the affected facility and correctional personnel. However, such information is exempt from the provisions of ss. 119.01 and 119.07.

(2) Serologic blood test and urinalysis results obtained pursuant to subsection (1) are confidential, except that they may be shared with employees or officers of the Department of Corrections, the Department of Health and Rehabilitative Services, the court, and any assessment provider and designated facility treating the offender. No person to whom the results of a test have been disclosed under this section may disclose the test results to another person not authorized under this section.

(3) The results of any serologic blood or urine test on a STOP offender shall become a part of that offender's permanent medical file. Upon transfer of the offender to any other correctional facility or designated treatment facility, such file shall be transferred in an envelope marked confidential. The results of any test designed to identify the human immunodeficiency virus, or its antigen or antibody, shall be accessible only to persons designated by rule of the Department of Corrections. The provisions of such rule shall be consistent with the guidelines established by the Centers for Disease Control.

(4) The exemptions in this section from public records requirements are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

953.33 Records of assessments of STOP offenders; confidentiality.—A record of the assessment of each STOP offender shall be maintained by the assessment provider, which shall include data pertaining to the offender's treatment and such other information as may be required under rules of the Department of Corrections. Unless waived by express and informed consent by the offender or his guardian or, if the offender is deceased, by the offender's personal representative or by the person who stands next in line of intestate succession, the privileged and confidential status of the clinical assessment record shall not be lost by either authorized or unauthorized disclosure to any person, organization, or agency.

(1)(a) The assessment record shall not be a public record, and no part of it shall be released, except that:

1. The record shall be released to such persons and agencies as are designated by the offender or his guardian.

2. The record shall be released to persons authorized by order of court, excluding matters privileged by other provisions of law.

3. The record or any part thereof shall be disclosed to a qualified researcher, a staff member of the designated treatment facility, or an employee of the Department of Corrections when the administrator of the facility or the Secretary of Corrections deems it necessary for treatment of the offender, maintenance of adequate records, compilation of treatment data, or evaluation of programs.

4. Information from the assessment record may be used for statistical and research purposes if the information is abstracted in such a way as to protect the identity of individuals.

(b) Notwithstanding other provisions of this section, the Department of Corrections may request, receive, and provide assessment information to facilitate treatment, rehabilitation, and continuity of care of any STOP offender from any of the following:

1. The Social Security Administration and the Veterans Administration.

2. Law enforcement agencies, state attorneys, defense attorneys, and judges in regard to the offender's status.

3. Correctional personnel in any correctional facility in which the offender may be placed.

4. Community agencies and others expected to provide services to the offender upon his return to the community.

(2) Any law enforcement agency, designated treatment facility, governmental or community agency, or other entity that receives information pursuant to this section shall maintain such information as a nonpublic record as otherwise provided herein.

(3) Assessment records are confidential as described in this section and exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(4) The Department of Corrections shall have full access to the assessment records to assure coordination of services.

953.34 Information systems, monitoring, and evaluation.—

(1) For the purpose of assisting in administration, and decisionmaking when applicable, each treatment provider shall maintain a central identification file on the STOP offenders it treats.

(2) All providers under this chapter shall, as part of their contractual duties, collect, maintain, and report to the Department of Corrections all information necessary to comply with mandatory reporting pursuant to the promulgation of departmental rules.

(3) A statewide automated tracking system for STOP offenders shall be developed by the Department of Law Enforcement.

PART IV
DESIGNATED TREATMENT FACILITIES

953.41 Designated facilities for STOP offenders.—

(1) Designated facilities shall be sited and constructed by the Department of Corrections pursuant to departmental rules, in consultation with the Florida Mental Health Institute and the Center for the Study of Youth Policy to ensure that facility design is compatible with treatment. The Department of Corrections is authorized to contract for the construction of the facilities and may also lease youthful STOP facilities. The number of beds per facility shall not exceed 270 for a STOP facility. An assessment of need for additional facilities shall be conducted prior to the siting or construction of more than one adult and one youthful STOP facility in any particular judicial circuit.

(2) Designated facilities for STOP offenders shall be separate and secure facilities established under the authority of the Department of Corrections for the treatment of such offenders. Adult and youthful STOP offenders shall be segregated from other inmates under the custody of the Department of Corrections. Youthful STOP offender facilities shall be distinct from adult STOP offender facilities.

(3) Designated facilities for adult STOP offenders shall be adequately staffed by the Department of Corrections with institutional security personnel who meet the requirements of s. 943.13 and who are responsible for providing security, for the protection of adult STOP offenders and facility personnel, for the enforcement of applicable rules, and for the prevention and investigation of unauthorized activities.

(4) Security for designated facilities for youthful STOP offenders shall be determined by the Center for the Study of Youth Policy and the Department of Corrections, subject to the final approval of the Department of Corrections. The Department of Corrections is authorized to contract for the provision of security.

(5) Minimum standards and requirements for designated treatment facilities shall be contractually prescribed pursuant to s. 953.22.

(6) Nothing in this chapter shall be construed to allow the Department of Corrections to provide assessment or treatment services to STOP offenders, other than the department's classification process.

PART V
FUNDING

953.61 Financial responsibility for assessment, treatment, and transportation of STOP offenders.—

(1) The providers of assessment, treatment, and transportation services pursuant to this chapter shall seek reimbursement for the expenses incurred in providing assessment, treatment, or transportation from an insurance company, health care corporation, or other source as to any STOP offender who is covered by an insurance policy or subscribes to a health care corporation or other source for such expenses.

(2) Upon a showing that reimbursement under subsection (1) is not available, the costs of assessment, treatment, and transportation shall be compensated in accordance with the contract provisions mutually agreed upon by the Department of Corrections and the provider, which may include prospective payments pursuant to s. 953.62.

(3) A STOP offender who has health insurance, subscribes to a health care corporation, or receives health care benefits from any other source shall assign such benefits to the provider of the service, as appropriate.

953.62 Prospective payment arrangements.—

(1) The Legislature finds that prospective payment arrangements designed to provide financial incentives to assessment, treatment, and transportation providers of STOP offenders in order to contain costs will contribute to the deceleration of cost increases while enhancing adequacy and accessibility of treatment for STOP offenders. Furthermore, the Legislature finds that prospective payment arrangements for fixed payment amounts which are prospectively set through negotiation will provide insurers with a greater degree of investment stability. Therefore, the Legislature finds that it is in the best interests of the citizens of this state that the Department of Corrections negotiate with assessment, treatment, and transportation providers to establish prospective payment arrangements that provide financial incentives for the containment of the costs of the program.

(2) For the purposes of this chapter, the term "prospective payment arrangement" means a financial agreement negotiated between a provider of assessment, treatment, or transportation services to STOP offenders and the Department of Corrections, which agreement contains the elements provided for in subsection (3).

(3) The prospective payment system established pursuant to this section shall include, at a minimum, the following elements:

(a) A maximum allowable payment amount established for individual provider services, which is preset at the beginning of the budget year of the provider and fixed for the entirety of that budget year, except when extenuating and unusual circumstances warrant renegotiation.

(b) Timely payment to the provider of the negotiated payment amount.

(c) Acceptance by the provider of the negotiated payment amount as payment in full, which shall include any deductible or coinsurance provided for.

(d) Utilization reviews for appropriateness of the provider's services.

(4) Nothing contained in this section prohibits the inclusion of any other cost-effective funding formula.

Section 2. *(1) Notwithstanding the provisions of ss. 39.12 and 959.225, Florida Statutes, the Department of Health and Rehabilitative Services and the Department of Corrections shall provide the Joint Legislative Management Committee, or any consultants employed by the Joint Legislative Management Committee, all information requested for the conduct of the studies related to the provisions of this act and shall provide such information without unreasonable delay.*

(2) This section shall take effect upon this act becoming a law.

Section 3. Effective October 1, 1989, paragraph (a) of subsection (2) of section 944.026, Florida Statutes, 1988 Supplement, is amended to read:

944.026 Community-based facilities and programs.—

(2) The following facilities or services shall be provided or contracted for by the department:

(a)1. Residential facilities in Dade, Broward, Palm Beach, Duval, Escambia, Leon, Orange, Brevard, Hillsborough, Pinellas, Sarasota (or Manatee), *Sumter, Volusia, Alachua, St. Lucie,* and Polk Counties, in which probationers, participants in pretrial intervention programs, and others committed to or under the supervision of the department may reside while working or attending school. The purpose of these facilities and services is to provide the court with an alternative to commitment to other state correctional institutions and to assist in the supervision of probationers.

2. The department shall develop and implement procedures to diagnose offenders during the prison intake process in order to recommend to the sentencing courts, during the period of retained jurisdiction, suitable candidates for placement in a probation and restitution center.

Section 4. *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 5. *Section 1 of this act is repealed January 1, 1995, unless extended by the Legislature prior to that date.*

Section 6. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1990, and shall apply to offenders committed or sentenced for offenses committed on or after that date; provided, however, that the provisions of section 1 which relate to legislative findings, purpose, and intent, the development of contractual instruments, and the siting and construction of designated facilities, as set out in ss. 953.02, 953.22, and 953.41, Florida Statutes, shall take effect January 1, 1990.

On motion by Senator Plummer, the Senate reconsidered the vote by which Amendment 1 was adopted.

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

Amendment 1A—On page 5, strike line 8 and insert: *39.09(2) and incarcerated in a state correctional facility.*

Amendment 1B—On page 9, line 31, before the period (.) insert: *when the results of the assessment procedure indicate that such treatment is appropriate and that the offender is amenable to rehabilitation*

Amendment 1C—On page 11, line 6, after "youthful" insert: *STOP*

Amendment 1 as amended was adopted.

Senator Plummer moved the following amendment which was adopted:

Amendment 2—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to serious offenders; creating ch. 953, F.S., the Serious Targeted Offender Program; providing a short title; providing legislative findings, purpose, and intent; providing definitions; requiring the Department of Corrections to contract for the provision of assessment and treatment providers and services for adult and youthful targeted offenders and for evaluation of the Serious Targeted Offender Program; providing components of the serious targeted adult and youthful offender programs, including removal of offenders from such programs; providing for assessment of applicable adult and youthful offenders, including blood and urine tests; providing for records of assessments and confidentiality thereof; providing for an information system, including required reports of providers and development of a statewide automated tracking system for STOP offenders; providing for treatment of applicable adult and youthful offenders whose assessments indicate the need therefor; providing principles of assessment and treatment; providing for separate and secure designated facilities for adult and youthful targeted offenders and authorizing the Department of Corrections to contract for the construction thereof; providing for staffing and security of such facilities and providing that assessment and treatment of offenders shall be conducted by separate providers exercising professional judgment independently of the Department of Corrections; providing for financial responsibility for provider services and authorizing prospective payment arrangements with providers; requiring the Department of Corrections and the Department of Health and Rehabilitative Services to provide information to the Joint Legislative Management Committee for the conduct of studies; amending s. 944.026, F.S.; providing for additional community-based facilities; providing for severability; providing for certain future repeal; providing effective dates.

WHEREAS, the correlation between substance abuse and crime constitutes a clear and present danger to the public safety, and

WHEREAS, the State Comprehensive Plan requires specialized diagnostic and treatment programs for certain rehabilitatable offenders, and

WHEREAS, Florida's prisons are vastly overcrowded, which results in the prerehabilitation release of both rehabilitatable and nonrehabilitatable offenders back into society, and

WHEREAS, violent habitual adult offenders are considered nonrehabilitatable because rehabilitation efforts for this class of adult correctional inmate rarely succeed and are not cost effective, and

WHEREAS, violent habitual adult offenders represent the greatest threat of physical harm to people and only their long-term removal from society can ensure the protection of the citizens of this state, and

WHEREAS, in order to secure the long-term removal of violent habitual adult offenders from society and the corresponding increase in the quality of life in this state, it is necessary to provide ample prison space to house such prisoners on a long-term basis, and

WHEREAS, in order to have sufficient prison space for all violent habitual adult offenders, those adult offenders who are not violent habitual offenders must be channeled into facilities where they can be realistically rehabilitated and ultimately reintegrated into society, and

WHEREAS, although youthful offenders are perceived as rehabilitatable because of their youth, serious crime, already at a crisis level, continues to grow and the youthful offenders of today are likely, if not assessed and rehabilitated, to be the career criminals of the next decade, and

WHEREAS, youth arrested for criminal behavior often have substance abuse or mental health problems that underlie such behavior, and the early identification of substance abuse and mental health problems in the youth and the family can substantially reduce criminal behavior, and

WHEREAS, in order to put an end to the spiraling crime pattern in the contemporary drug culture, intensive programs of rehabilitation must be assembled and effectuated, NOW, THEREFORE,

On motion by Senator Grant, by two-thirds vote CS for CS for HB 1810 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—26

Mr. President	Childers, W. D.	Kiser	Thurman
Bankhead	Dudley	Meek	Walker
Beard	Girardeau	Peterson	Weinstein
Brown	Gordon	Plummer	Weinstock
Bruner	Grant	Souto	Woodson-Howard
Casas	Grizzle	Stuart	
Childers, D.	Johnson	Thomas	

Nays—1

Davis

On motion by Senator D. Childers, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1502 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1502—A bill to be entitled An act relating to Palm Beach, Hendry, and Glades counties; creating the Everglades Agricultural Area Environmental Protection District; providing boundaries; providing authority to conduct scientific research on environmental matters related to air and water and land management practices, implementation of financing, construction, and operation of works and facilities; providing definitions; providing for election of a board of supervisors; providing for duties of the board of supervisors; providing for budgets; providing general district powers; providing for dissolution of district; providing for special assessments and exemptions therefrom; providing for short-term borrowing; providing severability; providing for a referendum; providing an effective date.

Amendment 1—On page 10, line 12, after "electing" strike "four" and insert: five

Amendment 2—On page 10, line 28, after "elected, the" strike "two" and insert: three

Amendment 3—On page 11, lines 1-3, after the period (.) strike all of said lines

Amendment 4—On page 8, line 13, insert:

(3) This boundary is intended to define the general area of the district and does not imply any legislative intent with regard to future land or water management decisions affecting state lands that fall within the boundaries of this district.

Amendment 5—On page 2, line 7, after "Statutes" insert: , including rules and Surface Water Improvement Management Plans adopted thereunder

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

CS for SB 1502 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—29

Mr. President	Forman	Meek	Thomas
Bankhead	Girardeau	Myers	Thurman
Beard	Gordon	Peterson	Walker
Bruner	Grant	Plummer	Weinstein
Childers, W. D.	Grizzle	Ros-Lehtinen	Woodson-Howard
Crenshaw	Langley	Scott	
Davis	Malchon	Souto	
Dudley	Margolis	Stuart	

Nays—1

Weinstock

Vote after roll call:

Yea—Childers, D., Deratany, Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1540 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1540—A bill to be entitled An act relating to the Lower Florida Keys Hospital District, Monroe County; amending chapter 67-1724, Laws of Florida, as amended, relating to the powers and duties of the district; expanding the powers of the governing board with respect to the providing of all types of health services; providing an effective date.

Amendment 1—On page 6, between lines 26 and 27, insert:

Section 5. Any transfer, sale or lease of a hospital facility by the board shall be preconditioned upon the transferee, buyor or leasee providing, on an annual basis, an amount of charity care, indigent care, and Medicaid care equal to the amount of such care previously provided by the hospital as reported to the Health Care Cost Containment Board or, in the alternative, all proceeds from the sale of a hospital by the board shall be placed in a fund to be used by Monroe County to provide health care services to indigent residents of Monroe County. Any contract agreement, or lease of a hospital entered into by the board shall also comply with the provisions of s. 155.40, Florida Statutes.

(Renumber subsequent section.)

Amendment 2—On page 1 in the title, line 8, after the semicolon (;) insert: requiring the continued provision of indigent health care;

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

SB 1540 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	Forman	Meek	Thomas
Bankhead	Girardeau	Myers	Thurman
Beard	Gordon	Peterson	Walker
Bruner	Grant	Plummer	Weinstein
Childers, W. D.	Grizzle	Ros-Lehtinen	Weinstock
Crenshaw	Langley	Scott	Woodson-Howard
Davis	Malchon	Souto	
Dudley	Margolis	Stuart	

Nays—None

Vote after roll call:

Yea—Childers, D., Deratany, Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1544 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1544—A bill to be entitled An act relating to Monroe County; creating the Solid Waste and Resource Recovery Authority of Monroe County, to construct, issue permits, acquire, own, maintain, and operate a waste collection, resource recovery, and disposal system in said county for the collection or disposal or both of solid waste, septage, and other waste matter; providing for the governing body of the authority and for terms of its members; providing for officers, meetings, and method of removing members; prescribing the powers of the authority; providing for the granting of franchises; providing for an executive director; authorizing the authority to establish, fix, and collect fees, rentals, or other charges for the services and facilities of said waste collection, resource recovery, and disposal system, and to issue bonds to finance the cost of the construction, acquisition, expansion, or improvement of said waste collection, resource recovery, and disposal system, and purposes related thereto; providing that the bonds shall be revenue bonds payable solely from the fees, rentals, or other charges derived from said waste collection, resource recovery, and disposal system, or from funds other than ad valorem taxes; providing for budget and approval of budget; providing that the authority may not supply or furnish the services and facilities of said waste collection, resource recovery, and disposal system outside the service area without the consent of the applicable local governments; providing for the exercise of eminent domain by the authority; providing for a receiver of said waste collection, resource recovery, and disposal system on default of the authority in the payment on such bonds or of covenants with the holders of such bonds; providing for covenants of the state with respect to the rights of the holders of said bonds; providing for the issuance of refunding bonds; authorizing the authority to covenant with holders of such bonds to include the amounts necessary for debt service and reserves on said bonds in each year in the budget of such authority for such year; authorizing the authority to require the use of the facilities of said waste collection, resource recovery, and disposal system; authorizing the authority to make other valid and legally binding covenants with the holders of said bonds relative to said waste collection, resource recovery, and disposal system; specifying the rights, security, and remedies of the holders of said bonds; providing that the authority has sole and exclusive authority within the county to collect and dispose of solid waste, and other waste matter; authorizing the authority to prohibit or control incineration and disposal of solid waste and other waste matter; authorizing the authority to prohibit or issue permits, control, and require the disposal of all solid waste, septage, and other waste in a disposal facility as specified by the authority; authorizing the authority to enter into contracts for the collection or disposal or both of solid waste and other waste matter; authorizing the authority to use property rights held by the state and political subdivisions thereof; authorizing the authority to accept grants and loans; authorizing the authority to lease the waste collection, resource recovery, and disposal system, or part thereof, and to lease facilities; authorizing the authority to divide the county into districts for the purposes of solid waste collection or disposal or both; exempting the fees, rentals, or other charges for the services and facilities of such system from regulation, supervision, and control of state agencies; authorizing the authority to delegate authority to administer such waste collection, resource recovery, and disposal system or part thereof; authorizing the authority to make rules and regulations for the use, control, management, and operation of the waste collection, resource recovery, and disposal system; exempting the exercise of rights and powers conferred by the act from the Florida Antitrust Act of 1980; authorizing the authority to grant permits or licenses for collection or disposal, or both, of solid waste, septage, and other waste matter; providing severability; providing for a referendum; providing an effective date.

Amendment 1—On page 7, strike lines 29-31 and insert:

Section 4. Referendum required.—Bonds authorized by this act may not be issued unless first approved by a majority of the qualified electors of the county voting in a special election called for the purpose of the approval of such bonds.

Amendment 2—On page 8, strike lines 1 and 2

Amendment 3—On page 8, line 5, strike "City of Key West" and after "the" insert: incorporated municipalities within Monroe County

Amendment 4—On page 9, strike all of lines 1-21 and insert: All members of the Board of Trustees shall be appointed by a full joint board consisting of all members of both the Board of County Commissioners of Monroe County and the City Commissioners of the City of Key West, all of whom shall vote on the appointments, at a joint meeting which shall be held in January following referendum approval of this act. Members shall be appointed from a list of interested candidates, with specific con-

sideration given to qualifications and geographic location. The initial terms of two of said members shall expire when successors are appointed following the next City of Key West municipal election. The terms of their successors shall be and remain 4 years, to expire when successors are appointed following a City of Key West general election. The initial terms of the remaining three Trustees shall expire when successors are appointed following the next Monroe County general election. The terms of their successors shall be and remain 4 years, to expire when successors are appointed following a Monroe County general election. The full joint board referred to above shall meet, and shall appoint successor board members within 30 days of the elections referred to above.

Amendment 5—On page 9, strike all of lines 22-26

Amendment 6—On page 36, line 20, after the comma (,) strike "and" and strike lines 21-24 and insert: as approved by a full joint board consisting of all members of both the Board of County Commissioners of Monroe County and the City Commission of the City of Key West, and shall take effect upon approval by a majority vote of the qualified electors of the county. Said bonds may be payable in such

Amendment 7—On page 43, line 2, after "the" strike "City of Key West" and insert: incorporated municipalities within Monroe County,

Amendment 8—On page 49, line 4, after "the" strike "county" and insert: political subdivisions

Amendment 9—On page 49, line 6, after "any" strike "county" and insert: other

Amendment 10—On page 52, line 26, after "Trustee" insert: by a full joint board consisting of all members of both the Board of County Commissioners of Monroe County and the City Commissioners of the City of Key West, all of whom shall vote on the appointments

Amendment 11—On page 1 in the title, line 23, after the semicolon (;) insert: requiring that such bonds be issued pursuant to a referendum;

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

SB 1544 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	Forman	Meek	Thomas
Bankhead	Girardeau	Myers	Thurman
Beard	Gordon	Peterson	Walker
Bruner	Grant	Plummer	Weinstein
Childers, W. D.	Grizzle	Ros-Lehtinen	Weinstock
Crenshaw	Langley	Scott	Woodson-Howard
Davis	Malchon	Souto	
Dudley	Margolis	Stuart	

Nays—None

Vote after roll call:

Yea—Childers, D., Deratany, Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1526 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1526—A bill to be entitled An act relating to Broward County; amending ss. 1, 2, ch. 86-364, Laws of Florida; providing a maximum speed limit for vessels on certain waterways in Broward County; providing an exception for posted areas; establishing a maximum allowable wake created by a vessel on such waterways; providing penalties; authorizing the use of certain measuring devices for purposes of enforcing restrictions on vessel speed and wake; providing a maximum sound level for vessels on certain waterways in Broward County; providing penalties; providing for the deposit of fines and penalties in the Motorboat Revolving Trust Fund; providing an appropriation; providing an effective date.

Amendment 1—On page 1, lines 15 and 16, strike "providing an appropriation"

Amendment 2—On page 3, line 25 after "Fund" strike "to help defray the cost" and all of lines 26-28

Amendment 3—On page 3, strike all of lines 29-30 and on page 4, strike all of lines 1-15

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

SB 1526 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	Forman	Meek	Thomas
Bankhead	Girardeau	Myers	Thurman
Beard	Gordon	Peterson	Walker
Bruner	Grant	Plummer	Weinstein
Childers, W. D.	Grizzle	Ros-Lehtinen	Weinstock
Crenshaw	Langley	Scott	Woodson-Howard
Davis	Malchon	Souto	
Dudley	Margolis	Stuart	

Nays—None

Vote after roll call:

Yea—Childers, D., Deratany, Kirkpatrick

Reconsideration

On motion by Senator Malchon, the Senate reconsidered the vote by which **CS for SB's 392** and **669** passed this day.

Pending further consideration of CS for SB's 392 and 669, on motions by Senator Malchon, by two-thirds vote—

CS for HB's 494 and 1084—A bill to be entitled An act relating to life-prolonging procedures; amending s. 765.03, F.S.; revising the definition of the term "life-prolonging procedure" as used in ss. 765.01-765.15, F.S., the Life-Prolonging Procedure Act of Florida, which act provides a procedure for permitting life-prolonging procedures to be withheld or withdrawn from a patient in a terminal condition under certain circumstances; amending s. 765.05, F.S.; revising the suggested form of declaration; creating s. 765.075, F.S.; requiring certain determinations and documentation to be made by certain physicians before nutrition or hydration may be withheld or withdrawn; creating s. 765.17, F.S.; providing for recognition of declarations executed in other states; providing an effective date.

—a companion measure, was substituted for CS for SB's 392 and 669 and by two-thirds vote read the second time by title. On motion by Senator Malchon, by two-thirds vote CS for HB's 494 and 1084 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—21

Mr. President	Forman	Kiser	Walker
Brown	Girardeau	Malchon	Weinstein
Crenshaw	Gordon	Margolis	Weinstock
Davis	Grant	Meek	
Deratany	Grizzle	Myers	
Dudley	Johnson	Scott	

Nays—13

Bankhead	Childers, D.	Plummer	Woodson-Howard
Beard	Childers, W. D.	Ros-Lehtinen	
Bruner	Gardner	Souto	
Casas	Langley	Thomas	

Vote after roll call:

Yea to Nay—Johnson

By direction of the President the following Conference Committee Report was read:

CONFERENCE COMMITTEE REPORT ON SB 1500

The Honorable Robert B. Crawford
President of the Senate

The Honorable Tom Gustafson
Speaker, House of Representatives

Dear Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on the House amendments to Senate Bill 1500, same being:

> An act making appropriations; providing moneys for the annual period beginning July 1, 1989, and ending June 30, 1990, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

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

1. That the House recede from its amendments 1 and 2.
2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Gwen Margolis
Chairman
Malcolm E. Beard
s/Tom C. Brown
W. D. Childers
s/Helen Gordon Davis
Winston W. Gardner
s/Jack D. Gordon
s/John Grant
Mary R. Grizzle
s/Toni Jennings
s/Bob Johnson
s/George G. Kirkpatrick
Tom McPherson
s/William G. Myers
s/Curtis Peterson
s/James A. Scott
s/George Stuart
s/Pat Thomas
s/Sherry D. Walker

Managers on the part of the Senate

s/T. K. Wetherell
Vice Chairman
s/Michael I. Abrams
s/Elaine Bloom
s/Corrine Brown
s/James C. Burke
s/Charles T. Canady
s/William Clark
s/Mario Diaz-Balart
s/Mary Figg
s/Michael Friedman
s/Mary Ellen Hawkins
s/Bolley L. Johnson
s/Nilo Juri
s/Everett A. Kelly
s/Ray Liberti
s/Frederick Lippman
s/Joseph R. Mackey
s/Sam Mitchell
s/Luis C. Morse
s/Luis E. Rojas
s/Debby P. Sanderson
s/Ron Saunders

Managers on the part of the House of Representatives

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

A bill to be entitled

An act making appropriations; providing moneys for the annual period beginning July 1, 1989, and ending June 30, 1990, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

SECTION 1. The moneys contained herein are appropriated from the named funds for the 1989-90 Fiscal Year to the state agency indicated, as the amounts to be used to pay the salaries and other operational expenditures of the named agencies, and are in lieu of all moneys appropriated for these purposes in other sections of the Florida Statutes.

ADMINISTERED FUNDS

1	LUMP SUM		
	1990 CENSUS ACTIVITIES		
	FROM GENERAL REVENUE FUND	200,000	
2	NOT USED		
3	NOT USED		
4	NOT USED		
4A	LUMP SUM		
	RENT INCREASE FOR DEBT SERVICE AND MAINTENANCE OF STATE FACILITIES		
	FROM GENERAL REVENUE FUND	7,506,703	
	FROM TRUST FUNDS		2,776,453
5	LUMP SUM		
	SALARY INCREASES		
	FROM GENERAL REVENUE FUND	76,411,208	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		6,433,236
	FROM TRUST FUNDS		21,632,810

From funds provided in Specific Appropriation 5, sufficient moneys shall be transferred to the Judicial Branch to meet their requirements for the purposes for which the appropriation is made.

5A	LUMP SUM		
	SPECIAL RISK RETIREMENT ADJUSTMENT		
	FROM WORKING CAPITAL FUND		7,824,168

Funds in Specific Appropriation 5A are contingent upon the outcome of the court case challenging Chapter 88-238, Laws of Florida.

5B	LUMP SUM		
	FLORIDA SCHOOL FOR THE DEAF AND THE BLIND SPECIAL PAY ADJUSTMENT		
	FROM GENERAL REVENUE FUND	110,000	

SECTION 1

SPECIFIC APPROPRIATION

5C	LUMP SUM	
	CORRECTIONAL OFFICERS REGION IV	
	FROM GENERAL REVENUE FUND	4,339,630
5D	LUMP SUM	
	SPECIAL PAY - JUDICIAL	
	FROM GENERAL REVENUE FUND	2,349,313

Funds from Specific Appropriation 5D are contingent upon passage of substantive legislation increasing the appellate and trial courts filing fees. Upon passage, the salary rate for Supreme Court Justices shall be $95,607, for Judges - District Courts of Appeal, $89,983, for Judges of the Circuit Courts, $84,359 and for Judges of the County Courts, $75,345. Effective January 1, 1990, the salaries for Supreme Court Justices shall be set at $97,518, Judges of the District Courts of Appeal at $91,782, Judges of the Circuit Courts, $86,046 and County Court Judges, $76,851. Additionally, $579,339 from the appropriation shall be utilized to implement the 1989 Salary Pay Plan recommendations of the Florida State Courts System, effective January 1, 1990.

5E	LUMP SUM		
	BOARD OF REGENTS - DISTRICT COST DIFFERENTIAL		
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		4,854,077

Funds in Specific Appropriation 5E are provided as follows:

Florida Atlantic University and Florida International University..	$ 254,771
Florida International University....	2,307,555
Florida Atlantic University.....	1,352,838
University of Central Florida Distribution.....	938,913

Funds are provided in Specific Appropriation 5E for equal increases for each instructional faculty position at the universities listed above.

5F	LUMP SUM	
	BOARD OF REGENTS - PAY INCREASE GRADUATE ASSISTANTS/ MEDICAL INTERNS	
	FROM GENERAL REVENUE FUND	804,360
6	NOT USED	

SECTION 1

SPECIFIC
APPROPRIATION

7 LUMP SUM
UNEMPLOYMENT COMPENSATION BENEFITS - STATE EMPLOYEES
FROM GENERAL REVENUE FUND 500,000

8 SPECIAL CATEGORIES
AGRICULTURAL EMERGENCIES
FROM GENERAL REVENUE FUND 250,000

Funds in Specific Appropriation 8 may be made available upon certification by the Commissioner of Agriculture that an agricultural emergency exists and that all other available state or federal agricultural funds are insufficient to eliminate the agricultural emergency. Agricultural emergency funds may be released by action of the Administration Commission. An agricultural emergency is defined as an unanticipated disease, insect infestation, emergency wild fire situation, insufficiency of federal funds to carry out the state-federal cooperative brucellosis eradication program, or natural disaster which threatens a significant amount of the commercial or publicly-owned plants, livestock or forest and wild lands in the state. The allocation approved shall be transferred to General Revenue accounts in the Department of Agriculture and Consumer Services.

9 SPECIAL CATEGORIES
COUNCIL OF STATE GOVERNMENTS
FROM GENERAL REVENUE FUND 128,040

10 SPECIAL CATEGORIES
DEFICIENCY
FROM GENERAL REVENUE FUND 400,000

11 SPECIAL CATEGORIES
SUNSHINE STATE GAMES
FROM GENERAL REVENUE FUND 300,000

12 NOT USED

13 SPECIAL CATEGORIES
EMERGENCY
FROM GENERAL REVENUE FUND 250,000

14 SPECIAL CATEGORIES
FLORIDA LAND AND WATER ADJUDICATORY COMMISSION - ADMINISTRATIVE APPEALS
FROM GENERAL REVENUE FUND 5,000

15 SPECIAL CATEGORIES
TAXATION AND BUDGET REFORM COMMISSION
FROM GENERAL REVENUE FUND 200,000

SECTION 1

SPECIFIC
APPROPRIATION

15A SPECIAL CATEGORIES
WORLD DISABLITY GAMES
FROM GENERAL REVENUE FUND 100,000

16 NOT USED

17 SPECIAL CATEGORIES
TRANSFER TO PLANNING AND BUDGETING SYSTEM TRUST FUND
FROM GENERAL REVENUE FUND 1,581,142

Funds in Specific Appropriation 17 shall be transferred to the Administered Funds account in the Legislature for the purpose of contracting for the development and implementation of the LAS/PBS Appropriations System.

18 PAYMENTS FOR CLAIMS BILLS AND RELIEF ACTS
RELIEF/ROBERT LEROY DAVIS,SR., REBA KAY DAVIS AND ROBERT LEROY DAVIS,JR.
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 18 are provided pursuant to Section 7, House Bill 395, 1984 Legislative Session.

ADMINISTRATION, DEPARTMENT OF

OFFICE OF THE SECRETARY

19	SALARIES AND BENEFITS POSITIONS	72	
	FROM GENERAL REVENUE FUND	588,725	
	FROM ADMINISTRATIVE TRUST FUND		1,947,675
20	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,750	
	FROM ADMINISTRATIVE TRUST FUND		758,600
21	EXPENSES		
	FROM GENERAL REVENUE FUND	75,063	
	FROM ADMINISTRATIVE TRUST FUND		408,933
	FROM OTHER PERSONAL SERVICES ASSESSMENT TRUST FUND		2,945
22	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	2,094	
	FROM ADMINISTRATIVE TRUST FUND		5,857

23 NOT USED

SECTION 1

SPECIFIC APPROPRIATION

23A SPECIAL CATEGORIES
RENOVATION OF CHILD CARE CENTER/DEPARTMENT OF PROFESSIONAL REGULATION
FROM GENERAL REVENUE FUND 92,170

Funds in Specific Appropriation 23A may only be released by the Executive Office of the Governor upon certification by the Department of Administration that: (1) there is a need for day care services for agency employees who will occupy facilities at the Northwood Mall, and (2) there are insufficient private day care services available for these employees.

24 DATA PROCESSING SERVICES
FROM OTHER PERSONAL SERVICES ASSESSMENT TRUST FUND 24,450

STATE EMPLOYEES' INSURANCE, DIVISION OF

25 SALARIES AND BENEFITS POSITIONS 63
FROM PRETAX BENEFITS TRUST FUND 222,340
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 18,721
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 1,416,348

26 OTHER PERSONAL SERVICES
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 9,806
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 5,788,025
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 1,543

27 EXPENSES
FROM PRETAX BENEFITS TRUST FUND 68,802
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 577,113
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 9,225

28 OPERATING CAPITAL OUTLAY
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 200,579

29 SPECIAL CATEGORIES
TRANSFER TO STATE EMPLOYEES HEALTH INSURANCE TRUST FUND
FROM GENERAL REVENUE FUND 3,924,600

30 DATA PROCESSING SERVICES
FROM STATE EMPLOYEES LIFE INSURANCE TRUST FUND 28,500

SECTION 1

SPECIFIC APPROPRIATION

FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 324,251
FROM STATE EMPLOYEES DISABILITY INSURANCE TRUST FUND 8,004

PERSONNEL MANAGEMENT SERVICES, DIVISION OF

31 SALARIES AND BENEFITS POSITIONS 99
FROM GENERAL REVENUE FUND 433,993
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 146,699
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 2,740,554

32 OTHER PERSONAL SERVICES
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 4,000

33 EXPENSES
FROM GENERAL REVENUE FUND 167,998
FROM STATE EMPLOYEES HEALTH INSURANCE TRUST FUND 8,808
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 507,594

34 OPERATING CAPITAL OUTLAY
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 9,882

35 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,357,376
FROM STATE PERSONNEL SYSTEM TRUST FUND . . 1,435,664

Funds in Specific Appropriations 31 through 35 from the State Personnel System Trust Fund are based upon a personnel assessment of $53 per person.

RETIREMENT, DIVISION OF

36 SALARIES AND BENEFITS POSITIONS 234
FROM GENERAL REVENUE FUND 182,742
FROM OPERATING TRUST FUND 6,014,651
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 32,680
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 43,019

37 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 10,000
FROM OPERATING TRUST FUND 282,260

38 EXPENSES
FROM GENERAL REVENUE FUND 22,219
FROM FLORIDA RETIREMENT SYSTEM TRUST FUND 9,889
FROM OPERATING TRUST FUND 1,825,060
FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND 52,648
FROM RETIREE HEALTH INSURANCE SUBSIDY TRUST FUND 18,589

SECTION 1

SPECIFIC APPROPRIATION

39	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	719	
	FROM OPERATING TRUST FUND		73,922
40	NOT USED		
41	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	3,611	
	FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		55,941
	FROM OPERATING TRUST FUND		1,550,494
	FROM OPTIONAL RETIREMENT PROGRAM TRUST FUND		9,900

Funds in Specific Appropriations 36, 38 and 41 from the Optional Retirement Program Trust Fund are based on an assessment of .01 percent of the participants' salaries and shall be used only for administration of the Optional Retirement Program.

42	PENSIONS AND BENEFITS		
	DISABILITY BENEFITS TO JUSTICES AND JUDGES		
	FROM GENERAL REVENUE FUND	161,458	
43	PENSIONS AND BENEFITS		
	FLORIDA NATIONAL GUARD		
	FROM GENERAL REVENUE FUND	891,447	
44	PENSIONS AND BENEFITS		
	MEMBERS BENEFITS		
	FROM FLORIDA RETIREMENT SYSTEM TRUST FUND		736,600,887
	FROM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SUPPLEMENTAL RETIREMENT TRUST FUND		106,896
45	PENSIONS AND BENEFITS		
	SPECIAL PENSIONS AND RELIEF ACTS		
	FROM GENERAL REVENUE FUND	11,224	
46	PENSIONS AND BENEFITS		
	STATE OFFICERS AND EMPLOYEES (NON-CONTRIBUTORY)		
	FROM GENERAL REVENUE FUND	2,334,306	
47	PENSIONS AND BENEFITS		
	TEACHER'S SPECIAL PENSIONS		
	FROM GENERAL REVENUE FUND	43,885	

COMMISSION ON HUMAN RELATIONS

48	SALARIES AND BENEFITS POSITIONS	36	
	FROM GENERAL REVENUE FUND	838,844	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		171,494

SECTION 1

SPECIFIC APPROPRIATION

49	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	27,500	
50	EXPENSES		
	FROM GENERAL REVENUE FUND	151,337	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		62,288
51	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	5,191	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,263

ADMINISTRATIVE HEARINGS, DIVISION OF

52	SALARIES AND BENEFITS POSITIONS	61	
	FROM GENERAL REVENUE FUND	1,010,362	
	FROM ADMINISTRATIVE TRUST FUND		2,505,860
53	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		26,726
54	EXPENSES		
	FROM GENERAL REVENUE FUND	174,277	
	FROM ADMINISTRATIVE TRUST FUND		442,775
55	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	8,178	
	FROM ADMINISTRATIVE TRUST FUND		30,498

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

56	SALARIES AND BENEFITS POSITIONS	219	
	FROM GENERAL REVENUE FUND	3,813,587	
	FROM ADMINISTRATIVE TRUST FUND		1,973,737
	FROM GENERAL INSPECTION TRUST FUND		265,503
57	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,563	
	FROM ADMINISTRATIVE TRUST FUND		20,563
	FROM GENERAL INSPECTION TRUST FUND		46,800
58	EXPENSES		
	FROM GENERAL REVENUE FUND	1,002,050	
	FROM ADMINISTRATIVE TRUST FUND		507,956
	FROM GENERAL INSPECTION TRUST FUND		152,606
59	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	18,886	
	FROM ADMINISTRATIVE TRUST FUND		31,388
	FROM GENERAL INSPECTION TRUST FUND		773

SECTION 1 SPECIFIC APPROPRIATION			
60	SPECIAL CATEGORIES ACCELERATED SOIL SURVEY PROGRAM FROM GENERAL REVENUE FUND	740,000	
61	NOT USED		
61A	SPECIAL CATEGORIES THOROUGHBRED BREEDERS CUP FROM GENERAL REVENUE FUND	250,000	
	Funds in Specific Appropriation 61A are hereby designated to be used by the Florida Breeder's Cup Committee, a non-profit corporation, for the reimbursement for advertising, promotion, salaries, and general operating expenses. The funds so designated shall be paid to the Florida Breeder's Cup Committee, Inc. Upon presentation to the Commissioner of Agriculture of an itemized voucher, the appropriation is designated to assist in promoting Florida's economic growth and development. Any monies remaining in this item as of December 31, 1989, shall revert to the General Revenue Fund of the State.		
62	NOT USED		
63	SPECIAL CATEGORIES GRANTS AND AIDS - PROMOTIONAL AWARDS EXPENSES FROM QUARTER HORSE RACING PROMOTION TRUST FUND		6,750
64	SPECIAL CATEGORIES GRANTS AND AIDS - PROMOTIONAL AWARDS FROM GENERAL REVENUE FUND	205,000	
	FROM QUARTER HORSE RACING PROMOTION TRUST FUND		49,500
	Funds in Specific Appropriations 63 and 64 from the Quarter Horse Racing Promotion Trust Fund may be advanced in part or in total.		
65	SPECIAL CATEGORIES GRANTS AND AIDS - AGRICULTURE ECONOMIC DEVELOPMENT FROM GENERAL REVENUE FUND	324,550	
	Funds in Specific Appropriation 65 may be advanced in part or in total.		
66	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	539,421	
	FROM ADMINISTRATIVE TRUST FUND		110,749

SECTION 1 SPECIFIC APPROPRIATION			
	INSPECTION, DIVISION OF		
67	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	481 7,323,958	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		920,460
	FROM GENERAL INSPECTION TRUST FUND		4,442,109
68	OTHER PERSONAL SERVICES FROM CONTRACTS AND GRANTS TRUST FUND . . .		15,000
69	EXPENSES FROM GENERAL REVENUE FUND	1,101,066	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		203,450
	FROM GENERAL INSPECTION TRUST FUND		349,952
70	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	25,512	
71	NOT USED		
72	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	47,089	
	FROM GENERAL INSPECTION TRUST FUND		881
73	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	214,763	
	FROM GENERAL INSPECTION TRUST FUND		229,457
	STANDARDS, DIVISION OF		
74	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	153 1,137,786	
	FROM GENERAL INSPECTION TRUST FUND		2,831,827
75	OTHER PERSONAL SERVICES FROM GENERAL INSPECTION TRUST FUND		24,209
76	EXPENSES FROM GENERAL REVENUE FUND	374,649	
	FROM GENERAL INSPECTION TRUST FUND		849,139
77	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	86,700	
	FROM GENERAL INSPECTION TRUST FUND		68,150
78	NOT USED		
79	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	60,898	
	FROM GENERAL INSPECTION TRUST FUND		165,326

SECTION 1

SPECIFIC APPROPRIATION

CHEMISTRY, DIVISION OF

80	SALARIES AND BENEFITS POSITIONS	126	
	FROM GENERAL REVENUE FUND	2,012,713	
	FROM CONTRACTS AND GRANTS TRUST FUND		116,604
	FROM GENERAL INSPECTION TRUST FUND		1,648,183
81	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	10,115	
	FROM CONTRACTS AND GRANTS TRUST FUND		6,801
	FROM GENERAL INSPECTION TRUST FUND		14,897
82	EXPENSES		
	FROM GENERAL REVENUE FUND	471,729	
	FROM CONTRACTS AND GRANTS TRUST FUND		81,218
	FROM GENERAL INSPECTION TRUST FUND		360,772
83	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	153,041	
84	NOT USED		
85	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	179,307	
	FROM GENERAL INSPECTION TRUST FUND		36,551

DAIRY INDUSTRY, DIVISION OF

86	SALARIES AND BENEFITS POSITIONS	48	
	FROM GENERAL REVENUE FUND	1,446,229	
87	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,488	
88	EXPENSES		
	FROM GENERAL REVENUE FUND	307,203	
89	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	50,750	
90	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	72,473	

MARKETING, DIVISION OF

91	SALARIES AND BENEFITS POSITIONS	167	
	FROM GENERAL REVENUE FUND	1,902,870	
	FROM CITRUS INSPECTION TRUST FUND		674,725
	FROM GENERAL INSPECTION TRUST FUND		331,089
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		1,356,063
92	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,000	
	FROM CITRUS INSPECTION TRUST FUND		241,632

SECTION 1

SPECIFIC APPROPRIATION

	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		24,000
93	EXPENSES		
	FROM GENERAL REVENUE FUND	457,988	
	FROM CITRUS INSPECTION TRUST FUND		299,848
	FROM GENERAL INSPECTION TRUST FUND		224,535
	FROM MARKET TRADE SHOW TRUST FUND		60,000
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		663,600
	FROM VITICULTURE TRUST FUND		8,000
93A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - 4-H AQUACULTURE PROJECT/DIXIE COUNTY		
	FROM GENERAL INSPECTION TRUST FUND		75,000
94	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	4,155	
	FROM CITRUS INSPECTION TRUST FUND		29,713
	FROM MARKET TRADE SHOW TRUST FUND		5,000
	FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND		2,750
95	NOT USED		
96	SPECIAL CATEGORIES GRANTS AND AIDS - VITICULTURE PROGRAM		
	FROM VITICULTURE TRUST FUND		246,000

Funds in Specific Appropriation 96 may be advanced in part or in total.

97	SPECIAL CATEGORIES GRANTS AND AIDS - AQUACULTURE MARKET DEVELOPMENT AID PROGRAM		
	FROM GENERAL REVENUE FUND	392,000	

Funds in Specific Appropriation 97 may be advanced in part or in total.

97A	SPECIAL CATEGORIES GRANTS AND AIDS - CONSTRUCTION GRANTS FOR AGRICULTURAL/ LIVESTOCK EXHIBIT BUILDINGS		
	FROM GENERAL REVENUE FUND	90,000	

Funds in Specific Appropriation 97A may be advanced in part or in total.

98	SPECIAL CATEGORIES GRANTS AND AIDS - MARKETING ORDERS		
	FROM GENERAL INSPECTION TRUST FUND		224,500

Funds in Specific Appropriation 98 may be advanced in part or in total.

SECTION 1

SPECIFIC APPROPRIATION

98A SPECIAL CATEGORIES
GRANTS AND AIDS - INTERNATIONAL MARKET ORNAMENTAL HORTICULTURE
FROM GENERAL REVENUE FUND 300,000

Funds in Specific Appropriation 98A shall be expended only after appropriate documentation has been furnished to the department obligating matching funds in the amount of $100,000. All monies expended on this project are subject to state audit.

99 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 53,819
FROM GENERAL INSPECTION TRUST FUND 18,019
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 34,272

FRUIT AND VEGETABLE INSPECTION, DIVISION OF

100 SALARIES AND BENEFITS POSITIONS 522
FROM CITRUS INSPECTION TRUST FUND 10,276,027
FROM GENERAL INSPECTION TRUST FUND 2,709,292

101 OTHER PERSONAL SERVICES
FROM CITRUS INSPECTION TRUST FUND 200,000
FROM GENERAL INSPECTION TRUST FUND 150,000

102 EXPENSES
FROM CITRUS INSPECTION TRUST FUND 1,270,009
FROM GENERAL INSPECTION TRUST FUND 361,037

103 OPERATING CAPITAL OUTLAY
FROM CITRUS INSPECTION TRUST FUND 43,000
FROM GENERAL INSPECTION TRUST FUND 16,837

104 SPECIAL CATEGORIES
AUTOMATED TESTING EQUIPMENT
FROM CITRUS INSPECTION TRUST FUND 412,875

105 DATA PROCESSING SERVICES
FROM CITRUS INSPECTION TRUST FUND 278,166
FROM GENERAL INSPECTION TRUST FUND 116,660

PLANT INDUSTRY, DIVISION OF

106 SALARIES AND BENEFITS POSITIONS 280
FROM GENERAL REVENUE FUND 6,672,004
FROM FIRE ANT CONTROL TRUST FUND 61,904
FROM PLANT INDUSTRY TRUST FUND 763,166

107 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 74,825
FROM CONTRACTS AND GRANTS TRUST FUND . . . 147,556
FROM GENERAL INSPECTION TRUST FUND 100,000
FROM PLANT INDUSTRY TRUST FUND 463,692

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108 EXPENSES
FROM GENERAL REVENUE FUND 2,093,687
FROM CONTRACTS AND GRANTS TRUST FUND . . . 44,444
FROM FIRE ANT CONTROL TRUST FUND 951,147
FROM PLANT INDUSTRY TRUST FUND 253,883

109 OPERATING CAPITAL OUTLAY
FROM CONTRACTS AND GRANTS TRUST FUND . . . 10,000

110 NOT USED

111 SPECIAL CATEGORIES
GRANTS AND AIDS - BOLL WEEVIL ERADICATION
FROM GENERAL REVENUE FUND 300,000
FROM PLANT INDUSTRY TRUST FUND 750,000

Funds in Specific Appropriation 111 are to be used by the certified cotton growers' organization for the suppression and eradication of the boll weevil. Funds appropriated from the General Revenue Fund are the maximum level of state participation in the program. Funds appropriated from the Plant Industry Trust Fund are grower participation in the program and shall be assessments upon cotton growers' acreages.

112 SPECIAL CATEGORIES
APIARIAN INDEMNITIES
FROM GENERAL REVENUE FUND 36,000

113 SPECIAL CATEGORIES
PLANT, PEST AND DISEASE MONITORING AND CONTROL PROGRAM
FROM PLANT INDUSTRY TRUST FUND 150,000

114 SPECIAL CATEGORIES
CITRUS CANKER ERADICATION
FROM CITRUS CANKER ERADICATION TRUST FUND 4,200,000

Funds in Specific Appropriation 114 are contingent on the Department receiving confirmation from the Federal Government subsequent to July 1, 1989, that continuation of a Federal Protocol for the eradication program is required in order to ship fresh fruit from the state.

115 NOT USED

115A SPECIAL CATEGORIES
TRANSFER TO CITRUS CANKER/ERADICATION TRUST FUND
FROM GENERAL REVENUE FUND 1,100,000
FROM FLORIDA CITRUS CANKER TRUST FUND . . 2,000,000

SECTION 1 SPECIFIC APPROPRIATION			
116	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	87,196	
ANIMAL INDUSTRY, DIVISION OF			
117	SALARIES AND BENEFITS POSITIONS	453	
	FROM GENERAL REVENUE FUND	6,807,497	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		4,474,981
118	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	711,417	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		2,016
	Funds in Specific Appropriation 118 from the General Revenue Fund assume that livestock markets handling cattle for the state brucellosis program receive $2.00 per head for this service and all practitioners' fees continue to be paid at the current level.		
119	EXPENSES		
	FROM GENERAL REVENUE FUND	1,198,638	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		841,459
	FROM GENERAL INSPECTION TRUST FUND		275,424
120	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	139,532	
	FROM GENERAL INSPECTION TRUST FUND		85,350
121	NOT USED		
122	SPECIAL CATEGORIES PAYMENT OF INDEMNITIES		
	FROM GENERAL REVENUE FUND	175,000	
123	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	13,380	
124	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	84,328	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		15,000
	FROM GENERAL INSPECTION TRUST FUND		82,044
CONSUMER SERVICES, DIVISION OF			
125	SALARIES AND BENEFITS POSITIONS	62	
	FROM GENERAL REVENUE FUND	1,035,596	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		6,876
	FROM GENERAL INSPECTION TRUST FUND		284,706
126	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,216	

SECTION 1 SPECIFIC APPROPRIATION			
127	EXPENSES		
	FROM GENERAL REVENUE FUND	240,879	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		65,514
	FROM GENERAL INSPECTION TRUST FUND		67,876
128	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	24,950	
	FROM GENERAL INSPECTION TRUST FUND		41,442
129	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	209,622	
	FROM GENERAL INSPECTION TRUST FUND		2,419
FORESTRY, DIVISION OF			
130	SALARIES AND BENEFITS POSITIONS	1,220	
	FROM GENERAL REVENUE FUND	24,130,932	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		852,515
	FROM INCIDENTAL TRUST FUND		3,713,852
131	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	191,355	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		88,000
	FROM INCIDENTAL TRUST FUND		168,583
132	EXPENSES		
	FROM GENERAL REVENUE FUND	4,667,704	
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		53,000
	FROM INCIDENTAL TRUST FUND		2,353,982
133	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - RURAL COMMUNITY FIRE PROTECTION		
	FROM CONTRACTS AND GRANTS TRUST FUND . . .		64,600
134	AID TO LOCAL GOVERNMENTS STATE FOREST RECEIPT DISTRIBUTION		
	FROM INCIDENTAL TRUST FUND		671,700
135	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	4,793,250	
	FROM INCIDENTAL TRUST FUND		9,495
136	NOT USED		
137	SPECIAL CATEGORIES ON-CALL FEES		
	FROM GENERAL REVENUE FUND	493,296	
138	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	21,304	
	FROM INCIDENTAL TRUST FUND		224
139	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	426,524	

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SPECIFIC APPROPRIATION			
	FROM INCIDENTAL TRUST FUND		8,760
	AGRICULTURE MANAGEMENT INFORMATION CENTER		
140	SALARIES AND BENEFITS POSITIONS	36	
	FROM WORKING CAPITAL TRUST FUND		1,144,791
141	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		781,078
142	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		893,715
	BANKING AND FINANCE, DEPARTMENT OF, AND COMPTROLLER		
	OFFICE OF THE COMPTROLLER AND DIVISION OF ADMINISTRATION		
143	SALARIES AND BENEFITS POSITIONS	158	
	FROM GENERAL REVENUE FUND	3,003,839	
	FROM ADMINISTRATIVE TRUST FUND		2,595,266
144	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,591	
	FROM ADMINISTRATIVE TRUST FUND		5,559
145	EXPENSES		
	FROM GENERAL REVENUE FUND	647,392	
	FROM ADMINISTRATIVE TRUST FUND		541,115
146	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	92,901	
	FROM ADMINISTRATIVE TRUST FUND		56,552
147	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	24,835	
	FROM ADMINISTRATIVE TRUST FUND		258,189
	ACCOUNTING AND AUDITING, DIVISION OF		
148	SALARIES AND BENEFITS POSITIONS	176	
	FROM GENERAL REVENUE FUND	4,862,786	
	FROM ADMINISTRATIVE TRUST FUND		133,796
149	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	90,060	
150	EXPENSES		
	FROM GENERAL REVENUE FUND	1,218,136	
	FROM ADMINISTRATIVE TRUST FUND		7,301
151	AID TO LOCAL GOVERNMENTS NATIONAL FOREST MONIES TO COUNTIES		
	FROM FLORIDA NATIONAL FOREST TRUST FUND .		2,700,000

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SPECIFIC APPROPRIATION			
152	AID TO LOCAL GOVERNMENTS PROCEEDS FROM SALE OF TIMBER PRODUCTS FROM U.S. MILITARY INSTALLATIONS TIMBER		
	PRODUCTS TRUST FUND		85,000
153	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	51,838	
154	SPECIAL CATEGORIES CONSOLIDATED EQUIPMENT		
	FROM GENERAL REVENUE FUND	2,000,000	

Funds in Specific Appropriation 154 are a loan for the Consolidated Equipment Financing issuance expenses, proceeds of which are to be utilized for the purchase of equipment pursuant to s. 287.064, F.S. The Comptroller shall surcharge agencies to repay the loan as soon as practical but no later than June 30, 1995 including interest earned by the Comptroller on these funds during this time period.

155	SPECIAL CATEGORIES CONSOLIDATED EQUIPMENT FINANCING - ISSUANCE EXPENSES		
	FROM CONSOLIDATED PAYMENT TRUST FUND . . .		2,000,000
155A	SPECIAL CATEGORIES LITIGATION EXPENSES		
	FROM GENERAL REVENUE FUND	245,000	
156	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	28,162	
	INFORMATION SYSTEMS, DIVISION OF		
157	SALARIES AND BENEFITS POSITIONS	163	
	FROM GENERAL REVENUE FUND	5,016,966	
	FROM WORKING CAPITAL TRUST FUND		277,251
158	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	20,000	
159	EXPENSES		
	FROM GENERAL REVENUE FUND	4,676,279	
	FROM WORKING CAPITAL TRUST FUND		37,802
160	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	4,493,879	
	BANKING, DIVISION OF		
161	SALARIES AND BENEFITS POSITIONS	189	
	FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		6,752,990

SECTION 1 SPECIFIC APPROPRIATION			
162	OTHER PERSONAL SERVICES FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		108,196
163	EXPENSES FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		1,576,097
164	OPERATING CAPITAL OUTLAY FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		125,027
165	DATA PROCESSING SERVICES FROM FINANCIAL INSTITUTIONS REGULATORY TRUST FUND		56,725
FINANCE, DIVISION OF			
166	SALARIES AND BENEFITS POSITIONS FROM REGULATORY TRUST FUND	100	3,168,314
167	OTHER PERSONAL SERVICES FROM REGULATORY TRUST FUND		879,544
168	EXPENSES FROM REGULATORY TRUST FUND		2,519,030
169	OPERATING CAPITAL OUTLAY FROM REGULATORY TRUST FUND		177,404
170	DATA PROCESSING SERVICES FROM REGULATORY TRUST FUND		58,362
SECURITIES AND INVESTOR PROTECTION, DIVISION OF			
171	SALARIES AND BENEFITS POSITIONS FROM GENERAL REVENUE FUND	80 2,482,311	
172	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	44,183	
	FROM ANTI-FRAUD TRUST FUND		100,000
173	EXPENSES FROM GENERAL REVENUE FUND	629,267	
	FROM ANTI-FRAUD TRUST FUND		25,184
174	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	155,222	
175	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	119,236	

SECTION 1 SPECIFIC APPROPRIATION			
BUSINESS REGULATION, DEPARTMENT OF			
OFFICE OF THE SECRETARY			
176	SALARIES AND BENEFITS POSITIONS FROM ADMINISTRATIVE TRUST FUND	92	2,869,791
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		103,877
177	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND		38,046
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		12,000
178	EXPENSES FROM ADMINISTRATIVE TRUST FUND		517,089
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		48,444
179	NOT USED		
180	NOT USED		
181	OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND		154,364
	FROM STATE ATHLETIC COMMISSION OPERATING TRUST FUND		566
182	NOT USED		
183	SPECIAL CATEGORIES TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS FROM ADMINISTRATIVE TRUST FUND		179,852
184	NOT USED		
185	NOT USED		
186	NOT USED		
187	DATA PROCESSING SERVICES FROM ADMINISTRATIVE TRUST FUND		37,000
PARI-MUTUEL WAGERING, DIVISION OF			
187A	SALARIES AND BENEFITS POSITIONS FROM PARI-MUTUEL WAGERING TRUST FUND . . .	98	2,781,159
187B	OTHER PERSONAL SERVICES FROM PARI-MUTUEL WAGERING TRUST FUND . . .		2,149,554
	FROM RESEARCH TRUST FUND		50,000
187C	EXPENSES FROM PARI-MUTUEL WAGERING TRUST FUND . . .		1,066,474

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187D AID TO LOCAL GOVERNMENTS
RACING TAX TO COUNTIES
FROM PARI-MUTUEL TAX COLLECTION TRUST FUND 29,915,500

187E OPERATING CAPITAL OUTLAY
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 283,316

187F SPECIAL CATEGORIES
REGULATION OF PARI-MUTUEL INDUSTRIES (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 167,959

187G SPECIAL CATEGORIES
TAX COLLECTION (EQUALIZATION)
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 60,725

187H SPECIAL CATEGORIES
OTHER PERSONAL SERVICES INCREASE FOR SIMULTANEOUS TRACK OPERATION IN SOUTH FLORIDA
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 159,983

187I DATA PROCESSING SERVICES
FROM PARI-MUTUEL WAGERING TRUST FUND . . . 389,720

HOTELS AND RESTAURANTS, DIVISION OF

187J SALARIES AND BENEFITS POSITIONS 140
FROM HOTEL AND RESTAURANT TRUST FUND . . . 3,869,610

187K OTHER PERSONAL SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 29,270

187L EXPENSES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 838,899

187M OPERATING CAPITAL OUTLAY
FROM HOTEL AND RESTAURANT TRUST FUND . . . 430,142

187N SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 17,154

187O SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES FOR FOOD SERVICE INSPECTION
FROM HOTEL AND RESTAURANT TRUST FUND . . . 3,442,376

187P DATA PROCESSING SERVICES
FROM HOTEL AND RESTAURANT TRUST FUND . . . 266,231

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SPECIFIC APPROPRIATION

FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, DIVISION OF

187Q SALARIES AND BENEFITS POSITIONS 125
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 3,242,676

187R OTHER PERSONAL SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 132,801

187S EXPENSES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 1,089,834

187T OPERATING CAPITAL OUTLAY
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 57,589

187U DATA PROCESSING SERVICES
FROM DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS, AND MOBILE HOMES TRUST FUND 261,740

ALCOHOLIC BEVERAGES AND TOBACCO, DIVISION OF

187V SALARIES AND BENEFITS POSITIONS 311
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 9,703,540

187W OTHER PERSONAL SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 15,505

187X EXPENSES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 2,060,577

187Y AID TO LOCAL GOVERNMENTS
BEVERAGE LICENSE TO CITIES AND COUNTIES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 9,700,000

187Z OPERATING CAPITAL OUTLAY
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 508,741

From the funds and positions provided in Specific Appropriations 187V through 187AE, 43 positions and $1,083,999 in Salaries and Benefits, $220,325 in Expenses, $75,775 in Acquistion of Motor Vehicles, $12,089 in Operation and Maintenance of Motor

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APPROPRIATION

Vehicles, and $7,812 in Salary Incentive Payments are contingent upon CS/SB 1279 or similar legislation becoming law, which increases receipts into the Alcoholic Beverage and Tobacco Trust Fund in an amount sufficient to fund operations. Of these positions and funds, 9 positions and $228,693 in Salaries and Benefits, $44,065 in Expenses, $75,775 in Acquisition of Motor Vehicles, $12,089 in Operation and Maintenance of Motor Vehicles, and $7,812 in Salary Incentive Payments are for the special drug enforcement team.

187AA LUMP SUM
LUMP SUM TRANSFER TO THE GENERAL REVENUE FUND
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 2,750,000

Funds provided in Specific Appropriation 187AA for the loan repayment to the General Revenue Fund are contingent upon CS/SB 1279 or similar legislation becoming law which increases receipts into the Alcoholic Beverage and Tobacco Trust Fund in an amount sufficient to fund operations.

187AB SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 75,775

187AC SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 280,912

187AD SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 192,041

187AE DATA PROCESSING SERVICES
FROM ALCOHOLIC BEVERAGE AND TOBACCO TRUST FUND 499,878

CITRUS, DEPARTMENT OF

188 SALARIES AND BENEFITS POSITIONS 157
FROM CITRUS ADVERTISING TRUST FUND 5,700,664

189 OTHER PERSONAL SERVICES
FROM CITRUS ADVERTISING TRUST FUND 725,300

190 EXPENSES
FROM CITRUS ADVERTISING TRUST FUND 61,048,755

From funds in Specific Appropriation 190, the

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APPROPRIATION

Department of Citrus may contract to reimburse the Department of Commerce for an amount not to exceed $220,000, of the cost of citrus juice purchased from funds in Specific Appropriation 206 and dispensed at the Florida Welcome Stations.

191 OPERATING CAPITAL OUTLAY
FROM CITRUS ADVERTISING TRUST FUND 141,490

192 NOT USED

193 SPECIAL CATEGORIES
ADVERTISING REBATES
FROM CITRUS ADVERTISING TRUST FUND 8,600,000

194 DATA PROCESSING SERVICES
FROM CITRUS ADVERTISING TRUST FUND 26,500

COMMERCE, DEPARTMENT OF

OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

195 SALARIES AND BENEFITS POSITIONS 66
FROM GENERAL REVENUE FUND 1,947,738
FROM ADMINISTRATIVE TRUST FUND 444

196 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 102,900
FROM ADMINISTRATIVE TRUST FUND 30,000

197 EXPENSES
FROM GENERAL REVENUE FUND 742,941
FROM ADMINISTRATIVE TRUST FUND 78,489

198 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 29,114

Funds in Specific Appropriation 198 may be expended to purchase a vehicle for the Department of Commerce's mailroom and warehouse operations.

TOURISM, DIVISION OF

199 SALARIES AND BENEFITS POSITIONS 105
FROM GENERAL REVENUE FUND 2,750,322

200 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 294,224

201 EXPENSES
FROM GENERAL REVENUE FUND 1,442,308

202 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 31,349

SECTION 1 SPECIFIC APPROPRIATION			
203	SPECIAL CATEGORIES ADVERTISING PAMPHLETS AND MATERIALS		
	FROM GENERAL REVENUE FUND	22,500	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		45,000
204	SPECIAL CATEGORIES PAID ADVERTISING		
	FROM GENERAL REVENUE FUND	4,362,176	
	FROM TOURISM TRUST FUND		2,600,000
	Funds provided in Specific Appropriation 204 from the Tourism Trust Fund are contingent upon legislation becoming law creating a Tourism Commission.		
205	SPECIAL CATEGORIES PRODUCTION AND DISPLAY OF FILMS AND EXHIBITS		
	FROM GENERAL REVENUE FUND	3,000	
206	SPECIAL CATEGORIES PROMOTION		
	FROM GENERAL REVENUE FUND	544,997	
ECONOMIC DEVELOPMENT, DIVISION OF			
207	SALARIES AND BENEFITS POSITIONS	117	
	FROM GENERAL REVENUE FUND	3,944,489	
208	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	511,928	
	FROM FLORIDA SEED CAPITAL TRUST FUND . . .		28,000
209	EXPENSES		
	FROM GENERAL REVENUE FUND	1,683,492	
	FROM FLORIDA SEED CAPITAL TRUST FUND . . .		12,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,031
210	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	49,071	
211	SPECIAL CATEGORIES GRANTS AND AIDS - FLORIDA MOTION PICTURE, TELEVISION, AND MUSIC ON-THE-JOB TRAINING PROGRAM		
	FROM GENERAL REVENUE FUND	198,850	
212	SPECIAL CATEGORIES PAID ADVERTISING AND PROMOTION		
	FROM GENERAL REVENUE FUND	972,221	
213	SPECIAL CATEGORIES PORTS PROGRAM		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		158,000

SECTION 1 SPECIFIC APPROPRIATION		
213A	SPECIAL CATEGORIES GRANTS AND AIDS - ECONOMIC DEVELOPMENT PROJECTS	
	FROM GENERAL REVENUE FUND	4,060,000
	Funds in Specific Appropriation 213A are included for local economic development projects in the following amounts. These funds may be advanced in part or in total.	
	Promotion & Facilitation..... of Motorsporting Event I.....$	250,000
	Development of International Tennis Training Center.....	1,000,000
	Tampa International Trade Fair.	200,000
	World Trade Institute of the Americas/Training Courses....	75,000
	Hialeah Citizens Association...	20,000
	Jacksonville Jazz Festival.....	25,000
	Jacksonville Florida Film Festival.....	50,000
	Professional Businessman of Hialeah (Small Business).....	25,000
	CAMACOL.....	300,000
	Hialeah Latin Chamber.....	100,000
	Bold City Classic Promotion....	50,000
	Polk International Trade Association.....	100,000
	Glades/Okeechobee Development Council.....	50,000
	International Motor Sports Association.....	250,000
	Miami International Gateway Development Conference.....	50,000
	Promotion of Florida Classic...	100,000
	Municipios.....	165,000
	Genesis Incubator Project.....	450,000
	International Trade Grant/ Orlando.....	150,000
	Lafayette County Development Authority.....	50,000
	International Oceanographic Foundation.....	200,000
	Liberty City Resource Center...	100,000
	International Rowing Regatta...	50,000
	West Perrine Community Development Corporation.....	100,000
	International Trade Development Program.....	100,000
	World Disability Games.....	50,000
214	SPECIAL CATEGORIES TRANSFER TO ADMINISTRATIVE TRUST FUND FOR ADMINISTRATIVE COSTS FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND	40,000

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APPROPRIATION

FLORIDA BLACK BUSINESS INVESTMENT BOARD

215	SALARIES AND BENEFITS POSITIONS	4	
	FROM GENERAL REVENUE FUND	208,507	
216	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	5,323	
217	EXPENSES		
	FROM GENERAL REVENUE FUND	61,661	
217A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - BUSINESS LOAN PILOT PROGRAM		
	FROM GENERAL REVENUE FUND	100,000	

Funds in Specific Appropriation 217A shall be used by the Department of Commerce to administer a Business Loan Pilot Program through the provision of funds to Volusia, Flagler and Putnam counties. These funds shall be utilized as a revolving loan fund for loans to small businesses as defined in s. 288.703(1), F.S.

218	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,583	
219	NOT USED		
220	SPECIAL CATEGORIES PROMOTION		
	FROM GENERAL REVENUE FUND	500	

COMMUNITY AFFAIRS, DEPARTMENT OF

OFFICE OF THE SECRETARY

221	SALARIES AND BENEFITS POSITIONS	86	
	FROM GENERAL REVENUE FUND	1,522,929	
	FROM ADMINISTRATIVE TRUST FUND		1,187,605
	FROM GRANTS AND DONATIONS TRUST FUND		109,600
222	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	61,215	
	FROM ADMINISTRATIVE TRUST FUND		18,517
223	EXPENSES		
	FROM GENERAL REVENUE FUND	368,208	
	FROM ADMINISTRATIVE TRUST FUND		132,207
	FROM GRANTS AND DONATIONS TRUST FUND		14,607
224	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	18,530	
	FROM ADMINISTRATIVE TRUST FUND		33,685

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APPROPRIATION

225	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	16,400	

RESOURCE PLANNING AND MANAGEMENT, DIVISION OF

226	SALARIES AND BENEFITS POSITIONS	103	
	FROM GENERAL REVENUE FUND	3,103,342	
	FROM SAFE NEIGHBORHOODS TRUST FUND		123,066
	FROM STATE PLANNING TRUST FUND		58,289
227	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	168,650	
228	EXPENSES		
	FROM GENERAL REVENUE FUND	1,023,242	
	FROM SAFE NEIGHBORHOODS TRUST FUND		26,932
	FROM STATE PLANNING TRUST FUND		15,407
228A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SEA LEVEL STUDY/TAMPA BAY		
	FROM GENERAL REVENUE FUND	44,000	
229	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - AREAS OF CRITICAL STATE CONCERN REQUIREMENTS		
	FROM AREAS OF CRITICAL STATE CONCERN TRUST FUND		1,080,822
229A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SPOIL ISLAND STUDY/TAMPA BAY		
	FROM GENERAL REVENUE FUND	28,000	
230	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LOCAL GOVERNMENT COMPREHENSIVE PLANNING GRANTS		
	FROM GROWTH MANAGEMENT TRUST FUND		7,623,000
231	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - REGIONAL PLANNING COUNCILS - STANDARDS DEVELOPMENT		
	FROM GENERAL REVENUE FUND	822,500	
231A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SAFE NEIGHBORHOOD GRANTS		
	FROM GENERAL REVENUE FUND	3,066,625	

Funds in Specific Appropriation 231A are contingent on CS/HB 1737 or similiar legislation becoming law.

232	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,116	

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232A LUMP SUM
CONSISTENCY REVIEW OF STATE TRANSPORTATION PLAN
POSITIONS 6
FROM STATE PLANNING TRUST FUND 270,353

233 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL POLICY PLANNING
FROM GENERAL REVENUE FUND 55,000
FROM STATE INFRASTRUCTURE FUND 445,000

234 SPECIAL CATEGORIES
TRANSFER TO GROWTH MANAGEMENT TRUST FUND
FROM GENERAL REVENUE FUND 220,000
FROM STATE INFRASTRUCTURE FUND 6,301,021

235 SPECIAL CATEGORIES
TRANSFER TO SAFE NEIGHBORHOODS TRUST FUND
FROM GENERAL REVENUE FUND 149,998

236 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL PLAN REVIEW
FROM STATE INFRASTRUCTURE FUND 1,055,000

From funds in Specific Appropriation 236, $618,821 shall be used by the Regional Planning Councils to review the local government comprehensive plans and amendments thereto, as provided for in s. 163.3184, Florida Statutes. The balance of the funds are to be used by the Regional Planning Councils for technical assistance to local governments.

237 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 3,200

EMERGENCY MANAGEMENT, DIVISION OF

238 SALARIES AND BENEFITS POSITIONS 72
FROM GENERAL REVENUE FUND 793,639
FROM GRANTS AND DONATIONS TRUST FUND . . . 220,389
FROM HAZARDOUS MATERIALS ADMINISTRATION TRUST FUND 215,684
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 463,805
FROM U.S. CONTRIBUTIONS TRUST FUND 398,879

239 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 60,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 46,374
FROM HAZARDOUS MATERIALS ADMINISTRATION TRUST FUND 1,624,000

240 EXPENSES
FROM GENERAL REVENUE FUND 395,045
FROM GRANTS AND DONATIONS TRUST FUND . . . 187,022

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FROM HAZARDOUS MATERIALS ADMINISTRATION TRUST FUND 66,741
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 151,799
FROM U.S. CONTRIBUTIONS TRUST FUND 99,665

240A AID TO LOCAL GOVERNMENTS
UPGRADE EMERGENCY PREPAREDNESS - UNION COUNTY
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 240A are contingent upon final designation of Union County as the site of the state hazardous waste disposal facility as recommended by the Environmental Regulatory Commission.

241 AID TO LOCAL GOVERNMENTS
DISASTER PREPAREDNESS PLANNING AND ADMINISTRATION
FROM PERSONNEL AND ADMINISTRATION TRUST FUND 1,575,000

242 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DISASTER RELIEF PAYMENTS
FROM DISASTER RELIEF U.S. TRUST FUND . . . 1,000,000

243 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - EVACUATION PLANNING
FROM GENERAL REVENUE FUND 261,000

244 AID TO LOCAL GOVERNMENTS
LOCAL SUPPORT MATERIALS
FROM GRANTS AND DONATIONS TRUST FUND . . . 308,434

245 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NUCLEAR POWER EMERGENCY PLANNING
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000

246 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 21,461
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,471
FROM HAZARDOUS MATERIALS ADMINISTRATION TRUST FUND 10,977
FROM U.S. CONTRIBUTIONS TRUST FUND 5,338

247 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO FLORIDA WING OF CIVIL AIR PATROL
FROM GENERAL REVENUE FUND 45,000

248 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE AND FEDERAL DISASTER RELIEF OPERATIONS
FROM DISASTER RELIEF U.S. TRUST FUND . . . 2,000,000

SECTION 1

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APPROPRIATION

249 NOT USED

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

250 SALARIES AND BENEFITS POSITIONS 93
FROM GENERAL REVENUE FUND 968,859
FROM BLOCK GRANT MATCHING TRUST FUND . . . 251,987
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 271,200
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 114,871
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 288,478
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 137,539
FROM FACTORY-BUILT HOUSING TRUST FUND . . 123,130
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 127,366
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 201,919
FROM GRANTS AND DONATIONS TRUST FUND . . . 132,815
FROM HANDICAPPED AND ELDERLY SECURITY ASSISTANCE TRUST FUND 47,762
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 165,918
FROM RADON TRUST FUND 80,797

251 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,344
FROM BLOCK GRANT MATCHING TRUST FUND . . . 13,322
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 50,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,800
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 30,000
FROM RADON TRUST FUND 1,128,942

252 EXPENSES
FROM GENERAL REVENUE FUND 299,806
FROM BLOCK GRANT MATCHING TRUST FUND . . . 38,733
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 121,802
FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND 29,372
FROM COMMUNITY SERVICES TRUST FUND 33
FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND 78,646
FROM ECONOMIC OPPORTUNITY TRUST FUND . . . 54,137
FROM FACTORY-BUILT HOUSING TRUST FUND . . 52,635
FROM FARMWORKER'S HOUSING TRUST FUND . . . 587
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 21,193
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 218,687
FROM GRANTS AND DONATIONS TRUST FUND . . . 68,679
FROM HANDICAPPED AND ELDERLY SECURITY ASSISTANCE TRUST FUND 9,008
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 35,274
FROM HOUSING ASSISTANCE TRUST FUND 4

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FROM RADON TRUST FUND 94,628

Of the funds in Specific Appropriation 252 from the General Revenue Fund, $14,000 is to be used to update and distribute the illustrated handicapped accessibility manual provided for in Specific Appropriation 254 of the 1988-89 General Appropriations Act. Further, this appropriation assumes that of the $19,890 appropriated for this purpose in FY 1988-89, $14,000 will revert to the General Revenue Fund at June 30, 1989. Should the amount that reverts be less than $14,000, the FY 1989-90 appropriation shall be reduced by a like amount and may be placed in reserve by the Executive Office of the Governor.

253 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE PROGRAM
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 4,748,317

254 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NARCOTICS CONTROL ASSISTANCE TO STATE
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 2,625,067

255 AID TO LOCAL GOVERNMENTS
HIGHWAY SAFETY GRANTS
FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND 3,605,863

256 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - JUSTICE ASSISTANCE
FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND 600,000

257 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 3,904,180

Funds from Specific Appropriation 257 shall be divided and distributed among the statutorily established program categories as follows: Housing--40 percent; Economic Development--10 percent; Neighborhood Revitalization--40 percent; Commercial Revitalization--10 percent. Funds not distributable due to an insufficient number of fundable applications in the Housing, Neighborhood Revitalization, or Commercial Revitalization program categories shall be transferred to the program category having the largest dollar volume of requests for grants.

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SPECIFIC APPROPRIATION			
258	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	6,374	
	FROM BLOCK GRANT MATCHING TRUST FUND		433
	FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND		630
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		1,590
	FROM ECONOMIC OPPORTUNITY TRUST FUND		921
	FROM FACTORY-BUILT HOUSING TRUST FUND		828
	FROM GOVERNOR'S COUNCIL ON CRIMINAL JUSTICE TRUST FUND		138
	FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND		3,732
	FROM GRANTS AND DONATIONS TRUST FUND		161
	FROM HOUSING PREDEVELOPMENT TRUST FUND		1,158
258A	LUMP SUM		
	INSTITUTE ON AFFORDABLE HOUSING POSITIONS	7	
	FROM GENERAL REVENUE FUND	300,000	
259	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY DEVELOPMENT CORPORATION GRANTS		
	FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND		1,337,156
260	SPECIAL CATEGORIES		
	COMMUNITY DEVELOPMENT CORPORATION LOANS		
	FROM COMMUNITY DEVELOPMENT SUPPORT AND ASSISTANCE TRUST FUND		810,142
261	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY SERVICES BLOCK GRANTS		
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		10,122,861
262	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY SERVICES HOMELESS GRANTS		
	FROM COMMUNITY SERVICES BLOCK GRANT TRUST FUND		1,090,692
263	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HANDICAPPED AND ELDERLY SECURITY ASSISTANCE		
	FROM HANDICAPPED AND ELDERLY SECURITY ASSISTANCE TRUST FUND		133,519
264	SPECIAL CATEGORIES		
	GRANTS AND AIDS - WEATHERIZATION GRANTS		
	FROM ECONOMIC OPPORTUNITY TRUST FUND		5,009,957

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SPECIFIC APPROPRIATION			
265	SPECIAL CATEGORIES		
	TRANSFER TO EXECUTIVE OFFICE OF THE GOVERNOR - GRANTS AND DONATIONS TRUST FUND		
	FROM BLOCK GRANT MATCHING TRUST FUND		200,000
266	SPECIAL CATEGORIES		
	TRANSFER TO COMMUNITY DEVELOPMENT CORPORATION SUPPORT ASSISTANCE TRUST FUND		
	FROM GENERAL REVENUE FUND	2,033,569	
266A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - NATIONAL ASSOCIATION FOR CRIME PREVENTION		
	FROM GENERAL REVENUE FUND	160,000	
267	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	690	
	FROM GOVERNOR'S HIGHWAY SAFETY COMMISSION TRUST FUND		3,162
HOUSING FINANCE AGENCY			
268	SALARIES AND BENEFITS POSITIONS	22	
	FROM HOUSING FINANCE AGENCY TRUST FUND		750,344
269	OTHER PERSONAL SERVICES		
	FROM HOUSING FINANCE AGENCY TRUST FUND		113,749
270	EXPENSES		
	FROM HOUSING FINANCE AGENCY TRUST FUND		399,211
271	OPERATING CAPITAL OUTLAY		
	FROM HOUSING FINANCE AGENCY TRUST FUND		1,732
272	SPECIAL CATEGORIES		
	ACCOUNTING SERVICES		
	FROM HOUSING FINANCE AGENCY TRUST FUND		576,325
273	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HOUSING ASSISTANCE PAYMENTS		
	FROM HOUSING FINANCE AGENCY TRUST FUND		11,092,388
274	SPECIAL CATEGORIES		
	LOAN REPAYMENT		
	FROM HOUSING FINANCE AGENCY TRUST FUND		4,500,000
275	SPECIAL CATEGORIES		
	SERVICING AND TRUSTEE FEES		
	FROM HOUSING FINANCE AGENCY TRUST FUND		111,050

CORRECTIONS, DEPARTMENT OF

Funds provided in Specific Appropriations 276 through 334 for the operation of correctional facilities scheduled to open during Fiscal Year

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1989-90 shall be placed initially in reserve and released only in accordance with the actual commencement date of the facility for which funds are specifically designated. These funds shall not be used for any other purpose without prior legislative consultation. Any funds remaining at the end of the fiscal year shall revert to the fund from which originally appropriated.

OFFICE OF THE SECRETARY AND OFFICE OF MANAGEMENT AND BUDGET

276 SALARIES AND BENEFITS POSITIONS 227
FROM GENERAL REVENUE FUND 7,292,182
FROM GRANTS AND DONATIONS TRUST FUND . . . 254,146

277 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 215,719

278 EXPENSES
FROM GENERAL REVENUE FUND 1,358,377
FROM GRANTS AND DONATIONS TRUST FUND . . . 19,712

279 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 119,457

279A SPECIAL CATEGORIES
OFFICE OF MANAGEMENT AND BUDGET LAW LIBRARY
FROM GENERAL REVENUE FUND 9,649

280 SPECIAL CATEGORIES
RETURN OF PAROLE VIOLATORS
FROM GENERAL REVENUE FUND 131,313

281 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 5,359,755
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,906,736

From the funds in Specific Appropriation 281, $1,906,736 from the Grants and Donations Trust Fund shall be used to continue to implement the approved information technology resources plan for office automation in the remaining Probation and Parole offices.

OFFICE OF THE ASSISTANT SECRETARY FOR PROGRAMS

282 SALARIES AND BENEFITS POSITIONS 138
FROM GENERAL REVENUE FUND 3,714,017
FROM GRANTS AND DONATIONS TRUST FUND . . . 64,275

283 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 18,688

284 EXPENSES
FROM GENERAL REVENUE FUND 895,085

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FROM CRIMINAL JUSTICE TRAINING TRUST FUND 314,527

285 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 204,290

From the funds in Specific Appropriations 282, 284, and 285, $162,044 and 8 FTEs, $80,377, and $164,462, respectively, from the General Revenue Fund is provided contingent upon passage of substantive legislation increasing court filing fees.

286 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE ALTERNATIVES TO INCARCERATION PROGRAMS
FROM GENERAL REVENUE FUND 400,000

Funds in Specific Appropriation 286 are to be used to contract with The Alternatives Programs, Inc. to provide for alternatives to incarceration services in the Eleventh Judicial Circuit.

287 SPECIAL CATEGORIES
CONTRACT DRUG ABUSE SERVICES
FROM GENERAL REVENUE FUND 291,667
FROM GRANTS AND DONATIONS TRUST FUND . . . 208,333

287A SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 754,750

From the funds in Specific Appropriation 287A, $700,000 from the General Revenue Fund shall be allocated for one month of funding for a drug offender demonstration project to provide a total of 450 beds in five cities for drug rehabilitation of sentenced, non-violent prisoners aged 17-25. The funds allocated will be directed to the Florida Drug Offender Consortium through the department. This consortium shall be composed of not-for-profit 501-3c service providers. Qualified, not-for-profit providers may join the consortium with the concurrence of the department. The department shall submit a report regarding the status of the implementation of this project by March 1, 1990 to the chairmen of the Senate and House Appropriations Committees.

From the funds in Specific Appropriation 287A, $54,750 from the General Revenue Fund shall be allocated to Act Corporation for one month of operating costs at a rate of not more than $40 per day for substance abuse treatment.

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288 SPECIAL CATEGORIES
GRANTS AND AIDS - ON-THE-JOB TRAINING PROGRAM
FROM GENERAL REVENUE FUND 75,000

Funds in Specific Appropriation 288 are to be used to contract with Transition, Inc. to provide on-the-job training services for offenders after release.

ASSISTANT SECRETARY FOR HEALTH SERVICES

289 SALARIES AND BENEFITS POSITIONS 1,852
FROM GENERAL REVENUE FUND 55,704,553

290 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,537,748

291 EXPENSES
FROM GENERAL REVENUE FUND 43,387,738

292 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 514,219

293 NOT USED

294 SPECIAL CATEGORIES
CONTRACT FOR HEALTH SERVICES - SOUTH FLORIDA RECEPTION CENTER
FROM GENERAL REVENUE FUND 2,571,067

295 SPECIAL CATEGORIES
CONTRACT MENTAL HEALTH FACILITY SERVICES
FROM GENERAL REVENUE FUND 3,069,418

296 SPECIAL CATEGORIES
QUALITY ASSURANCE CONTRACT
FROM GENERAL REVENUE FUND 856,412

297 NOT USED

CORRECTIONAL EDUCATION SCHOOL AUTHORITY

298 SALARIES AND BENEFITS POSITIONS 563
FROM GENERAL REVENUE FUND 12,922,848
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,093,872

299 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 54,000

300 EXPENSES
FROM GENERAL REVENUE FUND 1,659,091
FROM GRANTS AND DONATIONS TRUST FUND . . . 157,308

301 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 491,617

SECTION 1

SPECIFIC APPROPRIATION

302 NOT USED

303 NOT USED

304 SPECIAL CATEGORIES
CONTRACT EDUCATION
FROM GENERAL REVENUE FUND 2,787,048

The funds in Specific Appropriation 304 are provided for the purpose of contracting for educational services for inmates in adult basic, high school, and vocational education. In no case shall the contract cost exceed $1,584 per FTE. However, in the event the department does not provide the contracted number of students, the total contract amount may be paid, notwithstanding the actual cost per FTE.

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

OFFICE OF ASSISTANT SECRETARY FOR OPERATIONS AND REGIONAL ADMINISTRATION

305 SALARIES AND BENEFITS POSITIONS 84
FROM GENERAL REVENUE FUND 2,874,919
FROM GRANTS AND DONATIONS TRUST FUND . . . 130,777

306 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,823

307 EXPENSES
FROM GENERAL REVENUE FUND 1,114,892
FROM GRANTS AND DONATIONS TRUST FUND . . . 25,522

308 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 41,051

309 NOT USED

310 SPECIAL CATEGORIES
STATE INSTITUTIONAL CLAIMS
FROM GENERAL REVENUE FUND 2,000

311 SPECIAL CATEGORIES
TUITION PAYMENTS
FROM GENERAL REVENUE FUND 355,360

MAJOR INSTITUTIONS

312 SALARIES AND BENEFITS POSITIONS 12,558
FROM GENERAL REVENUE FUND 283,121,058
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,647,659
FROM INMATE WORK TRUST FUND 4,086,407

313 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 325,686

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From the funds in Specific Appropriation 313, $69,000 shall be used to contract with the project Growth Orientation Training for Inmates.

314 EXPENSES
FROM GENERAL REVENUE FUND 79,738,835
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,408,386
FROM INMATE WORK TRUST FUND 532,967

315 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,818,404
FROM GRANTS AND DONATIONS TRUST FUND . . . 13,687
FROM INMATE WORK TRUST FUND 249,660

316 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 30,022,048
FROM GRANTS AND DONATIONS TRUST FUND . . . 424,378

317 NOT USED

318 NOT USED

318A SPECIAL CATEGORIES
MAJOR INSTITUTIONS LAW LIBRARY
FROM GENERAL REVENUE FUND 143,635

319 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 3,185,750

320 SPECIAL CATEGORIES
SUPPORT SERVICES
FROM GENERAL REVENUE FUND 2,408,150

321 SPECIAL CATEGORIES
TRANSITION ASSISTANCE PROGRAM (TAP)
OFFENDER JOB PLACEMENT
FROM GENERAL REVENUE FUND 448,000

322 FINANCIAL ASSISTANCE PAYMENTS
DISCHARGE AND TRAVEL PAY
FROM GENERAL REVENUE FUND 6,113,700

PROBATION AND PAROLE SERVICES

323 SALARIES AND BENEFITS POSITIONS 3,578
FROM GENERAL REVENUE FUND 87,906,174

Funds are provided in Specific Appropriation 323 to fully staff the Community Control Program at a ratio of 1:20 and to staff youthful offender cases at a ratio of 1:56. By March 1 of each year, the department shall report to the chairmen of the legislative appropriations committees the amount of resources used, including staffing, in the program during the preceding calendar year.

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324 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 401,011

325 EXPENSES
FROM GENERAL REVENUE FUND 17,765,483

From the funds in Specific Appropriation 325, $300,000 shall be used to provide residential and outpatient drug treatment for offenders under the supervision of Probation and Parole Services.

326 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,123,716

327 SPECIAL CATEGORIES
COST OF SUPERVISION PAYMENTS
FROM GENERAL REVENUE FUND 750,000

Funds in Specific Appropriation 327 shall be used to contract for misdemeanor probation supervision services. The Department of Corrections shall renegotiate all misdemeanor probation supervision contracts on a yearly basis to include all eligible recipients who apply prior to August 1 of each year. In considering all contract proposals, the department shall emphasize continuity of services.

Funds in Specific Appropriation 327 shall be limited to cases involving first degree misdemeanor offenses and those second degree misdemeanor offenses of petty theft and worthless checks. Funding for supervision of these cases is provided for no longer than 180 days.

327A SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 69,120

328 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 13,200

COMMUNITY FACILITIES AND ROAD PRISONS

The funds provided in Specific Appropriations 329 through 333 for the probation and restitution centers shall only be used for supervision of felony probationers.

The $8,368,273 of the Operating Trust Fund provided in Specific Appropriations 329 through 333 for operation of the road prisons shall be generated by revenues from contracts between the Departments of Corrections and Transportation for the provisions of inmate labor in highway maintenance.

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329	SALARIES AND BENEFITS POSITIONS	1,494	
	FROM GENERAL REVENUE FUND	29,779,395	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		726,484
	FROM OPERATING TRUST FUND		6,681,919
330	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	70,836	
	FROM OPERATING TRUST FUND		11,664
331	EXPENSES		
	FROM GENERAL REVENUE FUND	14,208,466	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,126
	FROM OPERATING TRUST FUND		1,112,976

Funds in Specific Appropriation 331 from the General Revenue Fund are to purchase a minimum of 643 contract pre-release beds at a rate not to exceed an average of $20 per bed per day. The department shall emphasize contracting for drug and alcohol treatment beds to the maximum extent feasible.

Within the funds provided, at least 410 of the 643 contract beds shall be allocated in the following manner during the Fiscal Year 1989-90:

Contractor	No. of Beds
Salvation Army	300
Christian Prison Ministries	40
Tampa Crossroads	20
Keeton and Associates	50

332	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	407,851	
	FROM OPERATING TRUST FUND		38,898
333	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	4,720,956	
	FROM OPERATING TRUST FUND		522,816

334 NOT USED

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

Funds provided from the Special Trust Fund, including additional appropriations approved by the Executive Office of the Governor, may be transferred by the Department of Education to the appropriate trust fund for disbursement purposes. Such transfers shall be made to categories of appropriations similar in purpose to the category of appropriations from which transferred.

Funds provided in Specific Appropriations 334A through 546 as Grants and Aids - Special Categories or as Grants and Aids - Aid to Local Governments may be advanced quarterly throughout the fiscal year based on projects, grants, contracts and allocation conference documents.

A commission shall be formed to ensure statewide coordination of all automated educational computerized systems and networking. The commission shall be composed of the Commissioner of Education, the Secretary of State, the Chancellor of the State University System, the Executive Director of the State Community College System and the Executive Administrator of the Information Resource Commission. Educational automation plans, annual budgets and legislative requests of the Department of Education, the State University System, the Community College System, and the Division of Library and Information Services of the Department of State shall be submitted to and reviewed by the commission to ensure networking and automation compatibility. An annual report shall be submitted by the commission to the Joint Legislative Information Technology Resources Committee by March 1 of each year for review and approval.

OFFICE OF THE COMMISSIONER

335	SALARIES AND BENEFITS POSITIONS	66	
	FROM GENERAL REVENUE FUND	2,498,201	
	FROM EDUCATIONAL AIDS TRUST FUND		92,755
336	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	71,532	

From the funds provided in Specific Appropriation 336, $21,000 is provided to continue the Florida Institute for Film Education.

337	EXPENSES		
	FROM GENERAL REVENUE FUND	947,643	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		2,444
	FROM EDUCATIONAL AIDS TRUST FUND		46,620

From the funds appropriated in Specific Appropriation 337, $29,000 is provided for the Florida Institute of Film Education.

338	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - EDUCATIONAL IMPROVEMENT GRANTS		
	FROM GENERAL REVENUE FUND	250,000	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		100,000
339	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	60,897	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		10,271

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339A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA STATE UNIVERSITY
PROFESSOR EXCHANGE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 40,000

340 SPECIAL CATEGORIES
CAPITOL TECHNICAL CENTER
FROM GENERAL REVENUE FUND 212,598

Funds provided in Specific Appropriation 340 may be used to purchase equipment for the Capital Technical Center's radio and television facilities.

340A SPECIAL CATEGORIES
GRANTS AND AIDS - AFRICAN AND
AFRO-CARIBBEAN SCHOLARSHIP PROGRAM
FROM GENERAL REVENUE FUND 50,000
FROM AFRICAN AND AFRO-CARIBBEAN
SCHOLARSHIP TRUST FUND 50,000

341 SPECIAL CATEGORIES
GRANTS AND AIDS - DISTINGUISHED
PERFORMANCE AWARDS
FROM GENERAL REVENUE FUND 73,194

Funds provided in Specific Appropriation 341 shall be used to implement a program to recognize outstanding performance in education in Florida. The Commissioner of Education shall identify outstanding performance in education meriting recognition. When deemed appropriate by the Commissioner, the recognition award shall be presented by the State Board of Education. Each recognition award shall be appropriate for the performance being recognized as determined by the Commissioner (e.g., cash awards, certificates and plaques, etc.).

342 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION/BUSINESS
COOPERATION
FROM GENERAL REVENUE FUND 1,160,000
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 700,000

Funds provided in Specific Appropriation 342 shall include a provision for $150,000 for the South Florida Economic Research Foundation for the collection of data critical to economic development in South Florida, some of which are presently not available and some of which are available only in numbers not adjusted for explosive population growth, immigration, and unsurveyed minority interests.

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343 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATIONAL LEADERSHIP
FUND
FROM GENERAL REVENUE FUND 14,326

344 SPECIAL CATEGORIES
FEDERAL EQUIPMENT MATCHING GRANT
FROM GENERAL REVENUE FUND 375,025

344A SPECIAL CATEGORIES
ENDOWMENT FOR CUBAN-AMERICAN STUDIES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000

From the funds provided in Specific Appropriation 344A, the Cuban-American National Foundation shall establish an endowment to promote research, education and public awareness, including publications, on issues pertaining to social, political, and economic trends in Cuba and in other foreign nations in the Caribbean Basin region, as well as the impact of those trends on Florida and the United States. The Comptroller shall voucher $250,000 to the Foundation for each $250,000 deposited by the Foundation for the purposes provided herein. The Foundation shall expend only the interest or investment income accrued to the deposited state contributions and private matching funds. The interest or investment income from the endowment shall be used solely for grants to students and faculty members at community colleges and universities in Florida and for seminars, conferences and tutorials for the educational purposes described herein and any administrative costs incurred thereby. The Foundation shall provide an annual report of its activities to the Commissioner of Education. The endowment shall be maintained in a trust account in a national bank situated in the State of Florida. As a continuing condition to the receipt of matching funds from the state, the Foundation shall not withdraw any funds previously contributed to the endowment. In the event that the Foundation ever withdraws any funds previously contributed to the endowment (other than interest or investment income derived therefrom) an equal amount of money shall also be withdrawn and remitted back to the Comptroller. The Auditor General may perform an audit of the endowment pursuant to s. 11.45, Florida Statutes.

345 SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN/CARIBBEAN
BASIN PROGRAM
FROM GENERAL REVENUE FUND 230,727
FROM LATIN AMERICAN AND CARIBBEAN BASIN
SCHOLARSHIP TRUST FUND 137,629

Funds provided in Specific Appropriation 345 are

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contingent on the deposit of all private or business donations, grants, bequests or other funds provided for support of International Education or the Latin American Caribbean Scholarship Program into the Latin American and Caribbean Basin Scholarship Trust Fund in the State Treasury.

345A SPECIAL CATEGORIES
GRANTS AND AIDS - LATIN AMERICAN PUBLIC TELEVISION
FROM GENERAL REVENUE FUND 100,000

346 SPECIAL CATEGORIES
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 37,963

347 SPECIAL CATEGORIES
MATH/SCIENCE COMPUTER EDUCATION-COMPREHENSIVE PLAN
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 350,000

Funds provided in Specific Appropriation 347 shall be distributed by the Commissioner of Education to the state's elementary, middle, and junior high schools and developmental research schools on the basis of competitive proposals submitted for projects that include matching fund partnerships with the private sector.

348 SPECIAL CATEGORIES
GRANTS AND AIDS - PUBLIC BROADCASTING
FROM GENERAL REVENUE FUND 9,452,378

The allocation of funds appropriated in Specific Appropriation 348 shall be as follows: $832,479 for statewide governmental and cultural affairs programming; $605,264 for each of the following public television stations: WSRE, Pensacola; WFSU, Tallahassee; WJCT, Jacksonville; WUFT, Gainesville; WCEU, Daytona Beach; WMFE, Orlando; WEDU, Tampa; WUSF, Tampa; WXEL, West Palm Beach; WLRN, Miami; WPBT, Miami; WSFP, Ft. Myers; $116,521 for each of the following public radio stations: WUWF, Pensacola; WKGC, Panama City; WFSU, Tallahassee; WJCT, Jacksonville; WUFT, Gainesville; WMFE, Orlando; WUSF, Tampa; WQCS, Fort Pierce; WXEL, West Palm Beach; WSFP, Ft. Myers; WLRN, Miami; and $75,000 for public radio station WMNF in Tampa.

The Department of Education is authorized quarterly to advance the funds provided in Specific Appropriation 348 for the operation of the public radio and television stations, whether they are public entities or not-for-profit corporations.

"Governmental Affairs for Public Television" shall be produced by the same contractor selected by the

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Legislature to produce "Today in the Legislature".

349 SPECIAL CATEGORIES
GRANTS AND AIDS - RADIO READING SERVICES FOR THE BLIND
FROM GENERAL REVENUE FUND 163,478

350 SPECIAL CATEGORIES
SCHOOL VOLUNTEERS ADVISORY COUNCIL
FROM EDUCATIONAL AIDS TRUST FUND 46,053

351 NOT USED

351A SPECIAL CATEGORIES
GRANTS AND AIDS - INTERNATIONAL EDUCATION LINKAGES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000

From the funds appropriated in Specific Appropriation 351A, $50,000 shall be provided to each of the linkage institutes. An additional $100,000 shall be provided to the Florida-Israel Institute.

Within funds available, the Florida-China Institute and the Florida-Japan Institute are authorized to jointly assist in the development of stronger economic and social ties between Florida and the Pacific Rim.

352 SPECIAL CATEGORIES
GRANTS AND AIDS - HEMISPHERIC POLICY STUDIES CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000

353 NOT USED

354 SPECIAL CATEGORIES
GRANTS AND AIDS - EDU OUTREACH/INTERNATIONAL VOLUNTEER CORP
FROM GENERAL REVENUE FUND 167,436

OFFICE OF EDUCATIONAL FACILITIES

From funds provided in Specific Appropriation 357, up to $15,000 may be used for a study to determine the best method for the Board of Regents and the Division of Community Colleges to provide the facilities inventory and condition assessment information required by Section 216.0152, Florida Statutes. The study shall consider information generated pursuant to Chapters 235 and 240, Florida Statutes, including the Educational Plant Survey required by Section 235.15, Florida Statutes.

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355	SALARIES AND BENEFITS POSITIONS 94		
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		3,865,993
356	OTHER PERSONAL SERVICES		
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		87,156
357	EXPENSES		
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		967,444
358	OPERATING CAPITAL OUTLAY		
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		242,930
359	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DEPARTMENT OF GENERAL SERVICES CONTRACT FLEET		
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		78,000
360	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA SOLAR ENERGY CENTER		
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		30,000
361	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PRODUCT TESTING SERVICES		
	FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND		45,000
362	SPECIAL CATEGORIES		
	TRANSFER TO PUBLIC EDUCATION CAPITAL OUTLAY TRUST FUND		
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND		49,945,359
	FROM STATE INFRASTRUCTURE FUND		150,000,000
362A	SPECIAL CATEGORIES		
	TRANSFER TO STATE INFRASTRUCTURE FUND		
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND		150,000,000

OFFICE OF DEPUTY COMMISSIONER AND DIVISION OF ADMINISTRATION

363	SALARIES AND BENEFITS POSITIONS 251		
	FROM GENERAL REVENUE FUND	5,894,495	
	FROM SPECIAL TRUST FUND		1,376,841
364	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	151,816	
	FROM SPECIAL TRUST FUND		79,503
365	EXPENSES		
	FROM GENERAL REVENUE FUND	2,011,246	

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	FROM EDUCATIONAL ENHANCEMENT TRUST FUND		21,743
	FROM SPECIAL TRUST FUND		756,913
366	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - REGIONAL COORDINATING COUNCILS		
	FROM GENERAL REVENUE FUND	664,895	
	FROM EDUCATIONAL AIDS TRUST FUND		400,000
367	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	96,105	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND		104,888
	FROM SPECIAL TRUST FUND		341,114
368	SPECIAL CATEGORIES		
	GRANTS AND AIDS - AUXILIARY LEARNING AIDS FOR POSTSECONDARY HANDICAPPED STUDENTS		
	FROM GENERAL REVENUE FUND	1,228,978	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND		100,000

Funds provided in Specific Appropriation 368 shall be used for auxiliary learning aid assistance for handicapped students who are attending a state university or public community college in Florida and shall be administered under rules adopted by the State Board of Education. Such rules shall include standards of eligibility providing that auxiliary aids will be restricted to students who are handicapped within the definition of Section 504 of the Rehabilitation Act of 1973, as amended, and who are not able to obtain auxiliary aid assistance under state or federal vocational rehabilitation programs or other governmental programs. Such rules shall provide for reimbursement to the institutions by the Department of Education for auxiliary aid assistance provided under this program. Any funds herein appropriated and unencumbered at the end of the fiscal year shall revert to the General Revenue Fund unallocated. Participating institutions shall be required to provide matching funds of at least 20 percent. Eligible matching expenditures shall include equipment and personnel services which are dedicated to providing direct auxiliary instructional support to handicapped students.

Upon request by the institution, an amount equal to 20 percent of an institution's allocation may be distributed at the time of allocation. Any funds provided in advance shall be deducted from the total amount the institution is eligible to be reimbursed for actual expenditures under its plan. At least once during each year the allocation, expenditures, and needs of all institutions shall be reviewed. If this review shows that any institution is not spending this allocation at a rate that would exhaust the allocation by the end of the year, the

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Commissioner may adjust allocations between and among institutions. For 1989-90, the annual expenditure limit for individual students participating shall be $5,500.

None of the appropriation for auxiliary learning aids shall be expended for hourly, OPS, or salaried personnel except for persons who are necessary for providing direct auxiliary instructional support to handicapped students. With specific prior approval of the Department of Education, funds may be used to pay salaries of interpreters for the deaf, learning disability specialists, readers, notetakers and tutors who work directly with disabled students in the learning environment, employed in full-time salaried positions where the workload justifies a full-time employee.

369 SPECIAL CATEGORIES
CLAIM PAYMENTS FOR GUARANTEED STUDENT LOAN PROGRAM
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 66,240,000

370 SPECIAL CATEGORIES
GRANTS AND AIDS - COLLEGE REACH OUT PROGRAM
FROM GENERAL REVENUE FUND 812,500
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 388,000

Funds provided in Specific Appropriation 370 shall be used to strengthen the educational motivation and preparation of low income or educationally disadvantaged high school students and, thereby, to increase the numbers of such students desiring and able to profit from a college education after high school.

Programs funded may include on-campus and off-campus teaching and advising activities for high school students during their summer vacation or the regular academic year and shall include residential experiences.

Institutions shall submit program proposals to a review panel designated by the Commissioner of Education. The review panel shall establish a competitive awards process that gives preference to proposals submitted jointly by two or more participating institutions, agencies or groups. The review panel shall evaluate proposals and shall recommend the most outstanding to the Commissioner for funding. By January 1, 1990, the Commissioner of Education shall report to the President of the Senate and the Speaker of the House concerning the educational status and academic performance of persons who have participated in College Reach Out

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Programs during the past five years. This report shall also identify other empirically measureable indicators that can be used to evaluate the effectiveness of College Reach Out Programs.

From the funds provided in Specific Appropriation 370, $25,000 shall be allocated to the Governor's Council on Indian Affairs for the Florida Indian Youth Summer Program at Florida State University.

From the funds appropriated in Specific Appropriation 370, $288,000 is provided to implement the college achievement program at FSU and $200,000 is provided to implement an engineering retention program and a career exploration program in teacher education at FAMU.

371 SPECIAL CATEGORIES
FINANCIAL AID CONTRACTUAL SERVICES
FROM GENERAL REVENUE FUND 65,264
FROM STUDENT LOAN GUARANTY RESERVE TRUST FUND 2,191,450

372 NOT USED

373 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 1,776,513

Funds in Specific Appropriation 373 shall be allocated to the Multidisciplinary Educational Services Centers as follows: University of Florida, $405,630; University of Miami, $321,506; Florida State University, $331,668; University of South Florida, $402,633; and Jacksonville University, $315,076. Each center shall provide a report to the Department of Education by September 1, 1989, for the 1988-89 year that shall include the following: 1) the number of children served, 2) the number of parents served, 3) the number of persons participating in inservice education activities, 4) the number of districts served, and 5) specific services provided.

374 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENDOWMENT FOR THE HUMANITIES
FROM GENERAL REVENUE FUND 200,000

375 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INFORMATION RESOURCE NETWORK
FROM GENERAL REVENUE FUND 8,097,137
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,000,000
FROM EDUCATIONAL AIDS TRUST FUND 509,147

The funds provided in Specific Appropriation 375

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shall be used to complete the Florida Information Resource Network (FIRN). The goals of the network are the implementation of a statewide interactive network and the reduction of the data burden on teachers and other personnel. A principal emphasis shall continue to be the automation of student, staff and financial information systems.

An additional emphasis for 1989-90 shall be assistance in the planning, design and implementation phases for a comprehensive statewide community college student, staff and financial data base. Programming for the data base shall be the sole responsibility of the Florida Information Resource Network (FIRN) applications staff; provided, however, that the Commissioner of Education must certify to the FIRN director that data base design specifications are complete and that the design specifications are fully compatible with the statewide public schools' data base before such work may begin.

From the funds provided in Specific Appropriation 375, $2,350,000 shall be used to assist school districts identified by the Commissioner, based on recommendations of the FIRN Advisory Committee that have the least capacity to access, contribute to, and benefit from the statewide public school automated student, staff and financial information system requirements. Assistance may include providing software, training and similar assistance.

From the funds provided in Specific Appropriation 375, $1,000,000 is provided to begin development of a strategic information system for student financial assistance that will allow users terminal and telephone access to information about financial aid programs and award status and for the development of a comprehensive financial aid database that will integrate information not currently available from a single source and will include information about all sources of financial assistance available to students.

376 SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNMENT CLOSE UP PROGRAM
FROM GENERAL REVENUE FUND 55,000

Funds provided in Specific Appropriation 376 are to be used to maintain a state Government Close-Up Program to be administered by the Commissioner of Education in cooperation with Florida Close-Up, Inc. Districts shall submit a proposal developed with the assistance of Florida Close-Up, Inc.; funds shall be awarded by the Commissioner and shall be matched by an equal amount of local funds. Proposals shall

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include provisions for instruction in the organization and operation of state government and citizenship education that includes a visit to observe the Legislature in session.

377 SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SCHOOL OF THE ARTS
FROM GENERAL REVENUE FUND 800,000
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 289,603

378 SPECIAL CATEGORIES
GRANTS AND AIDS - MANAGEMENT TRAINING ACT
FROM GENERAL REVENUE FUND 3,400,000

378A SPECIAL CATEGORIES
GRANTS AND AIDS - RESTRUCTURING FOR INCREASED STUDENT LEARNING AND SCHOOL PRODUCTIVITY
FROM GENERAL REVENUE FUND 250,000
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 750,000

From the funds provided in Specific Appropriation 378A, the Department of Education shall award grants to selected school districts for the purpose of planning, developing and implementing programs of school-based management as provided by s. 229.555(1)(b), F.S. Priority in the awarding of such grants shall be given to those proposals which provide for maximum involvement of the school board, district and school administration, school faculty, and district and school advisory committees in both the planning and implementation process.

379 NOT USED

380 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL PRINCIPALS INSERVICE TRAINING
FROM GENERAL REVENUE FUND 600,000
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 394,060

Funds provided in Specific Appropriation 380 shall be used to conduct an intensive summer leadership seminar to be attended by all elementary, middle and high school principals. The purpose of these seminars is to provide school administrators the information and training necessary for successful implementation of education initiatives enacted by the Legislature. The department shall negotiate a contract price for lodging, meals, and conference facilities for the total number of conference participants. The contract price for facilities shall include the cost of conference equipment, conference meeting refreshments, and other related conference costs. Funds may also be used by the department to plan and conduct the leadership

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seminar.

381 SPECIAL CATEGORIES
COMMUNITY COLLEGE MANAGEMENT INFORMATION SYSTEM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 40,000

Funds provided in Specific Appropriation 381 shall be used to plan and design a comprehensive student, staff and financial data base that is comparable to and will be compatible with the public schools' statewide data base. Data base elements and their definitions shall be consistent with elements and definitions included in public schools' and universities' data bases. Plans for the data base should assume that the Florida Information Resource Network (FIRN) will be used for data transmission; that the data will be co-located with the public schools' data base; and that the data base will be constructed using the same data base software used for the public schools' data base. Planning and design for the data base shall actively involve MIS staff from the Division of Community Colleges and from the community colleges; MIS staff from the Division of Universities and the Division of Public Schools; and from staff of the Florida Information Resource Network.

382 SPECIAL CATEGORIES
EDUCATION MANAGEMENT IMPROVEMENT
FROM GENERAL REVENUE FUND 500,000

Funds provided in Specific Appropriation 382 shall be used to fund the temporary assignment of professional staff among public education agencies to improve educational management and implementation of legislation as provided in s. 228.401, Florida Statutes. The Commissioner of Education shall approve all written agreements.

382A SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA ENDOWMENT FUND FOR HIGHER EDUCATION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000

Funds appropriated in Specific Appropriation 382A shall be used to match private contributions. The match from funds appropriated in Specific Appropriation 382A shall be $1 for each $2 contributed from private sources.

383 FINANCIAL ASSISTANCE PAYMENTS
CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP
FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND 20,000

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384 FINANCIAL ASSISTANCE PAYMENTS
CHILDREN OF DECEASED AND DISABLED VETERANS SCHOLARSHIPS
FROM GENERAL REVENUE FUND 47,755

385 FINANCIAL ASSISTANCE PAYMENTS
COLLEGE CAREER WORK EXPERIENCE PROGRAM
FROM COLLEGE CAREER WORK EXPERIENCE TRUST FUND 841,503

386 FINANCIAL ASSISTANCE PAYMENTS
CONFEDERATE MEMORIAL SCHOLARSHIPS
FROM EX-CONFEDERATE SOLDIERS AND SAILORS ENDOWMENT TRUST FUND 3,300

387 FINANCIAL ASSISTANCE PAYMENTS
CRITICAL TEACHER SHORTAGE
FROM GENERAL REVENUE FUND 3,412,659
FROM CRITICAL TEACHER SHORTAGE TRUST FUND 3,612,659

388 FINANCIAL ASSISTANCE PAYMENTS
EXCEPTIONAL CHILD SCHOLARSHIPS
FROM GENERAL REVENUE FUND 119,000

389 FINANCIAL ASSISTANCE PAYMENTS
STUDENT REGENT SCHOLARSHIP
FROM GENERAL REVENUE FUND 5,000

390 FINANCIAL ASSISTANCE PAYMENTS
FLORIDA ACADEMIC SCHOLARS FUND
FROM GENERAL REVENUE FUND 16,195,800

If the amount in Specific Appropriation 390 is not sufficient to provide full payment to each eligible scholar, the department shall prorate the amount among all eligible students.

391 FINANCIAL ASSISTANCE PAYMENTS
FLORIDA GRADUATE SCHOLARS
FROM GENERAL REVENUE FUND 860,000

392 FINANCIAL ASSISTANCE PAYMENTS
PRIVATE STUDENT ASSISTANT GRANTS
FROM GENERAL REVENUE FUND 5,078,346
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 976,200
FROM EDUCATIONAL AIDS TRUST FUND 930,149

Funds provided in Specific Appropriation 392 are for a maximum grant of $1,300.

393 FINANCIAL ASSISTANCE PAYMENTS
PUBLIC STUDENT ASSISTANT GRANTS
FROM GENERAL REVENUE FUND 9,144,334
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,000,000
FROM EDUCATIONAL AIDS TRUST FUND 1,346,851

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FROM FLORIDA INSURED STUDENT LOAN TRUST FUND 80,000

Funds provided in Specific Appropriation 393 are for a maximum grant of $1,300.

393A FINANCIAL ASSISTANCE PAYMENTS
MARY MCCLEOD BETHUNE SCHOLARSHIP
FROM GENERAL REVENUE FUND 200,000
FROM MARY MCCLEOD BETHUNE SCHOLARSHIP CHALLENGE GRANT TRUST FUND 200,000

Funds provided in Specific Appropriation 393A shall be used to match funds from private sources. Each $5,000 raised from private sources shall be matched with $5,000 of state funds. The combined state and private funds shall be used to provide scholarships to students attending Florida Agricultural and Mechanical University, Bethune-Cookman College, Edward Waters College and Florida Memorial College. Each scholarship shall be in the amount of $3,000. Scholarship recipients shall meet the eligibility requirements as determined by the Commissioner of Education which shall be comparable to the requirements specified in SB 1104.

393B FINANCIAL ASSISTANCE PAYMENTS
NICARAGUAN/HAITIAN SCHOLARSHIPS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,000

Funds provided in Specific Appropriation 393B are contingent upon CS/HB 1365 or similar legislation becoming law.

394 FINANCIAL ASSISTANCE PAYMENTS
MOST PROMISING TEACHER SCHOLARSHIP
FROM GENERAL REVENUE FUND 2,576,000
FROM CRITICAL TEACHER SHORTAGE TRUST FUND 2,676,000

395 FINANCIAL ASSISTANCE PAYMENTS
MASTER ASSOCIATE TEACHER SCHOLARSHIPS
FROM GENERAL REVENUE FUND 250,000

396 FINANCIAL ASSISTANCE PAYMENTS
PAUL DOUGLAS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 865,000

397 FINANCIAL ASSISTANCE PAYMENTS
PRIVATE TUITION ASSISTANCE
FROM GENERAL REVENUE FUND 16,672,650

Funds provided in Specific Appropriation 397 shall be used to provide tuition assistance to students. The maximum amount of the tuition voucher for 1989-90 shall be $1,150. If the amount in Specific Appropriation 397 is not sufficient to provide

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$1,150 to each eligible student, the department shall prorate the amount among all eligible students. Students enrolled in state contracted programs at private institutions whose tuition is equivalent to the tuition in the State University System shall not be eligible to receive funds under the State Tuition Voucher Fund. The Commissioner shall establish a cutoff date for the submission of vouchers for each registration period. No funds provided in Specific Appropriation 397 for 1989-90 shall be used to pay any voucher submitted for 1988-89 enrollment. Handicapped students who complete a total of 24 semester hours of instruction during a twelve month period that begins at the start of the school year shall be eligible to receive a tuition voucher.

398 FINANCIAL ASSISTANCE PAYMENTS
PUBLIC SCHOOL WORK EXPERIENCE PROGRAM
FROM PUBLIC SCHOOL WORK EXPERIENCE TRUST FUND 257,547

399 FINANCIAL ASSISTANCE PAYMENTS
ROBERT C. BYRD HONORS SCHOLARSHIP
FROM EDUCATIONAL AIDS TRUST FUND 300,000

400 FINANCIAL ASSISTANCE PAYMENTS
SEMINOLE/MICCOSUKEE INDIAN SCHOLARSHIPS
FROM GENERAL REVENUE FUND 67,928
FROM SEMINOLE/MICCOSUKEE INDIAN TRUST FUND 82,944

401 FINANCIAL ASSISTANCE PAYMENTS
TEACHER/QUEST PARTNERSHIP PROGRAM
FROM CHALLENGER ASTRONAUTS MEMORIAL SCHOLARSHIP TRUST FUND 500,000

Funds provided in Specific Appropriation 401 are contingent upon HB 1537 or similar legislation becoming law.

402 FINANCIAL ASSISTANCE PAYMENTS
VIRGIL HAWKINS FELLOWSHIP PROGRAM
FROM GENERAL REVENUE FUND 300,000

Funds provided in Specific Appropriation 402 are to provide scholarships of $5,000 to ten minority students each at Florida State University and the University of Florida Law Schools, and to provide renewal of scholarships for students continuing from 1987-88 and 1988-89.

403 FINANCIAL ASSISTANCE PAYMENTS
JOSE MARTI SCHOLARSHIP CHALLENGE GRANT
FROM JOSE MARTI SCHOLARSHIP CHALLENGE GRANT TRUST FUND 300,000

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404 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 3,225,954
FROM EDUCATIONAL AIDS TRUST FUND 871,687

HUMAN RESOURCE DEVELOPMENT, DIVISION OF

405 SALARIES AND BENEFITS POSITIONS 114
FROM GENERAL REVENUE FUND 1,913,905
FROM SPECIAL TRUST FUND 1,146,365

406 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 529,380
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 25,500
FROM SPECIAL TRUST FUND 7,175

407 EXPENSES
FROM GENERAL REVENUE FUND 996,845
FROM EDUCATIONAL CERTIFICATION AND SERVICE TRUST FUND 34,099
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 122,265
FROM SPECIAL TRUST FUND 967,575

408 AID TO LOCAL GOVERNMENTS
PROFESSIONAL PRACTICES - SUBSTITUTES
FROM GENERAL REVENUE FUND 19,022

409 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 33,401
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 230,598

From the funds provided in Specific Appropriations 405, 406, 407 and 409 for the Teacher Referral and Recruitment Center is authorized to collect a registration fee for the Great Florida Teach-In, not to exceed $15 per person, and/or a booth fee, not to exceed $200 per school district or other interested participating organization. The revenue from the fees shall be used to promote and hold the Great Florida Teach-In. Funds may be used to purchase promotional items (i.e., mementos, awards, plaques, etc.).

409A SPECIAL CATEGORIES
GRANTS AND AIDS - ALTERNATIVE CERTIFICATION
FROM GENERAL REVENUE FUND 168,000

Funds provided in Specific Appropriation 409A shall be used to provide an incentive payment of $500 to each teacher who successfully completes an alternative certification program and an additional payment of $500 to the school district in which the teacher is employed.

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410 SPECIAL CATEGORIES
GRANTS AND AIDS - TEACHER EDUCATION CENTERS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,572,281

Funds provided in Specific Appropriation 410 shall be released to a university after it has filed with the Commissioner of Education copies of agreements with district officials to provide Teacher Education Center activities.

410A SPECIAL CATEGORIES
GRANTS AND AIDS - TEACHER STIPEND/SUMMER MATH AND SCIENCE STUDY
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 750,000

Funds appropriated in Specific Appropriation 410A shall be used as follows to pay stipends to teachers for time spent during the summer in programs of study in math and the natural sciences:

1. For each elementary teacher who voluntarily completes specialized or advanced math or science training designed for elementary school teachers and who increases the amount of classroom instructional time devoted to math or science.

2. For middle and high school teachers who voluntarily complete specialized or advanced training in math or science.

3. For middle and high school math and science teachers who voluntarily agree to teach a math or science course at a level higher than the highest level taught in 1988-89.

The Commissioner of Education shall establish eligibility criteria, standards for the content and duration of study, and methods for allocating funds.

411 SPECIAL CATEGORIES
GRANTS AND AIDS - SUMMER INSERVICE INSTITUTES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 11,250,000

Funds provided in Specific Appropriation 411 shall be used only for district inservice programs which are eligible to be used for adding a subject or teaching field to a certificate or to extend a certificate. Funds shall be used to pay the cost of salaries and employee benefits to teacher-participants and to be the cost of

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instruction for an intensive subject matter content summer inservice training program for classroom teachers and for summer camps; provided, however, that the salary paid to any participant shall not exceed the regular salary rate of the participant. Each school district shall include in its master plan for inservice staff development submitted to the Department of Education pursuant to s. 236.0811, Florida Statutes, provisions for an intensive subject matter content summer inservice training program, the principal emphasis of which for the summers of 1989 and 1990 shall be math, science and foreign language instruction. School districts which use university faculty for the summer inservice institutes shall give first consideration to faculty in colleges of arts and sciences to provide instruction in intensive subject matter content. Districts may use a maximum of five percent of the total amount of their allocation for summer inservice planning activities.

From funds provided in Specific Appropriation 411, $360,000 shall be used for alternative certification centers to support modified beginning teacher programs for candidates for alternative certification pursuant to s. 231.172, Florida Statutes.

From the funds provided in Specific Appropriation 411, up to $100,000 may be allocated to the Florida Endowment for the Humanities to conduct summer inservice training for teachers of literature, art and other subjects related to the humanities that is directly related to the subject matter of courses taught by participating teachers.

From funds provided in Specific Appropriation 411, $500,000 shall be used for a one-week inservice training institute for 100 elementary teams nominated by the district school superintendent.

The teams shall include the principal and three teachers committed to the concept of team leadership for school enhancement. The superintendent may nominate one, two, or three school teams from the district. One criterion for selection shall be that the principal and team members are willing and be trained as a team to operate in collegial and complementary roles for the purpose of enhancing school productivity.

As a part of the training, each team shall develop a school enhancement plan. The Division of Human Resource Development shall provide ongoing support and technical assistance for school teams as they implement their plans.

The department shall negotiate a contract price for

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lodging, meals, and conference facilities for the total number of participants. The contract price for facilities shall include the cost of conference equipment rental, conference meeting refreshments, and other related conference costs. Funds may also be used by the department to plan and conduct the training institute.

From the funds provided in Specific Appropriation 411 up to $2,000,000 shall be used to provide inservice training for all elementary teachers in each school district during the pre-school planning for the 1989-90 school term. The Department of Education in cooperation with school district and university personnel shall develop an appropriate inservice education program for elementary school math and elementary school science which will provide all elementary teachers a high quality and intensive inservice education experience in the content and the teaching of math and science. Funds may be used for planning, developing or purchasing the curriculum and training materials. In addition funds may be used to train trainers. The Department may contract for services as needed to achieve the intent of the Legislature.

412 NOT USED

413 SPECIAL CATEGORIES
TEACHER OF THE YEAR
FROM GENERAL REVENUE FUND 58,500

The funds in Specific Appropriation 413 may be used for the Teacher of the Year banquet, as well as awards to the honored teachers as established by the Commissioner of Education.

413A SPECIAL CATEGORIES
SCHOOL RELATED PERSONNEL OF THE YEAR
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 19,000

Funds provided in Specific Appropriation 413A are contingent upon CS/HB 704 or similar legislation becoming law.

BLIND SERVICES, DIVISION OF

414	SALARIES AND BENEFITS POSITIONS	333	
	FROM GENERAL REVENUE FUND	2,618,227	
	FROM FEDERAL REHABILITATION TRUST FUND . .		4,635,566
	FROM GRANTS AND DONATIONS TRUST FUND . . .		71,001
	FROM U.S. TRUST FUND		720,572
415	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	39,250	
	FROM FEDERAL REHABILITATION TRUST FUND . .		29,890
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,768

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	FROM U.S. TRUST FUND		5,685
416	EXPENSES		
	FROM GENERAL REVENUE FUND	714,443	
	FROM FEDERAL REHABILITATION TRUST FUND . .		1,077,135
	FROM GRANTS AND DONATIONS TRUST FUND . . .		95,120
	FROM U.S. TRUST FUND		238,495
417	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COMMUNITY REHABILITATION FACILITIES		
	FROM GENERAL REVENUE FUND	98,528	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		95,428
	FROM WORKSHOP AND FACILITIES TRUST FUND .		603,697
418	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LIBRARY ENHANCEMENT-BLIND		
	FROM GENERAL REVENUE FUND	191,583	
419	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	47,672	
	FROM FEDERAL REHABILITATION TRUST FUND . .		114,343
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,500
	FROM U.S. TRUST FUND		3,849
420	FOOD PRODUCTS		
	FROM FEDERAL REHABILITATION TRUST FUND . .		59,462
421	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CLIENT SERVICES - VOCATIONAL REHABILITATION		
	FROM GENERAL REVENUE FUND	2,912,596	
	FROM FEDERAL REHABILITATION TRUST FUND . .		3,365,776
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,616,518

From the General Revenue Funds appropriated in Specific Appropriation 421, $65,000 shall be provided to the Jake Allen Center for Deaf-Blind Children, Inc.

422	SPECIAL CATEGORIES		
	VENDING STANDS		
	FROM GENERAL REVENUE FUND	484,214	

Funds provided in Specific Appropriation 422 shall be used to pay state retirement contributions for vending stand operators.

423	SPECIAL CATEGORIES		
	VENDING STANDS - EQUIPMENT AND SUPPLIES		
	FROM TRAINING AND OPERATING TRUST FUND . .		378,445
	FROM U.S. TRUST FUND		955,889
424	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	21,141	

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	FROM FEDERAL REHABILITATION TRUST FUND . .		291,638
	FROM U.S. TRUST FUND		15,632

PRIVATE COLLEGES AND UNIVERSITIES

Contracts funded from Specific Appropriations 425, 426, and 429A through 432A, 434 through 436 and 438 through 442A shall be reviewed by the Board of Regents for consistency with the State University System master plan. The Board of Regents shall, in addition to the recommendations required pursuant to s. 240.147(4), make recommendations to the State Board of Education regarding the consistency of such contracts with the State University System master plan. Budget entities administering contracts which have not been reviewed and recommended by the Postsecondary Education Planning Commission shall require annual reports which include quantified fiscal and programmatic data for all such contracts at the independent institutions. Contracts which fail to meet minimum standards of quality should be visited and corrective actions identified.

425	SPECIAL CATEGORIES		
	BARRY UNIVERSITY - BACHELOR OF SCIENCE/NURSING		
	FROM GENERAL REVENUE FUND		242,330

Funds provided in Specific Appropriation 425 are for not more than 1100 credit hours or 20 FTE students.

425A	SPECIAL CATEGORIES		
	BARRY UNIVERSITY - PODIATRIC MEDICINE		
	FROM GENERAL REVENUE FUND		150,000

Funds provided in Specific Appropriation 425A are contingent upon approval of an academic program contract by the Postsecondary Education Planning Commission.

426	SPECIAL CATEGORIES		
	BETHUNE-COOKMAN COLLEGE - MEDICAL TECHNOLOGY CONTRACT		
	FROM GENERAL REVENUE FUND		28,940

Funds provided in Specific Appropriation 426 are for not more than 272 credit hours or 8 FTE students.

427	SPECIAL CATEGORIES		
	GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE CHALLENGER PROGRAM		
	FROM GENERAL REVENUE FUND		300,000
428	SPECIAL CATEGORIES		
	GRANTS AND AIDS - BETHUNE COOKMAN COLLEGE OF EDUCATION		
	FROM GENERAL REVENUE FUND		300,000

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429 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI MEDICAL SCHOOL
MINORITY AFFAIRS OFFICE
FROM GENERAL REVENUE FUND 200,000

429A SPECIAL CATEGORIES
FLORIDA SOUTHERN - BACHELOR OF SCIENCE IN NURSING
FROM GENERAL REVENUE FUND 17,578

Funds in Specific Appropriation 429A are for not more than 480 credit hours or 10 FTE students.

Funds provided in Specific Appropriation 429A are contingent upon approval of an academic program contract by the Postsecondary Education Planning Commission (PEPC).

429B SPECIAL CATEGORIES
FLORIDA SOUTHERN - BACHELOR OF SCIENCE IN ACCOUNTING
FROM GENERAL REVENUE FUND 59,425

Funds in Specific Appropriation 429B are for not more than 570 credit hours or 20 FTE students.

Funds provided in Specific Appropriation 429B are contingent upon approval of an academic program contract by the Postsecondary Education Planning Commission (PEPC).

430 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - SCIENCE EDUCATION
FROM GENERAL REVENUE FUND 109,586

Funds provided in Specific Appropriation 430 are for not more than 1,011 credit hours or 20.74 FTE students.

431 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - INDUSTRIAL ENGINEERING
FROM GENERAL REVENUE FUND 229,914

Funds provided in Specific Appropriation 431 are for not more than 737 credit hours or 30 FTE students.

431A SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BACHELOR OF SCIENCE/ARCHITECTURAL ENGINEERING
FROM GENERAL REVENUE FUND 93,720

Funds in Specific Appropriation 431A are for not more than 300 credit hours or 10 FTE students.

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432 SPECIAL CATEGORIES
FLORIDA INSTITUTE OF TECHNOLOGY - ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 506,777

Funds provided in Specific Appropriation 432 are for not more than 4,640 undergraduate credit hours or 103.45 FTE students and 99 graduate credit hours or 2.75 FTE graduate students.

432A SPECIAL CATEGORIES
FLORIDA SOUTHERN COLLEGE - BACHELOR OF SCIENCE/ARTS- ELEMENTARY/EARLY CHILDHOOD EDUCATION
FROM GENERAL REVENUE FUND 88,164

Funds in Specific Appropriation 432A are for not more than 1200 credit hours or 40 FTE students.

433 SPECIAL CATEGORIES
GRANTS AND AIDS - EDWARD WATERS UPGRADE
FROM GENERAL REVENUE FUND 250,000

433A SPECIAL CATEGORIES
FLORIDA MEMORIAL AIRWAY SCIENCE
FROM GENERAL REVENUE FUND 213,618

Funds provided in Specific Appropriation 433A consist of $100,000 for a high school aviation accessibility program and $50,000 for an aviation magnet school program. The balance of funds is contingent upon approval of an academic program contract by the Postsecondary Education Planning Commission.

434 SPECIAL CATEGORIES
MT SINAI RADIOLOGIC TECH CONTRACT
FROM GENERAL REVENUE FUND 78,960

Funds provided in Specific Appropriation 434 are for not more than 1,315 credit hours or 44 FTE students.

435 SPECIAL CATEGORIES
NURSING CONTRACT - UNIVERSITY OF MIAMI
FROM GENERAL REVENUE FUND 460,672

Funds provided in Specific Appropriation 435 are for not more than 1,542 credit hours or 51.42 FTE students.

436 SPECIAL CATEGORIES
SOCIAL WORK CONTRACT - BARRY UNIVERSITY
FROM GENERAL REVENUE FUND 244,160

Funds provided in Specific Appropriation 436 are for not more than 1,319 credit hours or 43.96 FTE

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students.

437 SPECIAL CATEGORIES
TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 615,800

438 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 113,392

Funds provided in Specific Appropriation 438 are for not more than 307 credit hours or 10.23 FTE students.

439 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - BIOMEDICAL SCIENCE DOCTORAL PROGRAMS CONTRACT
FROM GENERAL REVENUE FUND 457,384

Funds provided in Specific Appropriation 439 are for not more than 358 credit hours or 14.92 FTE students.

440 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ROSENTIAL PHD MARINE AND ATMOSPHERIC SCIENCE
FROM GENERAL REVENUE FUND 305,461

Funds provided in Specific Appropriation 440 are for not more than 167 credit hours or 6.96 FTE students.

441 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - ELECTRICAL ENGINEERING CONTRACT
FROM GENERAL REVENUE FUND 613,181

Funds provided in Specific Appropriation 441 are for not more than 1,963 credit hours or 65.43 FTE students.

442 SPECIAL CATEGORIES
UNIVERSITY OF MIAMI - MASTER OF SCIENCE IN NURSING CONTRACT
FROM GENERAL REVENUE FUND 378,252

Funds provided in Specific Appropriation 442 are for not more than 1,022 credit hours or 34.07 FTE students.

442A SPECIAL CATEGORIES
GRANTS AND AIDS - NOVA UNIVERSITY
FROM GENERAL REVENUE FUND 1,309,566

Funds provided in Specific Appropriation 442A are for no more than 150 FTE students who are Florida residents. Eligibility shall be based on the residency requirements stipulated in s. 240.1201, Florida Statutes. Funds in the amount of $784,551 are also provided for renovating and equipping seven laboratories.

Funds provided in Specific Appropriation 442A contemplate the existence of an academic program contract with the Department of Education. Such contract will include provisions for FTE students, as well as renovating and equipping laboratories.

PROJECTS, CONTRACTS AND GRANTS

443 SALARIES AND BENEFITS POSITIONS 174
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 5,859,294

444 OTHER PERSONAL SERVICES
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 970,947

445 EXPENSES
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 4,073,070

446 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PROJECTS, CONTRACTS AND GRANTS
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 16,715,986

447 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - JOINT TRAINING PARTNERSHIP PROGRAM
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 6,000,000

448 OPERATING CAPITAL OUTLAY
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 76,600

449 LUMP SUM
ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) PROJECT
POSITIONS 6
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 176,168

450 LUMP SUM
DIVISION OF ADMINISTRATION
POSITIONS 1
FROM PROJECTS, CONTRACTS AND GRANTS TRUST FUND 63,434

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451 LUMP SUM
BUREAU OF ORGANIZATIONAL DEVELOPMENT AND EDUCATIONAL LEADERSHIP
POSITIONS 1
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 57,944

452 LUMP SUM
BUREAU OF EDUCATION FOR EXCEPTIONAL CHILDREN
POSITIONS 1
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 40,405

453 LUMP SUM
HOMELESS CHILD PROGRAM
POSITIONS 2
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 53,830

454 LUMP SUM
INFANTS AND TODDLERS
POSITIONS 2
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 76,225

455 LUMP SUM
REAUTHORIZED POSITIONS
POSITIONS 5
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 160,804

456 LUMP SUM
TRAFFIC SAFETY PROJECT
POSITIONS 2
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 52,450

457 SPECIAL CATEGORIES
GRANTS AND AIDS - BUILDING CONSTRUCTION INDUSTRY RESEARCH PROJECTS
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 327,963

458 SPECIAL CATEGORIES
GRANTS AND AIDS - CHOICES PRODUCT SALES
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 840,000

The Bureau of Career Development is authorized to continue the sale of products and services which are not funded by the General Revenue Fund. The bureau is authorized to collect registration fees as necessary to conduct statewide and regional workshops and conferences. Sales may be in-state or out-of-state. The revenue from sales and registration fees provided in Specific Appropriation 458 may be used to fund promotional efforts (e.g. advertising, mementos, awards, plaques, etc.).

459 SPECIAL CATEGORIES
GRANTS AND AIDS - DRUG FREE SCHOOLS/COMMUNITY BASED PROGRAMS
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 11,354,881

459A SPECIAL CATEGORIES
GRANTS AND AIDS - TRANSFER DRUG-FREE SCHOOLS TO GENERAL OFFICE OF THE GOVERNOR
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 3,406,463

460 SPECIAL CATEGORIES
GRANTS AND AIDS - INFANTS AND TODDLERS
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 2,669,107

461 SPECIAL CATEGORIES
GRANTS AND AIDS - NATIONAL GEOGRAPHIC PROJECT
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 50,000

462 SPECIAL CATEGORIES
GRANTS AND AIDS - PRIVATE GIFTS FOR RECOGNITION AWARDS
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 33,000

Funds provided in Specific Appropriation 462 shall be used to implement a program to recognize outstanding performance in education in Florida. The Commissioner of Education shall identify outstanding performance in education meriting recognition. When deemed appropriate by the Commissioner, the recognition award shall be presented by the State Board of Education. Each recognition award shall be appropriate for the performance being recognized as determined by the Commissioner (e.g., cash awards, certificates and plaques, etc.).

463 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE SATELLITE NETWORK
FROM PROJECTS, CONTRACTS AND GRANTS
TRUST FUND 81,600

Funds provided in Specific Appropriation 463 which are paid by commercial and other users of the State Satellite Network for coffee, cola, snacks, etc. for Satellite Teleconference participants may be expended by the host conference sites for these purposes.

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PUBLIC SCHOOLS, DIVISION OF

464	SALARIES AND BENEFITS POSITIONS 273		
	FROM GENERAL REVENUE FUND	7,011,805	
	FROM SPECIAL TRUST FUND		2,514,016
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		55,723
465	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	179,201	
	FROM SPECIAL TRUST FUND		409,480
466	EXPENSES		
	FROM GENERAL REVENUE FUND	3,403,746	
	FROM SPECIAL TRUST FUND		1,819,838
	FROM SOLID WASTE MANAGEMENT TRUST FUND . .		15,702
467	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - CHALLENGE GRANT PROGRAM FOR THE GIFTED		
	FROM GENERAL REVENUE FUND	582,307	
467A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - INTERAGENCY STUDENT SERVICES AND CITIES IN SCHOOLS		
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		500,000

Funds provided in Specific Appropriation 467A shall be used to implement Cities in Schools and related programs as specified in s. 232.303, Florida Statutes.

468	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - COMPREHENSIVE HEALTH EDUCATION PROGRAM		
	FROM GENERAL REVENUE FUND	2,250,724	
469	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ELEMENTARY SCHOOL FOREIGN LANGUAGE		
	FROM GENERAL REVENUE FUND	185,000	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		2,754,396

Districts shall match in an equal amount from local funds whatever amount of state funds they receive from funds appropriated in Specific Appropriation 469.

469A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - ADDITIONAL ELEMENTARY ART AND MUSIC TEACHERS		
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		1,500,000

Each school district receiving funds from Specific Appropriation 469A for additional elementary art and music teachers shall match in an equal amount from local funds. Districts wishing to receive funds

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appropriated for Additional Elementary Art and Music Teachers shall submit an application to the Department of Education in accordance with instructions from the Commissioner of Education.

470	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FEDERAL GRANTS AND AIDS		
	FROM EDUCATIONAL AIDS TRUST FUND		295,741,000
471	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - FLORIDA EDUCATIONAL FINANCE PROGRAM		
	FROM GENERAL REVENUE FUND	3660,342,675	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		377,666,371
	FROM PRINCIPAL STATE SCHOOL TRUST FUND . .		13,900,000

From the amounts generated through the FEFP for vocational students in Specific Appropriation 471, districts shall spend no less than 2.78 percent of the total for the replacement, updating, and maintenance contracts or repair of vocational equipment.

The department's monthly distribution of FEFP funds provided in Specific Appropriation 471 shall be made in equal payments on or about the 10th and 23rd of each month.

District inservice training plans developed pursuant to s. 236.0811, Florida Statutes, shall be submitted to the Department. The Department shall review districts' master plans and annual updates of those plans to ensure they are consistent with the goals and objectives of the beginning teacher program, the Teacher Education Center Act, and the Management Training Act. To maintain ongoing inservice education activities, the department shall, from the funds provided in Specific Appropriation 471, including the funds provided in s. 236.081(3), Florida Statutes, allocate to each district that has submitted a satisfactory plan an amount equal to $4.30 times the district's established 1988-89 FTE student count. To implement the beginning teacher program, an additional $1.70 per FTE will be allocated to each district. During the fourth and fifth calculation of FEFP funding provided in Specific Appropriation 471, including the funds provided in s. 236.081(3), Florida Statutes, the Department shall subtract from the district's allocation for each district which has not submitted a satisfactory plan, an amount equal to $6.00 times the district's 1989-90 FTE.

Funds provided in Specific Appropriation 471 may be used to pay the cost of school districts' required program for preparing new principals.

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Funds provided in Specific Appropriation 471 are based upon a base student allocation of $2,538.26. The required local effort in ad valorem taxes shall be $2,282,712,210. The adult fee amount for resident adults for 1989-90 shall be $220; the non-resident fee amount shall be $440. The maximum nonvoted discretionary millage which may be levied by district school boards in 1989-90 shall be .719 mills.

The district cost differential for each district shall be calculated pursuant to the provisions of s.236.081(2), F.S., except that the district cost differential for each district with a calculated value below 100 shall be set at 100.

From the funds appropriated in Specific Appropriation 471, $4,584,390 is provided as a Profoundly Handicapped Program Supplement to be distributed as provided in s.236.081 (1)(j), Florida Statutes, with a percentage factor of 125.

From the funds appropriated in Specific Appropriation 471, $10,000,000 is provided as a rapid growth adjustment. The amount of each district's rapid growth adjustment shall be calculated as follows: (1) each district's estimated 1989-90 full-time equivalent enrollment in all programs shall be compared with its actual 1988-89 enrollment and to the state average enrollment change for those years; (2) the percentage amount by which each district's enrollment growth exceeds the statewide average shall be multiplied by the district's 1989-90 full-time equivalent student count; (3) the appropriated amount for the rapid growth adjustment shall be prorated among the districts based on each district's proportion of the state total student amount calculated in (2) above.

From the funds provided in Specific Appropriation 471, $1,584 is provided for the education of each inmate served pursuant to contractual agreement between a school district and a federal correctional institution. To provide that amount, the following adjustment shall be calculated and made a part of districts' required local effort fee amount: (1) the total number of weighted inmate students served by the district shall be multiplied by the BSA and by the district cost differential; (2) the total number of unweighted inmate FTE served shall be multiplied by 220; (3) the total number of weighted inmate FTE shall be multiplied by $1,584 and by the district cost differential; and (4) the amounts calculated in (2) and (3) shall be subtracted from the amount calculated in (1) and the difference shall be added to and made a part of the district's required local effort.

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Funds provided in Specific Appropriation 471 are based upon program cost factors for 1989-90 as follows:

1. Basic Programs	
A. K-3 Basic	1.048
B. 4-8 Basic	1.000
C. 9-12 Basic	1.186
D. K-3 Mainstream	2.096
E. 4-8 Mainstream	2.000
F. 9-12 Mainstream	2.372
2. Special Programs for Exceptional Students	
A. Educable Mentally Retarded	2.178
B. Trainable Mentally Retarded	3.006
C. Physically Handicapped	3.752
D. Physical & Occupational Therapy Part-Time	8.722
E. Speech, Language & Hearing Part-Time	5.642
F. Speech, Language & Hearing	3.434
G. Visually Handicapped Part-Time	13.697
H. Visually Handicapped	4.861
I. Emotionally Disturbed Part-Time	3.908
J. Emotionally Disturbed	2.867
K. Specific Learning Disability Part-Time	3.246
L. Specific Learning Disability	2.182
M. Gifted Part-Time	1.992
N. Hospital & Homebound Part-Time	11.457
O. Profoundly Handicapped	4.525
3. Special Programs for At-Risk Students	
A. Dropout Prevention	1.722
B. ESOL K-3	1.734
C. ESOL 4-8	1.727
D. ESOL 9-12	1.692
4. Special Programs for Vocational Job Preparatory (7-12)	
A. Agriculture	1.743
B. Office	1.262
C. Distributive	1.144
D. Diversified	1.264
E. Health	1.642
F. Public Service	1.494
G. Home Economics	1.291
H. Technical Trade, Industrial	1.800
I. Exploratory	1.284
5. Special Programs for Vocational Job Preparatory (Adult)	
A. Agriculture	1.683
B. Office	1.352
C. Distributive	1.464
D. Diversified	1.368
E. Health	1.816

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F. Public Service	1.150
G. Home Economics	1.534
H. Technical, Trade, Industrial	1.543
6. Special Programs for Vocational Adult Supplemental	
A. Agriculture	1.256
B. Office	1.207
C. Distributive	.928
D. Health	1.369
E. Public Service	.970
F. Home Economics	1.197
G. Technical, Trade, Industrial	1.240
7. Special Programs for Adult General Education	
A. Adult Basic	.860
B. Adult Secondary	.854
C. Lifelong Learning	.600

For the school year 1989-90, Broward County School District may use the funds generated through the Comprehensive Dropout Prevention Program for model programs that serve kindergarten through third grade students identified as potential dropouts. The program must provide services that are supplemental to the intervention strategies provided through the Florida Primary Education Program. Students in such programs shall not earn FTE in the Dropout Prevention Program.

The fee waiver amount for each district for 1989-90 shall be calculated by multiplying each district's total nonfee exempt full-time equivalent enrollment in all adult programs by .08 and by $220. If the state total fee amount that results from that calculation exceeds $815,098, each district's fee waiver amount shall be prorated to equal $815,098.

The State Board of Education shall use a maximum of $20,000,000 from the Educational Enhancement Trust Fund to maintain the base student allocation in 1989-90 if funds provided in Specific Appropriation 471 are insufficient to maintain this level when the insufficiency is caused by unexpected fluctuations in either enrollments or tax rolls. The Enrollment Estimating Conference is authorized to amend school district Group 2 enrollment ceilings to accommodate increased FTE students due to the impact of CS/SB 265, CS/CS/SB 259, or similar legislation which could cause an unexpected increase in students enrolled in dropout prevention and related programs. The Enrollment Estimating Conference shall recommend to the Commissioner of Education a procedure to be used to document the increased enrollment.

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Any course provided by a district to satisfy the one-half credit life management skills training graduation requirements defined by s. 232.246(1)(b), Florida Statutes, shall be funded at the appropriate level for a Grades 9-12 basic education program course.

A student in cooperative education or other types of programs incorporating on-the-job training, including apprenticeship, shall not be counted for more than twenty-five (25) hours per week of membership in all programs when calculating full-time student membership as provided in s. 236.013, Florida Statutes, for funding under s. 236.081, Florida Statutes.

A student in grade kindergarten through grade 12 and pre-kindergarten exceptional students, excluding provisions of s. 236.013(2)(c)2a, Florida Statutes, may earn up to a maximum value of one full-time equivalent as defined in s. 228.041(16), Florida Statutes.

Instruction of state inmates shall not be included in the full time equivalent student enrollment for FEFP funding. No funds in Specific Appropriation 471 are provided for instruction of state inmates.

From the funds provided in Specific Appropriation 471, $113,894,074 is provided for continued implementation of an extended day and seventh period. From the funds provided for an extended day and seventh period, every district shall receive $131.79 for every FTE student in grades 9-12 enrolled in six periods of at least 60 minutes each. Every district shall receive $267.00 for every FTE student, in grades 9-12 or in grades 6-8 if the school has a ninth or tenth grade but not an eleventh or twelfth grade, who is enrolled in seven periods of at least 50 minutes each or an equivalent amount of time each week. If the total amount calculated for students enrolled in six periods of at least 60 minutes each, exceeds $2,808,080, each district's allocation shall be prorated to equal $2,808,080. In the event the total amount of district extended day and seventh period entitlements exceeds $113,894,074, each district's entitlement shall be prorated to equal $113,894,074. In the event the sum of (a) each district's allocation for students enrolled in seven periods of at least 50 minutes, and (b) each district's allocation for students enrolled in six periods of at least 60 minutes is less than $113,894,074, the difference shall be allocated based on each district's proportion of the state total number of students enrolled in seven periods of at least 50 minutes each.

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From the funds provided in Specific Appropriation 471 $25,000,000 is provided to guarantee 7.068 percent per weighted FTE increase in funding. The determination of the percent increase shall be that one used in the prior fiscal year except that the declining enrollment, prior year adjustments, and extended day allocations are excluded. If for any calculation of the FEFP the total amount of the 7.068 percent guarantee exceeds $25,000,000, the department shall prorate each district's allocation.

The department in the calculation of Okeechobee Boys special district allocation for 1989-90 may increase the Group 2 cap up to 77 weighted full-time equivalent student memberships for the Florida Challenge Program.

In the event that a residential care facility as provided for in s. 230.23(4)(n), Florida Statutes, is phased down or phased out during the 1989-90 fiscal year, the school district shall be held harmless for any reduction in FTE from the FTE included in the consensus Enrollment Estimating Conference Report for that facility.

Provisions of s. 237.34, Florida Statutes, to the contrary notwithstanding, the ESOL cost factor shall be applied to both ESOL and ESOL related courses. Funds generated by the ESOL cost factor shall be expended 100% on the ESOL program and courses related to ESOL that ESOL students are enrolled in, which provide services which differ from services to be provided for non-LEP students leading to the two primary goals of educating LEP students in English language proficiency and academic achievement, including the maintenance of basic class size only while students are pulled out for ESOL or ESOL-related courses

From the funds provided in Specific Appropriation 436 of Chapter 88-555, Laws of Florida, and Specific Appropriation 471 students in ESOL Programs shall be eligible to earn FTE in a program scheduled for more than 180 days (summer school) in 1988-89 and 1989-90.

From the funds provided in Specific Appropriation 471, $5,845,083 is provided for an adequacy supplement to guarantee 8.00 percent per weighted FTE increase in funding. The supplement shall be computed by comparing the total potential funds per weighted FTE student for 1988-89 with the funds per weighted FTE student for 1989-90. Funds included in the calculation shall be the total state and local FEFP, discretionary local funds, and the major formula based categoricals. For each district which

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is below an 8 percent increase, funds shall be provided to assure that an 8 percent increase in funds per weighted FTE student is achieved. If for any calculation of the FEFP, the total amount of the 8.00 percent supplement exceeds $5,845,083, the department shall prorate each district's allocation.

Funds provided in Specific Appropriation 471 shall be used to the extent necessary by each school district to fully implement the State Automated Student and Staff Data Base Reporting requirements.

472 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL MATERIALS
FROM GENERAL REVENUE FUND 62,431,553
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,000,000

From the funds provided in Specific Appropriation 472, the school district is directed to pay for instructional materials used for the instruction of public high school students who are earning credit toward high school graduation under the dual enrollment program as provided in s. 236.081(1)(h), Florida Statutes.

The growth allocation per FTE student is $130.97 in 1988-89. If the funds provided in Specific Appropriation 472 are insufficient to pay in full the allocation for growth and maintenance, as provided in s. 236.122, Florida Statutes, the growth allocation shall be paid in full and the allocation for the maintenance allocation shall be prorated among all eligible FTE. These funds may be used for dual enrollment as provided in s. 236.081(1)(h), Florida Statutes.

From the funds provided in Specific Appropriation 472, $75,000 shall be to provide instructional materials for partially sighted pupils as provided in s. 233.49, Florida Statutes.

From the funds provided in Specific Appropriation 472, the Commissioner is authorized to purchase, upon the requisition by the districts, not more than 12,000 copies of the Florida Handbook for distribution to the public schools on an equitable formula based on the number of students in the respective districts.

From the funds provided in Specific Appropriation 472, $5,390,217 is provided for increased costs associated with full implementation of the seventh period. The allocation to each district shall be based on the proportion of students in the district enrolled in seven periods of at least 50 minutes each to the total number of students in all districts enrolled in seven periods of at least 50

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minutes each. This calculation shall be based on the October Florida Education Finance Program FTE survey.

473 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIBRARY MEDIA MATERIALS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,785,614

Each district receiving any funds from Specific Appropriation 473 shall expend an amount equal to the lesser of the average full amount spent in the prior three fiscal years or the prior year expenditures for library media materials plus the amount of increase in funding provided for library media materials for 1989-90 above the amount provided in 1988-89. Said funds are to be distributed based on districts' percent of the prior year's FTE.

474 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - GRADES K - 3 IMPROVEMENT PROGRAM
FROM GENERAL REVENUE FUND 148,084,822
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 13,069,151

Funds provided in Specific Appropriation 474 shall be distributed by each district's and each developmental resource school's percent of the state total full-time equivalent students in grades K-3. A district may apply to the Commissioner of Education for approval to update or amend an approved PREP Plan.

The Commissioner of Education shall report to the Legislature prior to December 1, 1989, concerning the progress districts have made in reducing class size in grades K-3 during the period that s. 230.2312, Florida Statutes, has been law.

From the funds provided in Specific Appropriation 474, districts may target, during the 1988-89 fiscal year, up to $25 per unweighted K-3 FTE, without amending the plan required in s. 230.2312, Florida Statutes, for implementing instructional technology programs designed to improve classroom efficiency and effectiveness in teaching and learning.

475 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LAW EDUCATION PROGRAMS
FROM GENERAL REVENUE FUND 104,600

476 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - PREKINDERGARTEN HANDICAPPED INFORMATION SHARING SYSTEM
FROM GENERAL REVENUE FUND 250,000

477 NOT USED

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478 NOT USED

479 NOT USED

480 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SAFE SCHOOLS
FROM GENERAL REVENUE FUND 11,650,151
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 362,237

From the funds provided in Specific Appropriation 480, $250,000 shall be used to fund matching grants for law related education programs to be conducted in cooperation with the Florida Bar, or through one of its non-profit tax exempt organizations, or voluntary bar associations or other persons or entities. Such grants shall be at the rate of $1 for each $2 provided by the entities described herein. All school districts and developmental research schools shall be eligible to receive such matching grants.

From the funds provided in Specific Appropriation 480, $11,762,388 shall be distributed as prescribed in s. 232.257, Florida Statutes.

481 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL LUNCH PROGRAM
FROM GENERAL REVENUE FUND 9,365,197
FROM FOOD AND NUTRITION SERVICES TRUST FUND 208,730,240

From the funds provided in Specific Appropriation 481, $200,000 shall be used for the purposes described in HB 7 or similar legislation.

482 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SCHOOL VOLUNTEER PROGRAM
FROM GENERAL REVENUE FUND 465,936
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000

From the funds provided in Specific Appropriation 482, $405,936 shall be allocated according to the formula specified in s. 236.0873, Florida Statutes. Except for $60,000 which shall be used to match monies contributed by private industry for the Senior Mentor Program, the remaining funds provided in Specific Appropriation 482 shall be used for discretionary enhancement grants to districts. These enhancement grants would include the use of volunteers in early intervention/preschool, intergenerational, dropout prevention, substance abuse, and students-at-risk programs.

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483 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STATE COMPENSATORY EDUCATION SUPPLEMENT
FROM GENERAL REVENUE FUND 42,946,174
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 639,822

From the funds provided in Specfic Appropriation 483, the Department of Education is authorized to use up to $500,000 to provide regional technical assistance and staff development services to school districts to develop and improve the districts' comprehensive plans for dropout prevention. Services shall be provided through grants to school districts in each of the five geographical DOE regions.

484 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT DEVELOPMENT SERVICES
FROM GENERAL REVENUE FUND 33,309,804
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 621,562

485 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - STUDENT TRANSPORTATION
FROM GENERAL REVENUE FUND 150,080,000
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 18,000,000

486 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TEACHERS AS ADVISORS
FROM GENERAL REVENUE FUND 5,465,791
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 646,132

Funds provided in Specific Appropriation 486 shall not be used to employ new school-based coordinators for the Teacher-As-Advisors Program or to provide more than half-time support for currently employed coordinators.

487 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WRITING SKILLS ENHANCEMENT
FROM GENERAL REVENUE FUND 32,606,437
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 590,562

After satisfying the requirements of s. 236.1223, Florida Statutes, for grades 10-12, each school and each developmental research school is authorized to expend the funds provided in Specific Appropriation 487 for the purpose of providing writing skills instruction to grades 9 and under in a descending order to the extent funds are available. If sufficient funds are not provided for grades 10-12, the department shall prorate the appropriation.

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488 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - OKEECHOBEE/DOZIER SCHOOLS
FROM GENERAL REVENUE FUND 1,078,679

The funds provided in Specific Appropriation 488 shall be distributed based on the following calculations: divide the districts UFTE by the sum of all special UFTE multiplied by the appropriation amount.

489 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HARRY ANNA/ALL CHILDREN'S HOSPITALS
FROM GENERAL REVENUE FUND 93,333

The funds in Specific Appropriation 489 are provided to supplement the FEFP funding for Harry Anna and All Children's Hospital schools when the preceeding year's per UFTE expenditure level in the exceptional student program with the greatest number of UFTE exceeds the preceeding fiscal year's per UFTE revenue allocated to the program by at least 105 percent.

490 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL STRATEGIES ENHANCEMENT
FROM GENERAL REVENUE FUND 4,787,222
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 13,000,000

Funds in Specific Appropriation 490 shall be used to purchase computer instructional software programs to enhance student learning. Priority in 1989-90 shall be programs which enhance student learning in the basic skills. All computer instructional software purchased shall be acquired at the lowest price possible and shall be made available to all school districts on an equitable basis. Purchase agreements may include a statewide contract price from which each district may purchase directly from the vendor, reproduction rights for the state system of public schools, volume discount prices, etc. Prior to the purchase of specific computer instructional software programs, the Commissioner shall determine from school districts the number of programs which are likely to be implemented within the next 12 months. Pririty for purchse shall be given to the programs which will serve the largest number of students. Funds may be used to manage contracts awarded pursuant to Specific Appropriation 490.

From the funds provided in Specific Appropriation 490, the Department of Education is authorized to use up to $300,000 for curriculum research and

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development activities for the integration of instruction technology in the classroom.

From the funds provided in Specific Appropriation 490, the sum of $3 million shall be allocated to the department for allocation for co-development activities with a district with demonstrated need for automated integrated instructional systems in ESOL and related skill building and a partner-developer with demonstrated competence and experience in co-development and production of K-12, CD-ROM applications involving multi-media network capabilities that can accommodate frequent updates and revisions as needed; and shall be delivered on multiple standard hardware platforms. The $3 million allocation may involve contract and agreements and activities that span the two fiscal years to 1989-90 and 1990-91. The ESOL co-development instructional product shall have conversion capabilities from native language to English, and English to native language.

From the funds provided in Specific Appropriation 490, $2,000,000 shall be allocated to the Okaloosa Education Technology project.

From the funds provided in Specific Appropriation 490, $1,000,000 shall be allocated to the Polk Education Technology Program.

From the funds provided in Specific Appropriation 490, $787,222 shall be allocated to the Monroe County School Board.

491 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 335,898
FROM SPECIAL TRUST FUND 149,955

492 NOT USED

493 SPECIAL CATEGORIES
GRANTS AND AIDS - ADDITIONAL FUNDS FOR SCIENCE LABORATORIES
FROM GENERAL REVENUE FUND 2,504,906

Funds provided in Specific Appropriation 493 shall be distributed to school districts based on each district's proportion of the state total number of full-time equivalent students in grades 9-12 who are enrolled in science classes that require at least 72 laboratory periods per school year as defined by the Department of Education.

494 SPECIAL CATEGORIES
GRANTS AND AIDS - NETWORK OF CENTERS FOR SEVERELY EMOTIONALLY DISTURBED
FROM GENERAL REVENUE FUND 350,846

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FROM EDUCATIONAL AIDS TRUST FUND 1,853,354

495 SPECIAL CATEGORIES
ASSESSMENT AND EVALUATION
FROM GENERAL REVENUE FUND 8,793,089
FROM SOPHOMORE LEVEL TEST TRUST FUND . . . 89,270
FROM TEACHER CERTIFICATION EXAMINATION TRUST FUND 1,025,829

Funds provided in Specific Appropriation 495 shall be used by the State Board of Education in 1989-90 upon the recommendation of the Commissioner of Education, to enter into contracts for the continued administration of the assessment, testing, and evaluation programs authorized and funded by the Legislature. Contracts may be initiated in one fiscal year and continue into the next, and may be paid from the appropriations of either or both fiscal years.

From the funds provided in Specific Appropriation 495, $200,000 is provided to fund research and analyses of existing data available through Florida's education, evaluation and assessment programs.

495A SPECIAL CATEGORIES
GRANTS AND AIDS - CONDITION OF CHILDREN STUDY
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 200,000

496 SPECIAL CATEGORIES
GRANTS AND AIDS - ACADEMIC TOURNEY
FROM GENERAL REVENUE FUND 150,000

497 SPECIAL CATEGORIES
MATH/SCIENCE RESIDENTIAL SCHOOL-PLANNING FUNDS
FROM GENERAL REVENUE FUND 600,000

498 SPECIAL CATEGORIES
GRANTS AND AIDS - CURRICULUM DEVELOPMENT AND RENEWAL
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 335,000

499 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA DIAGNOSTIC AND LEARNING RESOURCES CENTERS
FROM GENERAL REVENUE FUND 2,044,359
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 33,262

499A SPECIAL CATEGORIES
GRANTS AND AIDS - DADE ACADEMY OF THE TEACHING ARTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 250,000

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500 SPECIAL CATEGORIES
GRANTS AND AIDS - DROPOUT PREVENTION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 11,494,153

From the funds provided in Specific Appropriation 500:

1. $525,000 shall be used for community based dropout prevention projects as provided by s. 230.2316, Florida Statutes, or similar legislation.

2. $750,000 shall be used for educational programs for teenage mothers and day care programs for their children. The Department of Education shall fund 16 projects which shall be matched by the districts with local and federal funds.

3. $200,000 is to Cities in Schools in Palm Beach County.

4. $150,000 is to emotionally disturbed children in Orange County.

5. $127,658 is to James E. Scott Community Center in Dade County.

6. $5,000 is to Eastside High School in Alachua County.

7. $100,000 is to Storefront Schools in Osceola County.

8. $10,100 is to Youth Leadership Foundation in Putnam County.

9. $125,000 is to SER Jobs for Progress in Dade County.

10. $200,000 is to Dropout Prevention in Duval County.

11. $200,000 is to Youth Coop Inc. in Dade County.

12. $370,000 is to Lucky Acorns in Dade County.

13. $100,000 is to the Urban League Teen Pregnancy Program in Orange County.

14. $175,000 is to Democracy for Eatonvilles Youth in Orange County.

15. $100,000 is to Centro Mater in Dade County.

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16. $200,000 is to Cities in Schools in Dade County.

17. $400,000 is for Dropout Prevention Incentive Planning grants to be spent in accordance with s. 230.2316, Florida Statutes.

18. $2,500,000 is for Teen Parents/Parenting Education to be spent in accordance with s. 230.2316, Florida Statutes.

19. $4,000,000 is for Florida First Start as described in CS/HB 1160 or similar legislation and $100,000 shall be allocated for the Toddler Intervention Program (TIP) in Dade County.

20. $100,000 is to the Coach Program in Hillsborough County.

21. $50,000 is for the Ervin Harris Program in Pinellas County.

22. $65,000 is to Dropout Prevention in Monroe County.

23. $100,000 is to Dropout Prevention in Pinellas County.

24. $200,000 to Youth Crime Watch of America in Dade County.

25. $12,000 is for the Coleman Junior High School for a security demonstration project.

26. $100,000 is contingent upon passage of CS/HB 1080.

27. $200,000 is to the Juvenile Residential Assessment Center in Broward County.

28. $50,000 is to Intergenerational Dropout Prevention in Dade County

29. $379,395 is to Dropout Prevention in Martin County

501 NOT USED

502 SPECIAL CATEGORIES
GRANTS AND AIDS - PRE-SCHOOL PROJECTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 49,187,748

From funds provided in Specific Appropriation 502, $77,500 shall be used for the operation of a State Coordinating Council on Early Childhood Education,

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and the following projects shall be funded for preschool education for only educationally and economically disadvantaged three and four year olds. Such projects shall be under the supervision of the district interagency coordinating council on prekindergarten education to be appointed by the school board and the State Coordinating Council on Early Childhood Education.

Funds in Specific Appropriation 502 shall be distributed to each eligible school district consistent with the provisions of s. 228.0615, Florida Statutes. The calculations of each district's entitlement shall be based upon the official estimate of the total number of three and four year old persons by school district and the most recent official record of the Department of Education for K-12 student participation by school district in the free and reduced price lunch programs as of June 1, 1989. Each district's percentage of three and four year old children and free and reduced price lunch headcount students shall be computed. An allocation factor shall be computed by applying a 50/50 weight to the percentages computed. A minimum funding floor shall be calculated for each district at $65,000 per district. After calculating the minimum funding, the remaining funds shall be prorated based on each district's allocation factor and shall be added to the minimum funding level.

503 SPECIAL CATEGORIES
GRANTS AND AIDS - IN SCHOOL CHILD CARE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,500,000

Funds provided in Specific Appropriation 503 may be used to continue the current contract for the state clearinghouse for school-age child care.

504 SPECIAL CATEGORIES
GRANTS AND AIDS - UNIFORM LIBRARY DATABASE
FROM GENERAL REVENUE FUND 400,000

504A SPECIAL CATEGORIES
INTERNATIONAL SCIENCE FAIR
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000

Funds provided in Specific Appropriation 504A shall be combined with the funds appropriated in Specific Appropriation 448A, Chapter 84-220,Laws of Florida, and the sum of both appropriations plus accrued interest shall be used to support the International Science Fair to be held in Florida in 1991.

504B SPECIAL CATEGORIES
GRANTS AND AIDS - GADSDEN MODELS PROGRAM
FROM GENERAL REVENUE FUND 254,246

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505 SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNOR'S SUMMER PROGRAM/GIFTED
FROM GENERAL REVENUE FUND 261,890

Funds provided in Specific Appropriation 505 shall be used for planning and operating the Governor's Summer Program for Gifted Students. This program shall be conducted during the period of June through August, 1989 and these funds may be obligated and expended during both fiscal years 1988-89 and 1989-90.

506 SPECIAL CATEGORIES
GOVERNOR'S SUMMER COLLEGES PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 250,000

506A SPECIAL CATEGORIES
GRANTS AND AIDS - HIGH PERFORMANCE INCENTIVES PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,000,000

506B SPECIAL CATEGORIES
INSTRUCTIONAL TELEVISION EQUIPMENT GRANTS
FROM GENERAL REVENUE FUND 698,868

507 SPECIAL CATEGORIES
INSTRUCTIONAL MATERIALS MANAGEMENT
FROM GENERAL REVENUE FUND 205,925

508 SPECIAL CATEGORIES
INSTRUCTIONAL TELEVISION - PROGRAM ACQUISITION
FROM GENERAL REVENUE FUND 565,893

509 SPECIAL CATEGORIES
GRANTS AND AIDS - MIDDLE CHILDHOOD
FROM GENERAL REVENUE FUND 9,383,393
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 31,327,205

Funds provided in Specific Appropriation 509 shall be used for the following: (1) $30,000 interagency student services; (2) $100,000 district multi-agency coordinating councils, (3) $500,000 district staff development projects; and (4) $9,000,000 for grades 4-5 to implement the requirements of s. 230.2319, Florida Statutes, as it applies to grades 4-5. The remainder of the funds shall be distributed on the basis of FTE in grades 6-8 to those districts that demonstrate they have implemented the requirements of s. 230.2319, Florida Statutes, as it applies to grades 6-8 only. The Department of Education shall verify eligibility for the receipt of funds.

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510 SPECIAL CATEGORIES
GRANTS AND AIDS - MIGRANT EDUCATION PROGRAM (THREE AND FOUR YEAR OLDS)
FROM GENERAL REVENUE FUND 3,221,717

511 SPECIAL CATEGORIES
MISSING CHILDREN PROGRAM
FROM GENERAL REVENUE FUND 24,050

512 SPECIAL CATEGORIES
MANAGEMENT INFORMATION SYSTEMS COUNCIL
FROM GENERAL REVENUE FUND 50,270

513 SPECIAL CATEGORIES
MODEL SCHOOLS CONSORTIUM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,000,000

514 SPECIAL CATEGORIES
GRANTS AND AIDS - MICCOSUKEE INDIAN EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 60,000

Funds provided in Specific Appropriation 514 shall be allocated to the Miccosukee Tribe of Florida for the improvement of their educational programs.

515 SPECIAL CATEGORIES
INSTRUCTIONAL MATERIALS INSERVICE TRAINING
FROM GENERAL REVENUE FUND 138,914

516 SPECIAL CATEGORIES
GRANTS AND AIDS - MERIT SCHOOLS PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,000,000

517 SPECIAL CATEGORIES
GRANTS AND AIDS - MIDDLE SCHOOL ADVISEMENT
FROM GENERAL REVENUE FUND 824,000
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,976,000

518 SPECIAL CATEGORIES
OUT-OF-SCHOOL LEARNING ACTIVITIES
FROM GENERAL REVENUE FUND 25,000

518A SPECIAL CATEGORIES
GRANTS AND AIDS - PANHANDLE AREA EDUCATIONAL COOPERATIVE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 250,000

518B SPECIAL CATEGORIES
GRANTS AND AIDS - PASCO COUNTY COMMUNITY PARTNERSHIP PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 20,000

519 NOT USED

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520 SPECIAL CATEGORIES
GRANTS AND AIDS - RESOURCE MATERIALS FOR THE HEARING IMPAIRED
FROM GENERAL REVENUE FUND 126,643

520A SPECIAL CATEGORIES
SCHOOL BOARD TRAINING
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 125,000

Funds provided in Specific Appropriation 520A are contingent upon HB 1211 or similar legislation becoming law.

521 SPECIAL CATEGORIES
GRANTS AND AIDS - SCHOOL BUS REPLACEMENT FOR PUBLIC SCHOOLS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 20,000,000

Funds provided in Specific Appropriation 521 include funds to purchase one 89 passenger school bus for the Florida School for the Deaf and Blind.

Districts receiving funds from Specific Appropriation 521 for school bus replacement shall use these funds in the following manner:

A. For district's operating public owned school buses:

1. As a first priority, at least 75% of the district's allocation or the actual cost of replacing all pre 1977 buses, whichever is the lessor, shall be used to replace daily and spare pre 1977 buses in the school district's fleet.

2. As a second priority, the district's allocation shall be used to purchase buses as needed for growth in students transported in 1989-90.

3. As a third priority, the district's allocation shall be used to replace buses over ten years of age and buses needing replacing or buses in accordance with the district's policy on replacement of buses when the replacement policy is based on less than a ten-year cycle.

4. Provided however, as a fourth priority if a district has complied with priorities 1, 2 and 3, the remainder of the district's allocation up to a maximum of 50% of the district's total allocation may be used by the school

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district for current operation in student transportation for the 1989-90 fiscal year. A district may not expend any of these funds for current operation prior to the district's verification of compliance with the requirements as provided herein.

5. A portion of the funds provided in Specific Appropriation 485 may be utilized for the purchase of school bus safety devices. Any bus safety devices considered for purchase pursuant to this appropriation, not currently approved in Florida School Bus Specifications, shall be pilot tested and shall follow the established process for adoption in accordance with s. 234.051, Florida Statutes.

B. For district's operating non-public owned school buses by contract:

1. As a first priority, the district's allocation shall be used to reduce the number of pre 1977 buses being contracted for in 1989-90 by 7.5% of the number of total daily and spare buses contracted for in 1988-89 or if the percent of pre 1977 buses contracted in 1988-89 was less than 7.5%, the district shall contract for zero pre 1977 school buses in 1989-90. A district may not expend the district's allocation for current operation as provided for in s. 236.0835, Florida Statutes, prior to the district's compliance with the requirements as provided herein.

2. As a second priority, funds may be expended as provided in Section 236.0835(3)(e), Florida Statutes, provided however, pre 1977 buses shall not be included in any contract with a contractor who did not contract with the district in 1988-89. Furthermore no pre 1977 buses may be contracted for with a contractor who had a contract with the district in 1988-89.

C. Each district shall provide the Department of Education sufficient information to monitor the expenditure of these funds. Pre 1977 buses are defined as any school

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bus which has been certified by the manufacturer as meeting Federal Motor Vehicle Safety Standard applicable to school buses effective April 1, 1977. The rounding convention, to be used in each calculation herein, shall be to round to the whole number by adding 0.5.

522 SPECIAL CATEGORIES
GRANTS AND AIDS - SEMINOLE INDIAN EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 60,000

Funds provided in Specific Appropriation 522, $60,000 shall be allocated to the Seminole Tribe of Florida for the improvement of their educational programs.

523 SPECIAL CATEGORIES
GRANTS AND AIDS - SUMMER CAMPS
FROM GENERAL REVENUE FUND 1,547,560

523A SPECIAL CATEGORIES
GRANTS AND AIDS - SUMMER SCIENCE TEACHER TRAINING
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000

Funds provided in Specific Appropriation 523A shall be used to conduct an intensive summer science teacher training institute for the most outstanding science teachers from each school district. The purpose of the institute is to provide for up to 400 of Florida's best secondary school science teachers the opportunity to personally interact among themselves and with nationally and internationally recognized experts in secondary science education. The purpose of the institute is also to personally examine the curriculum and instructional practices of the most successful secondary school science programs in the nation. Science teachers shall be nominated by the science teachers of each district for the honor of participating in the institute. Each participant shall be responsible for sharing with the science teachers of the district the information gained at the institute. The Department of Education shall negotiate a contract price for lodging, meals, and conference facilities for the total number of conference participants. The contract price for facilities shall include the cost of conference equipment, conference meeting refreshments, and other related conference costs. Funds may also be used by the department to plan and conduct the summer science teacher institute.

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524 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE SCIENCE FAIR
FROM GENERAL REVENUE FUND 30,000
FROM EDUCATIONAL AIDS TRUST FUND 5,000

525 SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL CENTERS OF EXCELLENCE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 425,000

526 NOT USED

526A SPECIAL CATEGORIES
SUMMER INNER-CITY YOUTH & DROPOUT PREVENTION
FROM GENERAL REVENUE FUND 400,000
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 50,000

From the funds provided in Specific Appropriation 526A, $100,000 each is for summer work/study programs in Broward, Dade, Duval, and Hillsborough Counties, contingent upon the receipt of a matching grant from local cities, counties, or private sources. The $100,000 allocated to Dade is further allocated to the Community Relations Board.

From the funds provided in Specific Appropriation 526A, $50,000 is for an annual work/study program at Boyde Anderson High School in Broward County.

527 SPECIAL CATEGORIES
STUDENT PERFORMANCE STANDARDS AND STANDARDS OF EXCELLENCE
FROM GENERAL REVENUE FUND 120,090

528 SPECIAL CATEGORIES
TRANSFER FROM PSC TELECOMMUNICATIONS DEVICES FOR DEAF
FROM TELECOMMUNICATION DEVICES FOR THE DEAF TRUST FUND 586,702

529 SPECIAL CATEGORIES
GRANTS AND AIDS - VISUALLY HANDICAPPED RESOURCES
FROM GENERAL REVENUE FUND 309,663

Funds provided in Specific Appropriation 529 may be used by the Florida Instructional Materials Center for the Visually Handicapped and Hearing Impaired to include services to visually handicapped public school teachers for braille and large print textbooks of the same editions as those used by the students in their classes.

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530 SPECIAL CATEGORIES
YOUTH ART SYMPOSIUM
FROM GENERAL REVENUE FUND 28,273

531 NOT USED

VOCATIONAL, ADULT, AND COMMUNITY EDUCATION, DIVISION OF

532 SALARIES AND BENEFITS POSITIONS 170
FROM GENERAL REVENUE FUND 3,139,158
FROM EDUCATIONAL AIDS TRUST FUND 2,742,138

Funds provided in Specific Appropriations 532 and 534 shall be used by the Division of Vocational, Adult and Community Education (DVACE) to conduct reviews of supplemental vocational education in at least 25 percent of the school districts and community colleges. These reviews shall determine the extent to which each supplemental vocational education course is designed to enable persons who are or have been employed in a specific occupation to upgrade their competencies in order to reenter, maintain stability or advance within their occupations; the extent to which each course conforms to approved program course standards and the extent to which the students reported as supplemental vocational students in each course meet the requirements for enrollment. Any discrepancies shall be reported by the DVACE to the Department of Education Bureau of Auditing Services and the Division of Community Colleges. A report of the findings of these reviews shall be submitted to the Executive Office of the Governor and to the Legislature at least one month prior to the beginning of the 1991 Session of the Legislature.

533 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,968
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 313,000
FROM EDUCATIONAL AIDS TRUST FUND 504,916

534 EXPENSES
FROM GENERAL REVENUE FUND 919,569
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 32,500
FROM EDUCATIONAL AIDS TRUST FUND 2,028,881
FROM EDUCATIONAL MEDIA AND TECHNOLOGY TRUST FUND 220,236

From the funds appropriated in Specific Appropriation 534 for administration of vocational programs, the Department of Education shall conduct a cost analysis of apprenticeship programs and shall recommend to the President of the Senate and the Speaker of the House of Representatives by January 1, 1990, an appropriate method and level of funding

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for apprenticeship programs based on that analysis. This cost analysis shall separately identify program costs for school districts and community colleges.

535 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT BASIC EDUCATION
FEDERAL FLOW-THROUGH FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 4,692,326

535A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMPUTER INTEGRATED MANUFACTURING
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 300,000
FROM EDUCATIONAL AIDS TRUST FUND 300,000

536 AID TO LOCAL GOVERNMENTS
CENTERS OF AGRICULTURE ENHANCEMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 275,420
FROM EDUCATIONAL AIDS TRUST FUND 275,420

537 AID TO LOCAL GOVERNMENTS
CENTERS OF AUTOMOTIVE ENHANCEMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 60,000
FROM EDUCATIONAL AIDS TRUST FUND 60,000

538 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY SCHOOLS
FROM GENERAL REVENUE FUND 2,824,229
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,300,000

From the funds in Specific Appropriation 538, $100,000 shall be allocated for four Centers for Community Education.

539 NOT USED

539A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ADULT LITERACY CENTERS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 300,000

From the funds provided in Specific Appropriation 539A for literacy centers, $100,000 shall be distributed to each of three school districts: Broward, Polk and Santa Rosa, for model non-instructional adult literacy centers to complement existing public and private instructional adult literacy programs.

540 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - TRUCK DRIVERS TRAINING PROGRAM
FROM EDUCATIONAL AIDS TRUST FUND 475,000

541 AID TO LOCAL GOVERNMENTS
SOUTHERN REGIONAL EDUCATION CONSORTIUM PILOT SITE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 662,000

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FROM EDUCATIONAL AIDS TRUST FUND 250,000

542 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - VOCATIONAL FORMULA FUNDS
FROM EDUCATIONAL AIDS TRUST FUND 24,485,724

In developing the state plan, the department shall make provision to give priority to funding and excess cost of providing services to IMTS and handicapped students enrolled in vocational education programs. Initial instructions to school districts and community colleges for the development of local applications for funds provided in Specific Appropriation 542 shall emphasize this priority.

Funds provided in Specific Appropriation 542 shall be used for vocational education programs as described in the state plan for vocational education under Public Law 98-524. The state plan shall provide for the expenditure of at least $5,000,000 for the replacement and updating of vocational education equipment and for the purchase of supplies and materials for on-going programs; and for $300,000 to be allocated to community colleges for placement follow-up and evaluation in accordance with Section 240.355, Florida Statutes, and State Board of Education rules; and for $50,000 to be allocated to Florida Community College for a pilot project related to the training of national guard personnel. The Division of Community Colleges shall submit a report to the Senate and House Appropriations Committees indicating how these funds are utilized.

The Commissioner of Education shall assure that funds allocated to institutions and district boards for computer hardware and software acquisitions, including computer software development and maintenance, are consistent with the objectives with Florida Information Network (FIRN) throughout the Department of Education. This assurance shall occur prior to the awarding of projects to institutions and district boards for such purposes.

From the funds provided in Specific Appropriation 542, not more than $90,000 shall be used to produce and distribute the Florida Vocational Journal.

From the funds provided in Specific Appropriation 542, the Department of Education shall provide not less than $70,000 to Daytona Beach Community College to provide services to the Rehabilitation Center of the Division of Blind Services.

From funds provided in Specific Appropriation 542, $35,680 shall be provided to the Florida High Technology and Industry Council to implement special

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vocational education projects and studies.

543	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	80,786	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		6,500
	FROM EDUCATIONAL AIDS TRUST FUND		235,917
544	NOT USED		
544A	SPECIAL CATEGORIES		
	GOLD SEAL DIPLOMA SCHOLARSHIP		
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		100,000
545	SPECIAL CATEGORIES		
	GRANTS AND AIDS - INDUSTRY SERVICES		
	FROM GENERAL REVENUE FUND	732,179	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		405,702
	FROM EDUCATIONAL AIDS TRUST FUND		369,000

Funds provided in Specific Appropriation 545 are designated for use with specific programs identified by the Department of Commerce, Division of Economic Development. The Division of Vocational Education shall administer these programs in accordance with the guidelines set forth in s. 230.66, Florida Statutes. The funds provided shall be used for short-term training programs when no other similar training program exists. At least 80 percent of the funds provided shall be for purposes that are directly related to specific training projects in which jobs are created or anticipated. Funds provided are not to be used to augment any program activity or function other than those specified in s. 230.66, Florida Statutes.

545A	SPECIAL CATEGORIES		
	INDUSTRIAL ARTS/TECHNOLOGY EDUCATION		
	FROM EDUCATIONAL AIDS TRUST FUND		20,000
546	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VOCATIONAL BUSINESS		
	EXCHANGE PROGRAM		
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		150,000
	FROM EDUCATIONAL AIDS TRUST FUND		400,000

Funds provided in Specific Appropriation 546 shall be used to provide training for vocational teachers in public schools and community colleges to upgrade skills in an instruction area subject to frequent technological change or innovation.

546A	SPECIAL CATEGORIES		
	VOLUNTEER LITERACY CORPS		
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .		20,000

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COMMUNITY COLLEGES, DIVISION OF

The funds in Specific Appropriation 551 shall be used to serve the following assigned FTE enrollments:

	1989-90
Advanced and Professional	75,093
Postsecondary Vocational	35,466
Postsecondary Adult Vocational	9,172
Supplemental Vocational	5,198
College and Vocational Preparatory	8,309
Adult Basic & High School	12,408
Total	145,646

FTE enrollment counts for funding purposes will be based only on fee-paying students, except as provided by law. Furthermore, enrollment projections, the annual cost analysis, and CO&DS instructional unit determinations shall only include such students. Enrollments of non-fee paying students shall be reported and projected separately. Except for dually-enrolled enrolled students, students in advanced and professional programs or related college preparatory programs who have acquired a high school certificate of completion or attendance and do not have a high school diploma or general equivalency diploma shall not earn FTE's for funding purposes. All enrollment estimating conference FTE reports shall reflect by college all fee paying FTE for the following programs: advanced and professional, postsecondary vocational, postsecondary adult vocational, supplemental vocational, college and vocational preparatory, adult basic and high school and lifelong learning. There shall be a direct correlation with the seven programs in reporting actual, assigned, estimated, and projected FTE. All state and federal inmate education provided by community colleges in 1989-90 shall be reported by program, FTE expenditure and revenue source. These enrollments, revenues and expenditures shall be reported and projected separately. Except as provided by law, instruction of state or federal inmates shall not be included in the full-time equivalent student enrollment for Community College Program Fund funding. No funds in Specific Appropriation 551 are provided for instruction of state or federal inmates. Funds in this appropriation shall not be used to offer college level courses to inmates who do not pay their own fees.

Community colleges may generate an additional one-fourth (.25) of a full-time equivalent for dually-enrolled students.

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Funds provided in Specific Appropriation 551 contemplate that each board of trustees shall have authority to designate that funds due it be placed for investment in its account with the State Board of Administration, rather than be deposited, and the board of trustees may direct those persons having money due to the board of trustees to pay such funds to the State Board of Administration to make authorized investments for its accounts.

The Division of Community Colleges shall have the authority to distribute the funds provided in Specific Appropriation 551 in 12 unequal installments as may be necessary to provide for the resolution of any cash flow problems in the community college system.

No funds shall be expended from Specific Appropriation 551 for the operation of the Community Instructional Services Program.

Funds provided in Specific Appropriation 551 contemplate that, except for CO&DS instructional unit calculation, the enrollment projections, estimates, and actual FTE for advanced and professional, and postsecondary vocational programs will be a year-round average based on total student semester hours divided by 40 with the credit hour equivalent being 30. Except for CO&DS instructional unit calculation, a full-time equivalent enrollment in the developmental program, including students enrolled in both the college and vocational preparatory program, postsecondary adult and supplemental disciplines in the vocational program and the lifelong learning program shall be defined as 900 membership hours per year. Furthermore, the annual cost analysis and all data elements required for the allocation process and legislative analysis shall reflect these definitions and be reported in the following order: summer, fall, and spring terms.

Funds provided in Specific Appropriation 551 contemplate that colleges shall continue to the extent possible to reduce the class size of college level English and mathematics courses to an average of 22 students.

Each community college shall submit a report to the State Board of Community Colleges by February 2, 1990, detailing the relative salary increases for full time teaching faculty, administrators, and other employees provided from funds in Specific Appropriation 551.

Courses in the college and vocational preparatory

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education program shall be approved by the State Board of Community Colleges and be recorded in the statewide common course numbering system. Individuals scoring at or above the cut-off level established in rules of the State Board of Education may be referred to college preparatory instruction if additional assistance is needed.

Funds provided in Specific Appropriation 551 include full funding of faculty salaries for 1989-90 and will not require annualization. Funds are also provided for salary increases for adjunct faculty and are to be allocated at the discretion of the Board of Trustees.

From the funds provided in Specific Appropriation 551, community colleges may waive fees for any non-fee exempt student provided that the total number of students for whom fees are waived shall not exceed five percent of the systemwide full-time equivalent enrollment in postsecondary adult vocational, vocational supplemental, and vocational preparatory programs. This five percent shall include any student for whom an in-kind contribution is accepted in lieu of the collection of a fee. All in-kind contributions accepted in lieu of student fees must be directly related to the instructional program to be provided. Facilities, equipment, personnel, or other resources provided by a cooperating entity for cooperative vocational education programs shall not be considered an in-kind contribution. General purpose classroom space at a site other than in a community college facility shall not be accepted as an in-kind contribution if adequate classroom space is available at a community college facility, unless the classroom space is provided at a facility operated by an approved apprenticeship program. Waivers may only be granted to students for courses within the program areas generating the fee waivers.

Funds provided in Specific Appropriation 551 reflect reductions in the Community College Program Fund of $1,000,000. All reductions shall be approved by each district Board of Trustees and reported to the State Board of Community Colleges. First priority shall be given to reductions in administrative and support expenditures in non-instructional programs. Second priority for reductions should include those instructional programs identified as a secondary role for community colleges in s. 240.301(3), Florida Statutes. Reductions should not be made in direct instructional expenditures except when such reductions are associated with increased efficiency, declining program enrollments, or program review recommendations. Any such reductions in instructional expenditures should be specifically

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identified in the report to the State Board of Community Colleges.

547 SALARIES AND BENEFITS POSITIONS 47
FROM GENERAL REVENUE FUND 1,999,283

548 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 33,158
FROM COMMUNITY COLLEGE CONFERENCE TRUST FUND 5,000

549 EXPENSES
FROM GENERAL REVENUE FUND 959,781
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 30,000

From the funds in Specific Appropriations 547 through 549, the State Board of Community Colleges shall develop and submit a three-year Public Education Capital Outlay Legislative Budget Request within the revenues available in accordance with s. 235.41(1), Florida Statutes. Any project recommendation for new construction shall be requested over a three year period in the following phases; planning, construction and equipment. The recommendation for each phase shall represent the total projected cost for that particular phase. New construction projects that can complete all three phases within one fiscal year shall be exempt from this requirement. Within 30 days of the signing of a planning or construction contract for funded projects, the individual institution shall notify the Office of Educational Facilities of the expected contract completion date.

From the funds provided in Specific Appropriations 547 through 549, the Division shall assist colleges to ensure that the college budget complies with all statutory requirements; to develop guidelines or rules relating to procedures for off-campus course registrations and for making the maximum length of courses at a college more uniform with other courses; and to carry out the PEPC recommendations relating to further study of the community college administrative ratios, costs, and standards.

From the funds provided in Specific Appropriations 547 through 549, the Division of Community Colleges shall work with the State University System and the Office of Educational Facilities to: develop a definition of deferred maintenance; identify an appropriate formula or level of funding for funding operating maintenance needs within the operational budget of the colleges; conduct a survey to uniformly identify existing deferred maintenance of college facilities; prepare a plan and submit it to the Governor and Legislature if deferred maintenance or operational budget adjustments are identified as

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needed.

550 NOT USED

551 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - COMMUNITY COLLEGES
PROGRAM FUND
FROM GENERAL REVENUE FUND 490,998,615
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 33,669,298

From the funds provided in Specific Appropriation 551, the State Board of Community Colleges shall establish the range of matriculation and tuition fees to be charged by the community colleges to generate at least $120,000,000 in student fee revenues. This does not contemplate an increase in the range of fees established by the State Board of Community Colleges, but does reflect the expected collection for 1988-89.

Funds provided in Specific Appropriation 551 shall be allocated as follows:

	Ed Enhance	Gen Revenue
Brevard	1,543,924	24,659,148
Broward	4,082,432	31,022,764
Central Florida	552,337	8,916,837
Chipola	303,992	5,121,870
Daytona Beach	1,425,367	22,000,889
Edison	674,002	9,728,603
Florida CC at Jax	2,750,620	42,363,404
Florida Keys	209,161	3,586,652
Gulf Coast	542,068	8,381,771
Hillsborough	1,401,745	21,867,296
Indian River	1,030,690	15,979,630
Lake City	449,040	7,886,283
Lake Sumter	252,739	4,167,102
Manatee	778,180	11,523,286
Miami-Dade	5,661,295	90,095,136
North Florida	220,195	3,492,190
Okaloosa-Walton	513,411	7,560,706
Palm Beach	1,334,374	20,904,787
Pasco-Hernando	408,546	5,872,445
Pensacola	1,562,749	24,390,260
Polk	578,413	8,446,810
St. Johns River	289,747	4,830,465
St. Petersburg	1,936,757	28,249,252
Santa Fe	1,317,888	20,598,234
Seminole	1,154,354	17,409,275
South Florida	409,955	6,352,613
Tallahassee	766,223	11,894,138
Valencia	1,519,094	23,696,769

Funds in Specific Appropriation 551 include

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$6,000,000 for the enhancement of college preparatory classes.

Funds in Specific Appropriation 551 include $3,000,000 for the enhancement of the community college system. By November 1, 1989, the Division of Community Colleges shall submit an expenditure plan for each college's enhancement dollars. The plan shall be submitted to the Executive Office of the Governor, the House Appropriations Committee, and the Senate Appropriations Committee.

The Division of Community Colleges shall maintain a policy regarding office hours that instructional personnel will be available to students. The Auditor General shall review the implementation of the policy by the local boards of trustees in each community college's regularly assigned audit and make appropriate comments.

552 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - INSTRUCTIONAL EQUIPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,891,689

Funds provided in Specific Appropriation 552 shall be allocated as follows:

Brevard	$ 234,678
Broward	313,691
Central Florida	77,076
Chipola	39,476
Daytona Beach	210,580
Edison	99,447
Florida CC at Jacksonville	426,912
Florida Keys	22,705
Gulf Coast	80,012
Hillsborough	223,870
Indian River	164,232
Lake City	56,369
Lake Sumter	27,549
Manatee	118,459
Miami-Dade	833,602
North Florida	26,065
Okaloosa-Walton	75,925
Palm Beach	200,408
Pasco-Hernando	65,148
Pensacola	235,313
Polk	83,857
St. Johns River	40,082
St. Petersburg	275,880
Santa Fe	191,054
Seminole	187,603
South Florida	63,937
Tallahassee	121,577
Valencia	246,182

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In addition, Lake City Community College shall be allocated $100,000 for computer hardware and software and $50,000 is provided to Edison Community College for furnishings and equipment at the Charlotte County Campus.

553 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LIFELONG LEARNING
FROM GENERAL REVENUE FUND 2,475,426

Funds provided in Specific Appropriation 553 shall be allocated as follows:

Brevard	389,940
Broward	168,233
Central Florida	39,655
Chipola	18,626
Daytona Beach	163,426
Edison	3,605
Florida CC at Jacksonville	383,931
Florida Keys	15,622
Gulf Coast	7,210
Hillsborough	11,416
Indian River	380,326
Lake City	7,811
Lake Sumter	5,407
Miami-Dade	360,499
Okaloosa-Walton	15,021
Palm Beach	112,356
Pasco-Hernando	38,453
Pensacola	61,886
Polk	38,453
St. Petersburg	37,852
Santa Fe	10,815
Seminole	123,771
South Florida	44,462
Tallahassee	9,613
Valencia	27,037

Sufficient funds are provided to serve 4,120 FTE in the lifelong learning program.

554 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUNSHINE STATE SKILLS
PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 3,985,702

The funds provided in Specific Appropriation 554 shall be allocated by the State Board of Community Colleges.

From the funds provided in Specific Appropriation 554, up to $54,500 may be used by the division for expenses, reimbursement of travel to an annual conference, and to provide the required annual report related to the Sunshine State Skills Program.

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555 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 36,935

556 NOT USED

556A LUMP SUM
SOLAR ADMINISTRATION
POSITIONS 3
FROM GENERAL REVENUE FUND 325,000

557 SPECIAL CATEGORIES
GRANTS AND AIDS - EDUCATION OF FEDERAL INMATES
FROM GENERAL REVENUE FUND 365,904

Funds provided in Specific Appropriation 557 are to serve federal prison inmates. Sufficient funds are provided for Okaloosa-Walton to serve 130 FTE and for Chipola to serve 101 FTE. Except for inmates in college credit courses who have paid their own fees, inmates served by the colleges from this appropriation through contracts with the federal prison shall not be counted as FTE by the college.

557A SPECIAL CATEGORIES
GRANTS AND AIDS - LOUIS WOLFSON MEDIA HISTORY CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 35,000

557B SPECIAL CATEGORIES
GRANTS AND AIDS - MIAMI BOOK FAIR
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000

558 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY COLLEGE ENDOWMENT MATCHING FUND
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,750,000

Funds provided in Specific Appropriation 558 shall be expended pursuant to Chapter 87-126, Laws of Florida.

558A SPECIAL CATEGORIES
GRANTS AND AIDS - BIENNALE MIAMI
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000

558B SPECIAL CATEGORIES
GRANTS AND AIDS - DEFERRED MAINTENANCE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,500,000

Funds provided in Specific Appropriation 558B shall be allocated as follows:

Brevard	123,731
Broward	165,390
Central Florida	40,637

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Chipola	20,813
Daytona Beach	111,026
Edison	52,432
Florida CC at Jacksonville	225,085
Florida Keys	11,971
Gulf Coast	42,185
Hillsborough	118,033
Indian River	86,589
Lake City	29,720
Lake Sumter	14,525
Manatee	62,456
Miami-Dade	439,509
North Florida	13,743
Okaloosa-Walton	40,031
Palm Beach	105,663
Pasco-Hernando	34,348
Pensacola	124,066
Polk	44,212
St. Johns River	21,133
St.Petersburg	145,454
Santa Fe	100,731
Seminole	98,911
South Florida	33,710
Tallahassee	64,100
Valencia	129,796

559 SPECIAL CATEGORIES
GRANTS AND AIDS - LITERACY CENTERS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 400,000

From the funds provided in Specific Appropriation 559 for literacy centers, $100,000 shall be distributed to each of four community colleges: Brevard, Miami-Dade, Daytona Beach, and Okaloosa-Walton for non-instructional adult literacy centers to complement existing public and private instructional adult literacy programs.

559A SPECIAL CATEGORIES
GRANTS AND AIDS - LIBRARY AUTOMATION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 3,000,000

From the funds provided in Specific Appropriation 559A, the community colleges shall automate their libraries through a highly centralized system acquired from a turnkey vendor, pursuant to the plan submitted to the Legislature. Any communications hardware and software shall be compatible with the Florida Information Resource Network (FIRN). In addition, the automated system shall provide the capability to link with the automated library system used by the State University System. FIRN shall review the technical aspects of the Request for Proposals (RFP) and all proposals received in response to the RFP. The Division of Community Colleges shall take the results of FIRN's review

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into consideration when awarding the contract. To ensure statewide coordination and compatibility of automation activities, the automated system shall have an Advisory Board composed of representatives of the community colleges, the Division of Community Colleges, the State Library of Florida, and the State University System. The Advisory Board shall meet at least annually to review the progress made toward automating the community college system, to update the automation plan, and to select members for a smaller executive committee which shall report to the State Board of Community Colleges.

560 SPECIAL CATEGORIES
GRANTS AND AIDS - LEARNING RESOURCE CENTER MATERIALS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 6,000,000

Funds provided in Specific Appropriation 560 shall be allocated as follows:

Brevard	296,955
Broward	396,935
Central Florida	97,529
Chipola	49,952
Daytona Beach	266,462
Edison	125,838
Florida CC at Jacksonville	540,203
Florida Keys	28,730
Gulf Coast	101,245
Hillsborough	283,279
Indian River	207,815
Lake City	71,327
Lake Sumter	34,859
Manatee	149,895
Miami-Dade	1,054,820
North Florida	32,982
Okaloosa-Walton	96,074
Palm Beach	253,591
Pasco-Hernando	82,436
Pensacola	297,759
Polk	106,110
St. Johns River	50,718
St. Petersburg	349,090
Santa Fe	241,754
Seminole	237,387
South Florida	80,904
Tallahassee	153,840
Valencia	311,511

Funds in Specific Appropriation 560 are provided for print and nonprint materials in libraries and learning resource centers.

561 SPECIAL CATEGORIES
GRANTS AND AIDS - PROGRAM REVIEWS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 4,515,958

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Funds appropriated in Specific Appropriation 561 shall be expended to meet deficiencies identified in computer and data processing programs. Any remaining funds may be expended to meet deficiencies identified in other program reviews.

Funds provided in Specific Appropriation 561 shall be allocated as follows:

Brevard	223,506
Broward	298,757
Central Florida	73,406
Chipola	37,597
Daytona Beach	200,555
Edison	94,713
Florida CC at Jacksonville	406,589
Florida Keys	21,624
Gulf Coast	76,203
Hillsborough	213,213
Indian River	156,414
Lake City	53,685
Lake Sumter	26,237
Manatee	112,820
Miami-Dade	793,919
North Florida	24,824
Okaloosa-Walton	72,311
Palm Beach	190,868
Pasco-Hernando	62,046
Pensacola	224,111
Polk	79,865
St. Johns River	38,174
St. Petersburg	262,746
Santa Fe	181,959
Seminole	178,672
South Florida	60,893
Tallahassee	115,789
Valencia	234,462

561A SPECIAL CATEGORIES
TECHNOLOGY TRANSFER CENTERS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 650,000

Funds provided in Specific Appropriation 561A shall be distributed on the basis of competitive grants approved by the State Board of Community Colleges.

561B SPECIAL CATEGORIES
MINORITY STUDENT RECRUIT AND RETENTION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 290,084

From the funds provided in Specific Appropriation 561B, the State Board of Community Colleges shall develop a statewide system of prototype programs to recruit and retain an increased number of minority students who enter Florida's community colleges.

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561C SPECIAL CATEGORIES
GRANTS AND AIDS - NURSING EDUCATION
CHALLENGE GRANT FUND
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000

Funds provided in Specific Appropriation 561C are contingent upon CS/HB 913 or similar legislation becoming law.

561D SPECIAL CATEGORIES
SMALL AND MINORITY BUSINESS
ENTREPRENEURIAL CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000

Funds provided in Specific Appropriation 561D are for computer hardware and software at Miami-Dade Community College Small and Minority Business Entrepreneurial Center.

562 NOT USED

563 NOT USED

564 SPECIAL CATEGORIES
GRANTS AND AIDS - QUALITY ENHANCEMENTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 3,000,000

Funds provided in Specific Appropriation 564 are to be used to enhance the quality and amount of academic and career advisement, to improve instruction, and to provide for an award system to recognize excellence in instruction and advising. The Board of Trustees of each college shall award these funds as grants on a competitive basis. Each Board shall report the expenditure of these funds to the State Board of Community Colleges.

Brevard	148,477
Broward	198,468
Central Florida	48,765
Chipola	24,976
Daytona Beach	133,231
Edison	62,919
Florida CC at Jacksonville	270,102
Florida Keys	14,365
Gulf Coast	50,622
Hillsborough	141,640
Indian River	103,907
Lake City	35,664
Lake Sumter	17,430
Manatee	74,947
Miami-Dade	527,407
North Florida	16,491
Okaloosa-Walton	48,037
Palm Beach	126,796
Pasco-Hernando	41,218

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Pensacola	148,880
Polk	53,055
St. Johns River	25,359
St. Petersburg	174,545
Santa Fe	120,877
Seminole	118,694
South Florida	40,452
Tallahassee	76,920
Valencia	155,756

FLORIDA SCHOOL FOR THE DEAF AND THE BLIND

565 SALARIES AND BENEFITS POSITIONS 638
FROM GENERAL REVENUE FUND 14,379,779
FROM GRANTS AND DONATIONS TRUST FUND . . . 582,982

566 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 388,698
FROM GRANTS AND DONATIONS TRUST FUND . . . 80,000

567 EXPENSES
FROM GENERAL REVENUE FUND 2,560,419
FROM GRANTS AND DONATIONS TRUST FUND . . . 121,863

Funds provided in Specific Appropriation 567 for outreach services to school districts shall be released based on a written agreement with the Division of Public Schools designating the services as a component of the system of diagnostic and learning resource centers authorized in s. 229.832 - 229.834, Florida Statutes.

The Board of Trustees for the Florida School for the Deaf and the Blind and the State Board of Education shall jointly develop and adopt rules for quality standards for the educational and residential programs of the school. The Department of Education is directed to implement a system for regular auditing and monitoring for compliance with the quality standards established by the Board of Trustees and the State Board of Education.

The Board of Trustees shall develop a five year enrollment and services plan for submission to the President of the Senate and the Speaker of the House of Representatives prior to January 1, 1990. This plan shall include, but not necessarily be limited to, the following: (1) a five year enrollment projection by grade and handicapping condition which shall include a demographic analysis by county of the statewide incidence of handicapping conditions present in the school's population; (2) an analysis of anticipated enrollment that considers the referral source for students admitted; (3) a review of admissions procedures, staffing and assignment procedures for students admitted and a review of the range in severity of handicapping conditions for

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which the school shall provide services; and (4) a definition of the range of services to be provided by type of handicapping condition and a projection of staffing, operational and capital funding requirements for the school's anticipated student enrollment.

568 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 375,121
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 13,450
FROM GRANTS AND DONATIONS TRUST FUND . . . 144,500

The President of the Florida School for the Deaf and the Blind shall develop and submit to the Division of Vocational Education, Department of Education, proposed vocational education programs for students in grades 9-12 which will meet the needs of the students and maximize the use of federal vocational education available for allocation to the School.

569 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 332,656
FROM GRANTS AND DONATIONS TRUST FUND . . . 95,932

570 NOT USED

571 SPECIAL CATEGORIES
OVERTIME
FROM GENERAL REVENUE FUND 67,263

572 SPECIAL CATEGORIES
SUMMER PROGRAMS
FROM GENERAL REVENUE FUND 176,337

The funds provided in Specific Appropriation 572 are provided only for the purpose of conducting a Summer Program at the Florida School for the Deaf and the Blind. At the conclusion of the Summer Program, and no later than September 30, the President of the Florida School for the Deaf and the Blind shall submit to the Department of Education, performance, evaluation and financial/statistical reports. The reports shall include the total amount expended for the program and the source of these funds.

573 SPECIAL CATEGORIES
STUDENTS HOME ON WEEKENDS PROGRAM
FROM GENERAL REVENUE FUND 266,946

574 SPECIAL CATEGORIES
TEACHER EDUCATION
FROM GENERAL REVENUE FUND 7,866

Funds provided in Specific Appropriation 574 shall be used for the direct support of non-credit teacher education activities.

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575 SPECIAL CATEGORIES
MAINSTREAMING
FROM GENERAL REVENUE FUND 95,200

576 SPECIAL CATEGORIES
COMMUNICATION PHILOSOPHY
FROM GENERAL REVENUE FUND 30,000

KNOTT DATA CENTER

577 SALARIES AND BENEFITS POSITIONS 69
FROM WORKING CAPITAL TRUST FUND 2,098,653

578 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 2,995

579 EXPENSES
FROM WORKING CAPITAL TRUST FUND 713,932

580 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 246,067

581 SPECIAL CATEGORIES
OVERTIME
FROM WORKING CAPITAL TRUST FUND 20,000

POSTSECONDARY EDUCATION PLANNING COMMISSION

582 SALARIES AND BENEFITS POSITIONS 10
FROM GENERAL REVENUE FUND 451,627

583 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 37,250

584 EXPENSES
FROM GENERAL REVENUE FUND 137,239

585 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 13,714

586 NOT USED

587 SPECIAL CATEGORIES
SPECIAL STUDIES
FROM GENERAL REVENUE FUND 100,000

From the funds in Specific Appropriation 587, the Postsecondary Education Planning Commission shall conduct an analysis of the administration of student financial aid programs at state universities and community colleges. The analysis shall examine organizational structure; number, classification and compensation of staff, to include student employees; workload requirements; the process of applying for and receiving financial aid; work measures; and other issues related to the administration of this

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function. A report and recommendations shall be submitted to the State Board of Education and Legislature by February 1, 1990.

From the funds in Specific Appropriation 587, the Postsecondary Education Planning Commission shall undertake an assessment of the college and vocational preparatory programs in Florida's community colleges and at Florida A & M University. This assessment will include, but not be limited to the following areas: identifying the demographics, entry skill levels, the number of semesters in the program, the number of courses taken in a particular field, the number of different college preparatory courses, and rates of degree/certificate completion of program participants; identifying differences in program organization, delivery of instruction, and delivery of support services; identifying patterns of funding and expenditure for the program; identifying what happens to students after completing college preparatory courses; identifying an efficient and effective manner by which to collect specific information using the Community College Management Information System; identifying efficient and effective ways community colleges and Florida A & M University can work with school districts to use this data in curriculum/program planning, and other pertinent information. The Commission shall submit a report and recommendations to the State Board of Education and Legislature by March 1, 1990.

From the funds in Specific Appropriation 587, the Postsecondary Education Planning Commission shall conduct an analysis of the registration processes in the State University System and the Community College System. The analysis shall examine the staffing, the procedures, and the technologies used to facilitate the process. This examination shall include an examination of the pre-registration and drop and add processes.

From the funds in Specific Appropriation 587, the Postsecondary Education Planning Commission shall prepare a report evaluating the effect undergraduate enhancement funding has had on the student undergraduate experience. The report shall identify undergraduate core curriculum courses which exceed the 1 to 22 student/instructor ratio recommended in the 1988 State University System Master Plan and shall compare the student attrition rates and grades of students enrolled in classes with ratios of no more than 1 to 30, to attrition rates and grades of students receiving instruction in comparable subjects in large lecture hall instructional settings. The report shall also include an analysis of the different options available for providing

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academic and career advising and shall specifically evaluate and make recommendations concerning the advantages and disadvantages associated with the use of professional versus faculty advisors. The report shall specifically address whether large or small instructional settings are more conducive to student learning in college preparatory, honors, or other specialized programs or in specific academic disciplines or courses.

From the funds provided in Specific Appropriation 587, the Postsecondary Education Planning Commission shall conduct a study of the Sunshine State Skills and Industry Services Programs. The study shall analyze the goals, objectives, operating procedures and any measurable indicators of the effectiveness of the two programs. The commission shall prepare a report and recommendations, including any consolidation or modification of the two programs, for submission to the State Board of Education and the Legislature by March 1, 1990.

From the funds provided in Specific Appropriation 587, the Postsecondary Education Planning Commission shall review current policies and procedures related to the Public Broadcasting Program System. The report and recommendations shall be submitted to the Legislature by March 1, 1990.

From the funds provided in Specific Appropriation 587, the Postsecondary Education Planning Commission shall examine the overall structure for the delivery of public postsecondary education in Florida. The study shall include an analysis of the missions, location, and capacity of existing institutions in light of projected population and enrollment trends over the next ten years. The study shall include recommendations on any modifications to the current structure including acquisition or creation of new institutions or systems, consolidation of existing institutions, facility transfers or other necessary changes. A report shall be submitted to the Legislature and State Board of Education by March 1, 1990.

Contingent upon the passage of CS/HBs 418 and 516 or similar legislation, the Postsecondary Education Planning Commission shall study the issue of postsecondary campus security on a statewide basis. The study shall analyze crime statistics and other information compiled by the Florida Department of Law Enforcement as well as individual sectors governing and licensing boards for postsecondary institutions, examine current policies and procedures related to campus safety, and recommend any modifications to current policy and practice deemed appropriate. A report and recommendations

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shall be submitted to the State Board of Education and the Legislature on or about March 31, 1990, but no later than 90 days following receipt of the annual institutional reports specified in CS/HBs 418 and 516.

From funds provided in Specific Appropriation 587, the Postsecondary Education Planning Commission will study state funding of private postsecondary institutions. Specifically, the study will include, but not be limited to, the following:

1. An analysis of the distribution of state student financial aid to private postsecondary institutions, including an analysis of the distribution of need-based and merit-based financial aid.

2. An analysis of the Florida Tuition Voucher Program, including an analysis of the effect of need-based vouchers on students and institutions.

3. An analysis of academic program contracting, including an analysis of the rationale for improving or disapproving contract proposals.

4. An analysis of student services funding, including an analysis of the role of the commission in funding such programs.

5. An analysis of research funding, including an analysis of the role of the commission in funding such research.

6. An analysis of state policy and practice in regard to each such form of funding and a description of appropriate state policy, including a description of the role of the commission on such policy and practice.

The commission will submit its findings and recommendations to the Legislature on or before March 1, 1990.

UNIVERSITIES, DIVISION OF

The academic and faculty positions included in Specific Appropriations 588 through 662 in the Division of Universities represent man-years and are to be utilized by the Board of Regents to maximize the services rendered during each academic term. Within each budget entity within the Division of Universities, there may be no transfer of rate or positions from the Faculty Pay Plan to the A&P or University Support Personnel System (USPS). The Board of Regents may transfer up to five percent of

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the authorized positions and rate between the A&P and USPS plans provided that the transfer is on a dollar for dollar basis. The five percent transfer maximum is to be based on the smaller category; i.e., positions or rate, and A&P or USPS Pay Plans. The Florida Growth Management Conflict Resolution Consortium is authorized to reclassify the positions of the Director and Assistant Director from A&P to non-tenure-track faculty.

Funds provided in Specific Appropriations 588, 591, 596, 612, 620 and 654 contemplate that the 1990 summer school matriculation and tuition fees shall not be expended in the 1989-90 fiscal year.

From the funds in Specific Appropriations 588 through 662 and including funds available through Contracts and Grants no university shall request budget authority for a fixed capital outlay appropriation under the provisions of Chapter 240.295, Florida Statutes, unless it is intended to correct a fire code deficiency. This requirement shall not apply to projects funded by grants, gifts, or donations which have a specific or restrictive purpose.

From the funds in Specific Appropriations 588 through 662, and including Auxiliary Enterprises and Contracts and Grants, the Board of Regents shall assess the various university budget entities fees totaling $300,000 to support the costs associated with the implementation of the Statewide Personnel System (COPES) in the State University System. The Board of Regents shall transfer $300,000 to the Department of Administration for this purpose.

Funds in Specific Appropriations 588, 589, 590, and 591 for enhancement of student services shall be allocated based on the average of the 1989-90 planned enrollment and the fall 1988 headcount enrollment.

EDUCATIONAL AND GENERAL ACTIVITIES

588	SALARIES AND BENEFITS	POSITIONS	7,700	
	FROM GENERAL REVENUE FUND		200,175,130	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .			1,892,380
	FROM INCIDENTAL TRUST FUND			3,711,815
	FROM OPERATION AND MAINTENANCE TRUST FUND			19,593
589	OTHER PERSONAL SERVICES			
	FROM GENERAL REVENUE FUND		6,836,909	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND .			125,693

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590 EXPENSES
FROM GENERAL REVENUE FUND 79,370,963
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 446,380
FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND 7,413
FROM OPERATION AND MAINTENANCE TRUST FUND 4,322

From the funds in Specific Appropriation 590, Florida International University shall use up to $25,000 to study, in conjunction with the Department of Health and Rehabilitative Services and the Department of Veteran's Affairs, the feasibility of constructing and operating a Veteran's Administration nursing home facility at the North Miami Campus. Such study shall consider the various program offerings at Florida International University and the need to provide on-site instruction / training / research / clinical opportunities. If it is determined to be feasible, the university shall develop a proposed implementation plan for submission to the Legislature on or before February 1, 1990. The proposed implementation plan shall include, but not be limited to, a description of the various programs to be served, the benefits to be derived, delineation of operational responsibility, an anticipated fiscal impact on the State for operating support and any Federal Government restrictions or requirements in this regard.

591 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 3,124,877
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,733,485
FROM INCIDENTAL TRUST FUND 1,240,578

592 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 161,321

593 NOT USED

593A LUMP SUM
FINANCIAL AID OFFICE STAFF
POSITIONS 50
FROM GENERAL REVENUE FUND 2,000,000

593B LUMP SUM
FLORIDA MENTAL HEALTH INSTITUTE
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 125,000

From the funds provided in Specific Appropriation 593B, the University of South Florida may expend $100,000 and establish a maximum of two positions to implement the recommendations of the Florida Mental Health Institute Task Force Report. The balance of funds shall be expended for the enhancement of culturally-based mental health education.

593C LUMP SUM
BUSINESS/EDUCATION PARTNERSHIP PILOT PROGRAM - FLORIDA ATLANTIC UNIVERSITY
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 40,000

Funds provided in Specific Appropriation 593C are contingent upon the receipt of $60,000 of nonstate matching funds for the purpose of educating secondary students about the disciplines of mathematics, science, and engineering.

594 NOT USED

595 NOT USED

596 LUMP SUM
INSTRUCTION AND RESEARCH
POSITIONS 9,577
FROM GENERAL REVENUE FUND 395,367,121
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 18,391,422
FROM ENGINEERING INDUSTRIAL EXPERIMENT STATION TRUST FUND 31,190,522
FROM INCIDENTAL TRUST FUND 162,324,641
FROM OPERATION AND MAINTENANCE TRUST FUND 167,819

From the funds in Specific Appropriation 596, which have been previously provided for enhancing undergraduate education, each university shall develop a detailed proposal outlining a 3-year plan to reduce class size in mathematics and other appropriate courses that comprise the undergraduate curricular core. The proposed plans of the individual universities shall be consistent with the Board of Regents' master plan as adopted in July, 1988. Each university shall identify courses which are to be targeted for reduction in class size. These courses shall reflect the number of students meeting simultaneously at the same location, and a designation of instructor status (faculty, graduate assistant, faculty adjunct, etc.) for the current year as compared to the proposed year. In the area of mathematics 40% of the classes shall be reduced to the appropriate ratio in year one, 40% in year two and 20% in year three. Each university shall address the degree to which excellence in undergraduate instruction and advising is currently recognized as well as recommended improvements. Each university's plan shall specifically address the academic and curricular concerns of lower division students and undecided majors in terms of current programs and recommended improvements. The Board of Regents shall submit a detailed expenditure and implementation plan for subsequent funding requests for improving undergraduate education. For

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the 1990-91 budget request, this plan shall be submitted on or before January 1, 1990.

The allocation of the funds provided in Specific Appropriation 596 for enrollment growth shall be based on the following planned FTE enrollment:

Lower Level	26,046
Upper Level	51,205
Graduate Classroom	14,434
Thesis/Dissertation	1,154
Total	92,839

Funds are provided for the new film, television, and recording arts program at UCF in accordance with the three year program development policy.

In establishing the 1990-91 and subsequent years' enrollment plans, the Board of Regents shall consider the same policies which were used in developing the 1989-90 funded enrollment plan.

The Board of Regents shall eliminate enrollment caps at the lower level for Florida International University and Florida Atlantic University in establishing future enrollment plans for these universities.

The positions and amounts in Specific Appropriation 596 for Instruction and Research plus related salary increase amounts shall be the minimum resources expended for instruction and research activities. Appropriate adjustments may be made for salary increase amounts, cost to continue current positions and the realignment of positions and amounts between program components to accurately reflect program expenditures. A detailed report reflecting such adjustments shall be provided to the Executive Office of the Governor and the Legislative Appropriations Committees prior to enactment.

Funds provided in Specific Appropriation 596 for the Comprehensive University Plan provide for those new masters and doctoral programs which have been approved by the Board of Regents for planning or implementation. Also provided are additional support positions for the new Downtown Ft. Lauderdale facility, additional funds for library books and support services for the Broward County Library, additional support for instructional programs in Broward County and additional administrative support to implement the Comprehensive University Plan. The Board of Regents shall maintain an inventory of the library resources purchased as provided for in the contract with the Broward County Library. Such inventory shall be

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included in the total library materials inventories for the respective universities. From the funds provided in Specific Appropriation 590 for the Broward library, $450,000 is contingent upon the maintenance of other public funds at the level provided in 1988-89 plus cost to continue increases. Florida Atlantic University shall be designated the lead university for making decisions regarding the most effective configuration for public undergraduate, graduate and professional education in Broward County.

From the increased funds provided in Specific Appropriation 596 for the Institute of Molecular Biophysics and Structural Biology at Florida State University ($621,920), $61,000 shall be used to support the marine biology program at Florida State University for middle school students.

Funds provided in Specific Appropriation 590 include no more than $.60 per 1000 gallons for payment to the City of Gainesville for water provided to the University of Florida.

From funds provided in Specific Appropriation 608B, the Board of Regents shall develop a strategic plan for development of a systemwide telecommunications network. Development and implementation of the plan shall be conducted through the expansion of the International Institute for Creative Communication of Florida International University as a systemwide Type I Center with a statewide advisory board appointed by the Chancellor. The institute, in coordination with the Chancellor, shall develop the plan for consideration by the Board of Regents and the Legislature. The plan shall include, but not be limited to:

1. Inventory of existing telecommunications equipment and networks at each of the state universities;

2. Review of plans for further development of telecommunications networks by each of the state universities;

3. Assessment of ability of telecommunications technology to enhance achievement of the educational mission and goals of the state university system and to reduce costs through more efficient utilization of resources;

4. Assessment of ability of telecommunications linkages among the state universities and external networks to enhance educational achievement and reduce costs.

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The plan shall be submitted to the Board of Regents prior to February 15, 1990 and to the Legislature prior to March 15, 1990.

596A LUMP SUM
COMPETITIVE GRANT PROGRAM FOR ENHANCING UNDERGRADUATE EDUCATION
FROM GENERAL REVENUE FUND 100,000
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,700,000

From funds provided in Specific Appropriation 596A, each state university president may submit to the Board of Regents a proposal for an undergraduate enhancement grant. Programs funded must be designed to increase the quality and amount of academic and career advisement and to improve undergraduate instruction and to provide for a reward system to recognize excellence in undergraduate instruction and advising. Proposals will be funded on a competitive basis. Funding priorities should address innovative programs designed to enhance the student advisement process, including, but not limited to, courses intended to orient students to academic and career experiences, as well as student mentor programs. Up to 50 positions may be created with this appropriation.

Beginning March 1, 1991, and annually thereafter, each state university shall submit to the Board of Regents a report on the effectiveness of its program funded under this section. The report will include an analysis of total expenditures for the program by appropriation category and fund source, and the number of students and faculty participating in the program by level, age, sex, and race. The report will also include a description of the following:

1. Program objectives

2. How the program addresses the enhancement of advisement services available to students and rewards teaching excellence

3. Efforts to institutionalize the goals of the program through modifications to tenure and promotion policies and other means

From funds provided in Specific Appropriation 596A, $1,100,000 is intended to provide non-recurring faculty awards of no more than $7,500 for outstanding teaching and advising at the undergraduate level. Such awards shall not be granted as a component of the Meritorious Service Awards Program pursuant to s. 240.2111, Florida Statutes.

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596B LUMP SUM
COLLINS CENTER
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 150,000

596C LUMP SUM
STATE UNIVERSITY SYSTEM HIGH-TECH RESEARCH ENHANCEMENT
POSITIONS 30
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,900,000

From the funds provided in Specific Appropriation 596C, $2,900,000 and 30 positions shall be allocated as follows: 3 positions and $400,000 to Florida Atlantic University for the study of underwater systems; 4 positions and $400,000 to the University of South Florida for the study of molecular biology; 8 positions and $500,000 to the University of Central Florida for the study of simulation and training; 5 positions and $300,000 to the University of Florida for the study of biotechnology; $300,000 to the University of West Florida for the study of nuclear cardiology; and 10 positions and $1,000,000 to be allocated by the Board of Regents for federal projects with the Defense Advanced Research Projects Agency.

597 SPECIAL CATEGORIES
COASTAL AND OCEANOGRAPHIC ENGINEERING RESEARCH LABORATORY
FROM GENERAL REVENUE FUND 629,317

598 SPECIAL CATEGORIES
CUBAN EXILE HISTORY AND ARCHIVES PROJECT - FLORIDA INTERNATIONAL UNIVERSITY
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 30,000

599 NOT USED

600 SPECIAL CATEGORIES
ENERGY CONSERVATION AND CONVERSION LABORATORY
FROM GENERAL REVENUE FUND 187,653

601 SPECIAL CATEGORIES
INSTITUTE OF GOVERNMENT
FROM GENERAL REVENUE FUND 1,600,000
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 300,000

Funds provided in Specific Appropriation 601 shall support research, training, and technical assistance which responds to solving problems of state and local governments, as provided by the state universities and community colleges. Not more than 10 percent of the funds in Specific Appropriation 601 may be used for administrative costs. In addition, $50,000 shall be allocated to

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Okaloosa-Walton Community College for institute-affiliated activities. The advisory board of the Institute of Government shall develop guidelines and criteria to be used in determining future awards for research grant proposals. Such guidelines shall ensure that the awards are made, as a first priority, to address issues of concern for state agencies and shall be made available to the Legislative Appropriations Committees upon request. Research grants shall be awarded on a competitive basis. Upon approval of projects related to the funds provided in Specific Appropriation 601 for mission-oriented research, training, and technical assistance, the Institute of Government may allocate to a Grants and Donations Trust Fund the amounts necessary to fund such projects. All allocations related to each project shall include the full amount approved for such projects.

601A SPECIAL CATEGORIES
LABORATORY SCHOOLS TRANSPORTATION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 200,000

Funds in Specific Appropriation 601A may be used to purchase new or replace existing vehicles, as well as for vehicle maintenance.

601B SPECIAL CATEGORIES
NON-RECURRING LIBRARY INFORMATION
RESOURCES, BOOKS AND BACK FILES
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 11,944,543

Funds provided in Specific Appropriation 601B shall be allocated as follows: $750,000 shall be distributed among FAU, FIU, USF and UCF individually to establish a library resource base for newly implemented graduate programs. The remaining funds shall be allocated to all nine universities in accordance with the Board of Regents' formula for library resources.

602 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 20,346,406

603 SPECIAL CATEGORIES
NATIONAL AERONAUTICS AND SPACE
ADMINISTRATION STATE TECHNOLOGY
APPLICATION CENTER
FROM GENERAL REVENUE FUND 125,244

603A SPECIAL CATEGORIES
OUT-OF-STATE FEE WAIVERS
FROM GENERAL REVENUE FUND 10,900,072

From the funds in Specific Appropriation 603A, the Board of Regents may transfer the appropriate

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amounts to the following budget entities: IFAS, USF Medical Center, and UF Health Center.

603B SPECIAL CATEGORIES
PATENT DEPOSITORY LIBRARY
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 122,149

604 SPECIAL CATEGORIES
PLANT MAINTENANCE
FROM GENERAL REVENUE FUND 7,260,266

605 SPECIAL CATEGORIES
PROJECT DEVELOPMENT FUNDS
FROM GENERAL REVENUE FUND 1,410,403

606 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 267,715

607 SPECIAL CATEGORIES
SCIENTIFIC AND TECHNICAL INSTRUCTIONAL
EQUIPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 6,934,045

607A SPECIAL CATEGORIES
SOUTHEAST FLORIDA CENTER FOR AGING
FROM GENERAL REVENUE FUND 50,000

608 SPECIAL CATEGORIES
STUDENT FINANCIAL AID
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 9,000,000

From the funds in Specific Appropriation 608, 66 percent shall be allocated for need-based financial aid.

608A SPECIAL CATEGORIES
LABORATORY SCHOOLS EQUIPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,600,000

From the funds in Specific Appropriation 608A, the Board of Regents shall allocate $400,000 to each of the four laboratory schools for the purchase of equipment.

608B SPECIAL CATEGORIES
UNIVERSITY COMPUTERIZATION PLANNING
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 50,000

608C SPECIAL CATEGORIES
WARM MINERAL SPRINGS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 300,000

609 SPECIAL CATEGORIES
WATER CONSERVATION LABORATORY
FROM GENERAL REVENUE FUND 143,829

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610 SPECIAL CATEGORIES
GRADUATE ASSISTANT MATRICULATION FEE WAIVERS
FROM GENERAL REVENUE FUND 5,945,177

From the funds in Specific Appropriation 610, the Board of Regents may transfer the appropriate amounts to the following budget entities: IFAS, USF Medical Center, and UF Health Center.

610A SPECIAL CATEGORIES
UNIVERSITY OF WEST FLORIDA COMMUNICATION ARTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000

611 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 8,150,936
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 233,074

INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES

612 SALARIES AND BENEFITS POSITIONS 2,282
FROM GENERAL REVENUE FUND 74,944,215
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 235,346
FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND 2,158,322
FROM EXPERIMENT STATION INCIDENTAL TRUST FUND 2,039,196
FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND 2,510,231

613 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,993,321
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 7,308
FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND 240,359
FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND 66,488
FROM EXTENSION SERVICE INCIDENTAL TRUST FUND 120,427

614 EXPENSES
FROM GENERAL REVENUE FUND 12,787,812
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 156,623
FROM EXPERIMENT STATION FEDERAL GRANT TRUST FUND 547,027
FROM EXPERIMENT STATION INCIDENTAL TRUST FUND 1,331,800
FROM EXTENSION SERVICE FEDERAL GRANT TRUST FUND 790,328
FROM EXTENSION SERVICE INCIDENTAL TRUST FUND 961,781

615 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,279,822
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,524,572

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FROM EXTENSION SERVICE INCIDENTAL TRUST FUND 85,953

615A LUMP SUM
FLORIDA AGRICULTURAL INFORMATION RETRIEVAL SYSTEM
POSITIONS 3
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 300,000

Funds in Specific Appropriation 615A are contingent upon the development of a master plan for the implementation of the Florida Agricultural Information Retrieval System (FAIRS). Such plan shall address, but not be limited to, the methodology for and the degree of implementation for each county extension office, for private farmers or other individuals, for research centers, and for the main campus. In addition, the plan shall address the method by which up-to-date information will be provided as well as methodologies for improving the flow and reproduction of information. The plan shall be reviewed and approved by the Chairman of the Legislative Information Technology Resource Committee prior to the release of these funds.

615B SPECIAL CATEGORIES
OUT-OF-STATE FEE WAIVERS
FROM GENERAL REVENUE FUND 291,764

616 SPECIAL CATEGORIES
SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 632,594

617 SPECIAL CATEGORIES
INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES SITE INVESTIGATION AND CLEANUP
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 870,000

617A SPECIAL CATEGORIES
UNDERGROUND STORAGE TANK CLEANUP
FROM GENERAL REVENUE FUND 183,770

618 SPECIAL CATEGORIES
GRADUATE ASSISTANT MATRICULATION FEE WAIVERS
FROM GENERAL REVENUE FUND 366,226

619 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 406,187

From the funds in Specific Appropriations 612 through 619, the Institute of Food and Agricultural Sciences shall develop a legislative budget request based upon the program needs developed by each county extension office and each state research and education center. Prior to submission to the Vice

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President of Agricultural Affairs, the program needs of each county extension office shall be reviewed and approved by the county extension advisory committee and the program needs of each research and education center shall be reviewed and approved by the center research advisory committee. The Institute of Food and Agricultural Sciences shall consider the budget requests of each county extension office and each research and education center in developing the legislative budget request and this budget request shall be reviewed and approved by the Florida Agricultural Council, Inc.

From the funds provided in Specific Appropriations 612 through 619 for expanding Comprehensive Regional Centers at Immokalee, Quincy, and Homestead, up to $50,000 may be used for construction of a laboratory facility at the Quincy Research Center.

UNIVERSITY OF SOUTH FLORIDA MEDICAL CENTER

620 SALARIES AND BENEFITS POSITIONS 725
FROM GENERAL REVENUE FUND 29,770,798
FROM MEDICAL CENTER - PROFESSIONAL MEDICAL LIABILITY SELF INSURANCE TRUST FUND 179,258
FROM OPERATION AND MAINTENANCE TRUST FUND 3,075,523

621 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,674,300
FROM MEDICAL CENTER - PROFESSIONAL MEDICAL LIABILITY SELF INSURANCE TRUST FUND 225,875
FROM OPERATION AND MAINTENANCE TRUST FUND 90,826

622 EXPENSES
FROM GENERAL REVENUE FUND 3,857,031
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 53,950
FROM MEDICAL CENTER - PROFESSIONAL MEDICAL LIABILITY SELF INSURANCE TRUST FUND 725,297
FROM OPERATION AND MAINTENANCE TRUST FUND 1,921,018

623 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 398,577
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 473,069
FROM OPERATION AND MAINTENANCE TRUST FUND 60,992

623A LUMP SUM
MEDICAL LIBRARY ENHANCEMENT
POSITIONS 1
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 255,213

Funds in Specific Appropriation 623A provide for one position and $130,213 to enhance the library staff and $125,000 for additional non-recurring library materials.

623B LUMP SUM
PROFESSIONAL AND GRADUATE EDUCATION
POSITIONS 2
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 138,399

Funds in Specific Appropriation 623B provide two positions and $138,399 for the College of Nursing.

623C SPECIAL CATEGORIES
CANCER EXPERIMENTATION
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 250,000

Funds in Specific Appropriation 623C are for planning/design for an expanded research facility at the Moffitt Cancer Center to be constructed and operated fron non-state revenue sources.

624 SPECIAL CATEGORIES
GRANTS AND AIDS - CANCER CENTER OPERATION
FROM GENERAL REVENUE FUND 8,945,741

Funds in Specific Appropriation 624 may be disbursed in advance to the contractor on a quarterly basis.

625 NOT USED

626 SPECIAL CATEGORIES
LIBRARY RESOURCES
FROM GENERAL REVENUE FUND 351,534

626A SPECIAL CATEGORIES
OUT-OF-STATE FEE WAIVERS
FROM GENERAL REVENUE FUND 9,719

627 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 7,800

628 SPECIAL CATEGORIES
SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 265,403

629 SPECIAL CATEGORIES
GRADUATE ASSISTANT MATRICULATION FEE WAIVERS
FROM GENERAL REVENUE FUND 42,571

630 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 123,811
FROM OPERATION AND MAINTENANCE TRUST FUND 2,615

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BOARD OF REGENTS GENERAL OFFICE

631 SALARIES AND BENEFITS POSITIONS 176
FROM GENERAL REVENUE FUND 5,106,179
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 209,395
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 662,996
FROM PHOSPHATE RESEARCH TRUST FUND 661,435
FROM STATE UNIVERSITY SYSTEM PERSONNEL TRUST FUND 375,643

632 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 375,851
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 20,000
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 26,907
FROM PHOSPHATE RESEARCH TRUST FUND 10,250
FROM STATE UNIVERSITY SYSTEM PERSONNEL TRUST FUND 60,500

633 EXPENSES
FROM GENERAL REVENUE FUND 1,468,790
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 288,727
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 143,435
FROM PHOSPHATE RESEARCH TRUST FUND 222,975
FROM STATE UNIVERSITY SYSTEM PERSONNEL TRUST FUND 78,469

634 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 21,819
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 376,305
FROM FACILITIES CONSTRUCTION ADMINISTRATION TRUST FUND 3,000
FROM PHOSPHATE RESEARCH TRUST FUND 88,075

635 SPECIAL CATEGORIES
GOOD-GULFSTREAM SCHOLARSHIP MATCHING
FROM GOOD-GULFSTREAM TRUST FUND 350,000

636 SPECIAL CATEGORIES
CHALLENGE GRANTS - EMINENT SCHOLARS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 14,000,000
FROM EMINENT SCHOLARS TRUST FUND 10,960,000

From the funds in Specific Appropriation 636, $2,000,000 shall be transferred to the Board of Regents Foundation contingent upon the receipt and deposit of at least $1,000,000 from private sources into the Collins Center Endowment, and signed pledges for the donation of at least $1,000,000 in additional private funds over the next five years. No foundation management fee or assessment of overhead charges may be made against the endowment or revenues generated from the investment of the endowment established from this specific

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appropriation and associated private matching. Upon receipt of the total private matching, funds may be transferred to the Florida State University Foundation.

637 SPECIAL CATEGORIES
CHALLENGE GRANTS - MAJOR GIFTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 10,000,000
FROM MAJOR GIFTS TRUST FUND 1,700,000

638 SPECIAL CATEGORIES
COMMUNITY HOSPITAL EDUCATION PROGRAM
FROM GENERAL REVENUE FUND 6,697,084

639 SPECIAL CATEGORIES
GRANTS AND AIDS - MEDICAL TRAINING AND SIMULATION LABORATORY
FROM GENERAL REVENUE FUND 750,000
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 100,000

Funds in Specific Appropriation 639 may be advance funded on a quarterly basis.

640 SPECIAL CATEGORIES
DISTRIBUTION TO UNIVERSITIES
FROM RACING SCHOLARSHIP TRUST FUND 204,544

641 SPECIAL CATEGORIES
EDUCATIONAL PROGRAMS/TEACHING HOSPITALS
FROM GENERAL REVENUE FUND 10,000,000

The distribution of funds in Specific Appropriation 641, to a particular hospital, is contingent upon such hospital continuing to receive from county or other local government sources, except special sales tax levied pursuant to Chapter 84-373, Laws of Florida, at least the same level of funding for operations as provided during the state fiscal year 1988-89.

642 SPECIAL CATEGORIES
GRANTS AND AIDS - FIRST ACCREDITED MEDICAL SCHOOL
FROM GENERAL REVENUE FUND 11,645,392

Funds provided in Specific Appropriation 642 are to provide $23,290.78 for 500 Florida residents attending the University of Miami Medical School.

643 SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA INSTITUTE OF PHOSPHATE RESEARCH
FROM PHOSPHATE RESEARCH TRUST FUND 3,500,000

644 SPECIAL CATEGORIES
HIGH TECH RESEARCH AND DEVELOPMENT
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 7,477,851

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From the funds in Specific Appropriation 644, the Florida High Technology and Industry Council may use up to $25,000 to contract for the study as required in Chapter 88-134, Laws of Florida, regarding the status of the technological research areas indentified by the Council and how each area affects economic growth in the state.

From funds provided in Specific Appropriation 644, $350,000 shall be designated for the Center for Health Technologies to be administered by Mt. Sinai Medical Center. Funds are provided for the establishment of a coordinating center; engagement of an executive director and initial staff; engagement of professional consultants and other personnel services; and payment for start-up office rental and operating capital outlay. The administrator shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing an accounting of expenditures and progress on research and development programs. The High Technology and Industry Council shall review the expenditure of these funds in the same manner as any other project provided for from the funds in Specific Appropriation 644.

644A SPECIAL CATEGORIES
NEW DONORS CHALLENGE GRANT
FROM NEW DONORS TRUST FUND 175,000

Funds in Specific Appropriation 644A shall be transferred to the Good-Gulfstream Trust Fund for disbursement purposes.

645 SPECIAL CATEGORIES
GRANTS AND AIDS - RADON RESEARCH
FROM GENERAL REVENUE FUND 400,000
FROM PHOSPHATE RESEARCH TRUST FUND 100,000

645A SPECIAL CATEGORIES
EQUIPMENT MATCHING GRANTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 2,727,273

From the Funds in Specific Appropriation 645A, the Board of Regents shall establish an equipment matching program for equipment grants from private sources. A match of $50,000 in state funds will be made for each $100,000 from private sources. In order to qualify for state matching, private source donations will be monetary. Donations of property or equipment, letters of credit and offers of equipment discounts shall not qualify for state matching funds. Funds provided by other governmental entities shall similarly not qualify for state matching funds. The appropriated funds

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shall be transferred to an Equipment Matching Trust Fund. At least $150,000 shall be earmarked for each university until April 1, 1990. After this date, unused funds will become available to any university for unmatched requests based on the request dates. If a university determines earlier than April 1, 1990, that it will be unable to utilize its share of earmarked funds, the university by letter to the Chancellor may release a portion of its funds for distribution to other universities. The matching funds may be transferred to the universities' Contracts and Grants Trust Funds.

646 SPECIAL CATEGORIES
GRANTS AND AIDS - UNIVERSITY OF MIAMI - GERIATRIC EDUCATION
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 646 may be advance funded on a quarterly basis.

647 SPECIAL CATEGORIES
GRANTS AND AIDS - UNIVERSITY OF MIAMI - EPIDEMIOLOGY
FROM GENERAL REVENUE FUND 500,000

Funds in Specific Appropriation 647 may be advance funded on a quarterly basis.

648 SPECIAL CATEGORIES
PUBLIC SECTOR URBAN, RURAL AND UNMET NEEDS
FROM GENERAL REVENUE FUND 105,000

Funds in Specific Appropriation 648 are provided to the Southeastern College of Osteopathic Medicine to continue the training program dealing with the public sector, rural and unmet medical needs.

649 SPECIAL CATEGORIES
REGIONAL EDUCATION
FROM GENERAL REVENUE FUND 562,200

Funds in Specific Appropriation 649 for administrative support may be advance funded entirely in the first quarter. Funds in Specific Appropriation 649 are for entering students for Fall 1989 or prior. The Board of Regents is directed to notify the Southern Regional Education Board of the intent to phase down the contract programs at Southern College and the University of Houston.

650 SPECIAL CATEGORIES
SOUTHEASTERN COLLEGE OF OSTEOPATHIC MEDICINE
FROM GENERAL REVENUE FUND 2,050,000

Funds in Specific Appropriation 650 are for 320

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osteopathic students at $5,000 per Florida resident and 180 pharmacy students at $2,500 per Florida resident.

Funds provided in Specific Appropriations 649 and 650, for students admitted beginning Fall 1986, shall be based on the residency requirements stipulated in Chapter 240.1201, Florida Statutes; also provided are funds for students admitted prior to Fall 1986 and certified as Florida residents for appropriations purposes based on criteria stipulated prior to Chapter 240.1201, Florida Statutes.

Funds provided in Specific Appropriations 649 and 650 for contracted student spaces shall be released in the first and third quarters.

651 SPECIAL CATEGORIES
SOLID AND HAZARDOUS WASTE MANAGEMENT
RESEARCH CENTER
FROM GRANTS AND DONATIONS TRUST FUND . . . 500,000

652 SPECIAL CATEGORIES
GRANTS AND AIDS - SPINAL CORD
RESEARCH/UNIVERSITY OF MIAMI
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 250,000

Funds in Specific Appropriation 652 may be advance funded on a quarterly basis.

Funds in Specific Appropriation 652 anticipate the transfer of $250,000 from the Impaired Drivers and Speeders Trust Fund in the Division of Vocational Rehabilitation, Specific Appropriation 1476A.

652A SPECIAL CATEGORIES
AIDS RESEARCH ENDOWMENT - UNIVERSITY OF
MIAMI
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 500,000

Funds in Specific Appropriation 652A shall be used to establish the Thomas E. Whigham/Joseph R. Berger, M.D. chair for neurological AIDS research to be matched with $2,000,000 private sector funds. The University of Miami shall certify that the $2,000,000 in cash contributions has been received prior to the release of state funds by the Board of Regents.

653 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 336,388
FROM FACILITIES CONSTRUCTION
ADMINISTRATION TRUST FUND 1,965
FROM STATE UNIVERSITY SYSTEM PERSONNEL
TRUST FUND 3,276

Funds provided in Specific Appropriations 631 through 634 and 653 shall be used to plan and design a comprehensive student, staff and financial data base that is comparable to and will be compatible with the public schools' statewide data base. Data base elements and their definitions shall be consistent with elements and definitions included in public schools' and community colleges' data bases. Plans for the data base should assume that the Florida Information Resource Network (FIRN) will be used for data transmission; that the data will be co-located with the public schools' data base; and that the data base will be constructed using the same data base software used for the public schools' data base. Planning and design for the data base shall actively involve MIS staff from the Division of Universities, the Division of Public Schools, staff of the Florida Information Resource Network, and the Division of Community Colleges.

UNIVERSITY OF FLORIDA HEALTH CENTER - EDUCATIONAL *AND GENERAL*

From funds provided in Specific Appropriations 654 through 657, seven positions and $787,222 are provided for the enhancement of graduate education and shall be allocated to the College of Pharmacy to continue the plan to attain national prominence in this program and three positions and $153,909 shall be allocated to the College of Nursing.

From the funds provided in Specific Appropriations 654 through 662, six positions and $178,619 shall be allocated for improving library staffing and $125,000 shall be allocated for additional non-recurring library materials.

654 SALARIES AND BENEFITS POSITIONS 1,753
FROM GENERAL REVENUE FUND 58,025,008
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 840,435
FROM INCIDENTAL TRUST FUND 7,118,465
FROM LIABILITY INSURANCE TRUST FUND . . . 313,845
FROM UNIVERSITY OF FLORIDA HEALTH
SCIENCE CENTER/JACKSONVILLE TRUST FUND . 58,585

655 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,580,502
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 112,222
FROM INCIDENTAL TRUST FUND 5,508,483
FROM LIABILITY INSURANCE TRUST FUND . . . 750,000
FROM OPERATIONS AND MAINTENANCE TRUST
FUND 760,900
FROM UNIVERSITY OF FLORIDA HEALTH
SCIENCE CENTER/JACKSONVILLE TRUST FUND . 400,000

656 EXPENSES
FROM GENERAL REVENUE FUND 13,702,194
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 162,564

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FROM INCIDENTAL TRUST FUND		2,339,942
FROM LIABILITY INSURANCE TRUST FUND		2,943,167
FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,884,186
FROM UNIVERSITY OF FLORIDA HEALTH SCIENCE CENTER/JACKSONVILLE TRUST FUND		1,800,000

Funds in Specific Appropriation 656 for the Incidental Trust Fund anticipate the transfer of $250,000 from the Impaired Drivers and Speeders Trust Fund in the Division of Vocational Rehabilitation, Specific Appropriation 1476A, for the purpose of Spinal Cord Research.

657	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,843,127	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND		1,191,025
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		383,345
	FROM UNIVERSITY OF FLORIDA HEALTH SCIENCE CENTER/JACKSONVILLE TRUST FUND		20,000
658	SPECIAL CATEGORIES LIBRARY RESOURCES		
	FROM GENERAL REVENUE FUND	579,622	
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND		125,000
658A	SPECIAL CATEGORIES OUT-OF-STATE FEE WAIVERS		
	FROM GENERAL REVENUE FUND	133,638	
659	SPECIAL CATEGORIES SCIENTIFIC AND TECHNICAL INSTRUCTIONAL EQUIPMENT		
	FROM EDUCATIONAL ENHANCEMENT TRUST FUND		574,413
660	SPECIAL CATEGORIES SHANDS HOSPITAL CONTRACT		
	FROM GENERAL REVENUE FUND	8,988,869	
661	SPECIAL CATEGORIES GRADUATE ASSISTANT MATRICULATION FEE WAIVERS		
	FROM GENERAL REVENUE FUND	230,033	
662	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	142,993	
	FROM INCIDENTAL TRUST FUND		3,141
	FROM LIABILITY INSURANCE TRUST FUND		154

ENVIRONMENTAL REGULATION, DEPARTMENT OF

663	SALARIES AND BENEFITS POSITIONS	1,312	
	FROM GENERAL REVENUE FUND	22,406,224	
	FROM AIR POLLUTION CONTROL TRUST FUND		3,616,932
	FROM INLAND PROTECTION TRUST FUND		1,759,725
	FROM GRANTS AND DONATIONS TRUST FUND		29,801

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	FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND		106,077
	FROM OPERATING TRUST FUND		7,699,247
	FROM PERMIT FEE TRUST FUND		3,396,500
	FROM POLLUTION RECOVERY TRUST FUND		91,804
	FROM SOLID WASTE MANAGEMENT TRUST FUND		632,887
	FROM WATER QUALITY ASSURANCE TRUST FUND		2,778,715
	FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND		399,064
664	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	104,873	
	FROM COASTAL ZONE MANAGEMENT TRUST FUND		1,800,000
	FROM INLAND PROTECTION TRUST FUND		4,000,000
	FROM OPERATING TRUST FUND		2,498,817
	FROM PERMIT FEE TRUST FUND		70,000
	FROM SOLID WASTE MANAGEMENT TRUST FUND		250,000
	FROM WATER QUALITY ASSURANCE TRUST FUND		3,774,027
665	EXPENSES		
	FROM GENERAL REVENUE FUND	4,788,600	
	FROM AIR POLLUTION CONTROL TRUST FUND		486,102
	FROM COASTAL ZONE MANAGEMENT TRUST FUND		212,052
	FROM INLAND PROTECTION TRUST FUND		555,524
	FROM GRANTS AND DONATIONS TRUST FUND		26,248
	FROM OPERATING TRUST FUND		2,341,690
	FROM PERMIT FEE TRUST FUND		321,479
	FROM POLLUTION RECOVERY TRUST FUND		194,785
	FROM SOLID WASTE MANAGEMENT TRUST FUND		131,424
	FROM WATER QUALITY ASSURANCE TRUST FUND		1,008,473
	FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND		27,133
665A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SOUTH FLORIDA WATER MANAGEMENT DISTRICT WELLFIELD PLAN		
	FROM GENERAL REVENUE FUND	10,000	

From funds provided in Specific Appropriation 665A, the Legislature:

(1) Directs the South Florida Water Management District to undertake and complete on or before July 1, 1991, a plan for wellfield protection of public water supply wellfields within the water management district.

(2) The plan must include:

(a) An assessment of the risk to wellfields from existing pollution and sources of pollution;

(b) A review and assessment of existing measures being undertaken by state and local governments to protect these wellfields;

(c) An analysis of how works of the district,

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land controlled by the district, and district permitting programs can be used to protect wellfields more effectively; and

(d) An implementation schedule for realizing these additional wellfield protection benefits through action by the district.

(3) In preparing these plans, the district shall coordinate its efforts with appropriate state and local agencies. To the maximum feasible extent, the measures recommended in the plan must satisfy the wellfield protection requirements of the federal Safe Drinking Water Act Amendments of 1986, Pub. L. 99-339, sec. 1428.

666 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 860,231

667 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - NW FLORIDA WATER MANAGEMENT DISTRICT OPERATIONS
FROM GENERAL REVENUE FUND 1,016,760

668 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - MOTOR VEHICLE REGISTRATION PROCEEDS
FROM AIR POLLUTION CONTROL TRUST FUND . . 3,941,024

668A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LAKE MICCOSUKEE RESTORATION AND IMPROVEMENTS
FROM STATE INFRASTRUCTURE FUND 500,000

668B AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - KISSIMMEE RIVER PROJECT
FROM STATE INFRASTRUCTURE FUND 8,000,000

668C AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - DOGWOOD ACRES LAKE RESTORATION - HOLMES COUNTY
FROM STATE INFRASTRUCTURE FUND 40,000

668D AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SARASOTA BAY RESTORATION PROJECT
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000

Funds provided in Specific Appropriation 668D are contingent upon CS/SB 9 or similar legislation becoming law.

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668E AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - CEDAR KEY MARINA DEVELOPMENT
FROM STATE INFRASTRUCTURE FUND 750,000

668F AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - HORSESHOE BEACH BOAT BASIN
FROM STATE INFRASTRUCTURE FUND 50,000

668G AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - SUWANNEE RIVER WATER MANAGEMENT DISTRICT BOUNDARY EXPANSION
FROM GENERAL REVENUE FUND 500,000

Funds provided in Specific Appropriation 668G are contingent upon CS/SB 484 or similar legislation becoming law.

669 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - LOCAL HAZARDOUS WASTE COLLECTION
FROM WATER QUALITY ASSURANCE TRUST FUND . 1,000,000

670 AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT DISTRICTS - WETLANDS PROTECTION
FROM GENERAL REVENUE FUND 520,000

From funds in Specific Appropriation 670, $260,000 shall be used by the Northwest Florida Water Management District and $260,000 by the Suwannee River Water Management District to implement their surface water management permitting programs. Such permitting shall be carried out in a manner consistent with the standards established in the Warren S. Henderson Wetland Protection Act of 1984 and with the jurisdiction and authority of the districts as established by Chapter 373, Florida Statutes.

671 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 766,040
FROM INLAND PROTECTION TRUST FUND 406,702
FROM OPERATING TRUST FUND 162,035
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 124,111
FROM WATER QUALITY ASSURANCE TRUST FUND . 510,967

672 NOT USED

672A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION/CLEAN FLORIDA COMMISSION/ANTI LITTER CAMPAIGN
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

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673 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM OPERATING TRUST FUND 295,572

673A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION/CLEAN FLORIDA COMMISSION/LITTER PREVENTION GRANTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 250,000

673B SPECIAL CATEGORIES
LAKE JACKSON RESTORATION AND IMPROVEMENTS
FROM STATE INFRASTRUCTURE FUND 300,000

674 SPECIAL CATEGORIES
HAZARDOUS WASTE CLEANUP
FROM WATER QUALITY ASSURANCE TRUST FUND . 10,000,000

From funds in Specific Appropriation 674, the Department of Environmental Regulation shall use $250,000 to contract for research on agricultural fertilizer and water management practices. Such research shall be conducted in the fern growing areas of South Putnam and West Volusia counties and shall include the development of BMPs which can be implemented to protect ground water from nitrate contamination.

675 SPECIAL CATEGORIES
HAZARDOUS WASTE SITES RESTORATION
FROM HAZARDOUS WASTE MANAGEMENT TRUST FUND 2,000,000

676 SPECIAL CATEGORIES
GRANTS AND AIDS - HOMEPORT DEVELOPMENT GRANTS
FROM HOMEPORT DEVELOPMENT TRUST FUND . . . 1,200,000

676A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION/RESEARCH AND DEMONSTRATION PROJECTS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

677 SPECIAL CATEGORIES
POLLUTION RESTORATION CONTRACTS
FROM POLLUTION RECOVERY TRUST FUND 1,952,538

678 SPECIAL CATEGORIES
SEAFOOD DEPOSITION DEMONSTRATION PROJECT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

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678A SPECIAL CATEGORIES
GRANTS AND AIDS - TRANSFER TO ST. JOHNS RIVER WATER MANAGEMENT DISTRICT FOR LAKE APOPKA RESTORATION
FROM STATE INFRASTRUCTURE FUND 5,000,000

679 SPECIAL CATEGORIES
TRANSFER TO OTHER AGENCIES FOR IMPLEMENTATION OF HOUSE BILL 1671
FROM WATER QUALITY ASSURANCE TRUST FUND . 281,092

680 NOT USED

681 SPECIAL CATEGORIES
TRANSFER TO HEALTH AND REHABILITATIVE SERVICES FOR STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE ACT
FROM INLAND PROTECTION TRUST FUND 1,285,197

681A SPECIAL CATEGORIES
TRANSFER TO BOARD OF REGENTS - RESEARCH AND TESTING
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

681B SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF GENERAL SERVICES - RECYCLABLE MATERIALS
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 200,000

681C SPECIAL CATEGORIES
TRANSFER TO HEALTH AND REHABILITATIVE SERVICES - BIOHAZARDOUS WASTE
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 50,000

681D SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF REVENUE - SOLID WASTE TAX COLLECTION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 110,000

681E SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION - CLEAN FLORIDA COMMISSION
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

681F SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF TRANSPORTATION - KEEP FLORIDA BEAUTIFUL, INC.
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 100,000

682 SPECIAL CATEGORIES
U.S. GEOLOGIC SURVEY COOPERATIVE AGREEMENT
FROM OPERATING TRUST FUND 34,500
FROM WATER RESOURCE RESTORATION AND PRESERVATION TRUST FUND 214,897

SECTION 1		
SPECIFIC APPROPRIATION		
683	SPECIAL CATEGORIES UNDERGROUND STORAGE TANK CLEANUP FROM INLAND PROTECTION TRUST FUND	20,000,000
684	SPECIAL CATEGORIES WATER WELL CLEANUP FROM WATER QUALITY ASSURANCE TRUST FUND .	1,889,202
	The Department of Environmental Regulation or other administrative agency shall, prior to the distribution of funds in Specific Appropriation 684, require the recipient to release the State and its agencies absolutely from liability as to damage to real and personal property caused by the past application or use by the State or its agencies of EDB or the installation, maintenance, and disposal by the State or its agencies of filter systems.	
685	SPECIAL CATEGORIES GRANTS AND AIDS - PETROLEUM SITE CLEANUP FROM INLAND PROTECTION TRUST FUND	1,350,000
686	SPECIAL CATEGORIES MEDICAL MONITORING FROM GENERAL REVENUE FUND	162,000
687	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	1,626,552
	FROM AIR POLLUTION CONTROL TRUST FUND . .	38,609
	FROM INLAND PROTECTION TRUST FUND	156,684
	FROM OPERATING TRUST FUND	25,820
	FROM WATER QUALITY ASSURANCE TRUST FUND .	75,000
GAME AND FRESH WATER FISH COMMISSION, FLORIDA		
OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES		
688	SALARIES AND BENEFITS POSITIONS 157 FROM GENERAL REVENUE FUND	780,205
	FROM NON-GAME WILDLIFE TRUST FUND	390,619
	FROM STATE GAME TRUST FUND	3,448,575
689	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	9,180
	FROM NON-GAME WILDLIFE TRUST FUND	210,000
	FROM STATE GAME TRUST FUND	237,541
690	EXPENSES FROM GENERAL REVENUE FUND	157,238
	FROM NON-GAME WILDLIFE TRUST FUND	216,238
	FROM STATE GAME TRUST FUND	1,858,022
691	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	14,234
	FROM STATE GAME TRUST FUND	72,728

SECTION 1		
SPECIFIC APPROPRIATION		
692	NOT USED	
693	SPECIAL CATEGORIES PAYMENT OF REWARDS FROM ENDANGERED AND THREATENED SPECIES REWARD TRUST FUND	5,000
694	DATA PROCESSING SERVICES FROM STATE GAME TRUST FUND	90,927
LAW ENFORCEMENT, DIVISION OF		
695	SALARIES AND BENEFITS POSITIONS 426 FROM GENERAL REVENUE FUND	12,519,332
	FROM STATE GAME TRUST FUND	866,184
696	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	15,451
	FROM STATE GAME TRUST FUND	25,000
697	EXPENSES FROM GENERAL REVENUE FUND	1,100,912
	FROM STATE GAME TRUST FUND	496,042
698	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	123,628
	FROM STATE GAME TRUST FUND	143,430
699	SPECIAL CATEGORIES ACQUISITION AND REPLACEMENT OF PATROL VEHICLES FROM GENERAL REVENUE FUND	1,420,739
	FROM STATE GAME TRUST FUND	1,424,306
700	SPECIAL CATEGORIES OPERATION AND MAINTENANCE OF PATROL VEHICLES FROM GENERAL REVENUE FUND	1,540,565
	FROM STATE GAME TRUST FUND	290,748
701	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS FROM GENERAL REVENUE FUND	241,866
	FROM STATE GAME TRUST FUND	5,250
702	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	68,068
WILDLIFE, DIVISION OF		
703	SALARIES AND BENEFITS POSITIONS 164 FROM GENERAL REVENUE FUND	794,249
	FROM NON-GAME WILDLIFE TRUST FUND	894,940
	FROM STATE GAME TRUST FUND	3,224,568

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704	OTHER PERSONAL SERVICES		
	FROM NON-GAME WILDLIFE TRUST FUND		782,200
	FROM STATE GAME TRUST FUND		409,232
705	EXPENSES		
	FROM GENERAL REVENUE FUND	426,066	
	FROM NON-GAME WILDLIFE TRUST FUND		581,873
	FROM STATE GAME TRUST FUND		1,792,586
706	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	226,725	
	FROM STATE GAME TRUST FUND		199,583
707	NOT USED		
708	SPECIAL CATEGORIES		
	MANAGEMENT AREA LEASE PAYMENTS		
	FROM STATE GAME TRUST FUND		700,000
709	DATA PROCESSING SERVICES		
	FROM STATE GAME TRUST FUND		102,875

FISHERIES, DIVISION OF

710	SALARIES AND BENEFITS POSITIONS	162	
	FROM GENERAL REVENUE FUND	37,783	
	FROM STATE GAME TRUST FUND		4,893,551
711	OTHER PERSONAL SERVICES		
	FROM STATE GAME TRUST FUND		546,354
712	EXPENSES		
	FROM GENERAL REVENUE FUND	7,709	
	FROM STATE GAME TRUST FUND		2,185,754
713	OPERATING CAPITAL OUTLAY		
	FROM STATE GAME TRUST FUND		327,051
714	NOT USED		

GENERAL SERVICES, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATION

715	SALARIES AND BENEFITS POSITIONS	118	
	FROM GENERAL REVENUE FUND	659,432	
	FROM ADMINISTRATIVE TRUST FUND		2,789,228
716	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	12,900	
	FROM ADMINISTRATIVE TRUST FUND		6,310
717	EXPENSES		
	FROM GENERAL REVENUE FUND	275,611	
	FROM ADMINISTRATIVE TRUST FUND		636,321

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718	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,928	
	FROM ADMINISTRATIVE TRUST FUND		105,175
718A	SPECIAL CATEGORIES		
	MINORITY BUSINESS STUDY		
	FROM GENERAL REVENUE FUND	250,000	

Funds provided in Specific Appropriation 718A shall be used to contract for a study concerning the minority groups defined in Section 288.703, Florida Statutes, and shall provide evidence supporting or contradicting the need of those or other minority groups for special assistance in the state procurement process and other economic development programs. The study shall incorporate specific evidence of identified past discrimination and any other requirements necessary to comply with the U.S. Supreme Court decision in City of Richmond v. J.A. Croson Company. The study shall incorporate recommendations to target and develop a viable minority set aside program for procurement and contracting by all state agencies, including the State University System. The recommendations shall include, but not be limited to, a review of Chapters 287 and 288, Florida Statutes, to strengthen and define small and minority businesses. The study and resulting recommendations shall be designed so as not to obstruct the contracting of services within the state agencies. The Department of General Services shall let a contract to accomplish this purpose and shall arrange to have the work completed by March 1, 1990.

719	DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		42,043

PURCHASING, DIVISION OF

720	SALARIES AND BENEFITS POSITIONS	84	
	FROM GENERAL REVENUE FUND	2,549,540	
	FROM RECYCLABLE MATERIALS TRUST FUND . . .		63,812
721	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	4,000	
722	EXPENSES		
	FROM GENERAL REVENUE FUND	1,007,033	
	FROM RECYCLABLE MATERIALS TRUST FUND . . .		45,296
723	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	101,984	

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724	SPECIAL CATEGORIES		
	LABORATORY CONTRACT		
	FROM GENERAL REVENUE FUND	196,466	
	FROM RECYCLABLE MATERIALS TRUST FUND . . .		47,600
725	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	444,639	

INFORMATION SERVICES, DIVISION OF

726	SALARIES AND BENEFITS POSITIONS	115	
	FROM GENERAL REVENUE FUND	304,295	
	FROM WORKING CAPITAL TRUST FUND		3,099,806
727	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		82,880
728	EXPENSES		
	FROM GENERAL REVENUE FUND	1,019,078	
	FROM WORKING CAPITAL TRUST FUND		5,541,102
729	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,089,356	
	FROM WORKING CAPITAL TRUST FUND		1,558,341

Funds in Specific Appropriations 726 through 729 from the Working Capital Trust Fund may be adjusted by the Executive Office of the Governor to reflect specific increases in appropriations to users in other departments.

FACILITIES MANAGEMENT, DIVISION OF

730	SALARIES AND BENEFITS POSITIONS	522	
	FROM GENERAL REVENUE FUND	139,326	
	FROM PAID PARKING TRUST FUND		123,737
	FROM SUPERVISION TRUST FUND		9,917,128
731	OTHER PERSONAL SERVICES		
	FROM SUPERVISION TRUST FUND		213,558
732	EXPENSES		
	FROM GENERAL REVENUE FUND	166,678	
	FROM PAID PARKING TRUST FUND		83,415
	FROM SUPERVISION TRUST FUND		8,444,060
733	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	4,279	
	FROM PAID PARKING TRUST FUND		31,175
	FROM SUPERVISION TRUST FUND		89,696
734	NOT USED		

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735	SPECIAL CATEGORIES		
	STATE UTILITY PAYMENTS		
	FROM GENERAL REVENUE FUND	4,452	
	FROM PAID PARKING TRUST FUND		229,471
	FROM SUPERVISION TRUST FUND		9,810,405
736	SPECIAL CATEGORIES		
	TRANSFER TO SUPERVISION TRUST FUND FOR NONRECOVERABLE SERVICES		
	FROM GENERAL REVENUE FUND	104,071	
737	DATA PROCESSING SERVICES		
	FROM PAID PARKING TRUST FUND		36,359
	FROM SUPERVISION TRUST FUND		27,655

BUILDING CONSTRUCTION, DIVISION OF

738	SALARIES AND BENEFITS POSITIONS	63	
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		2,277,396
738A	OTHER PERSONAL SERVICES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		17,000
739	EXPENSES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		670,638
740	OPERATING CAPITAL OUTLAY		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		160,711
741	DATA PROCESSING SERVICES		
	FROM ARCHITECTS INCIDENTAL TRUST FUND . .		31,032

Funds in Specific Appropriations 738 through 741, for the operation of the Division of Building Construction, are based on an assessment against each fixed capital outlay appropriation in which the division serves as owner-representative on behalf of the State in accordance with a formula approved by the Executive Office of the Governor on October 3, 1986 after consultation with the House and Senate Appropriations Committees.

SAFETY AND CRIME PREVENTION, DIVISION OF

742	SALARIES AND BENEFITS POSITIONS	162	
	FROM SUPERVISION TRUST FUND		2,998,552
743	OTHER PERSONAL SERVICES		
	FROM SUPERVISION TRUST FUND		2,000
744	EXPENSES		
	FROM SUPERVISION TRUST FUND		720,314
745	OPERATING CAPITAL OUTLAY		
	FROM SUPERVISION TRUST FUND		18,985

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746	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM SUPERVISION TRUST FUND		16,337
MOTOR POOL, DIVISION OF			
747	SALARIES AND BENEFITS POSITIONS	53	
	FROM GENERAL REVENUE FUND	300,708	
	FROM BUREAU OF AIRCRAFT TRUST FUND		640,495
	FROM MOTOR VEHICLE OPERATING TRUST FUND		609,206
748	OTHER PERSONAL SERVICES		
	FROM BUREAU OF AIRCRAFT TRUST FUND		10,337
	FROM MOTOR VEHICLE OPERATING TRUST FUND		11,579
749	EXPENSES		
	FROM GENERAL REVENUE FUND	60,170	
	FROM BUREAU OF AIRCRAFT TRUST FUND		1,381,194
	FROM MOTOR VEHICLE OPERATING TRUST FUND		1,157,970
	FROM STATE INFRASTRUCTURE FUND		74,600
750	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,356	
	FROM BUREAU OF AIRCRAFT TRUST FUND		1,799,921
	FROM MOTOR VEHICLE OPERATING TRUST FUND		300,460
751	NOT USED		
752	SPECIAL CATEGORIES		
	TRANSFER TO BUREAU OF AIRCRAFT TRUST FUND		
	FROM GENERAL REVENUE FUND	3,181,734	
753	DATA PROCESSING SERVICES		
	FROM BUREAU OF AIRCRAFT TRUST FUND		2,114
	FROM MOTOR VEHICLE OPERATING TRUST FUND		247,258
SURPLUS PROPERTY, DIVISION OF			
754	SALARIES AND BENEFITS POSITIONS	36	
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		146,693
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		629,898
755	OTHER PERSONAL SERVICES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		5,000
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		3,400
756	EXPENSES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		119,234
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		353,546

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757	OPERATING CAPITAL OUTLAY		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		5,631
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		18,887
758	SPECIAL CATEGORIES		
	REFURBISH SURPLUS PROPERTY		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		50,000
	FROM SURPLUS PROPERTY REVOLVING TRUST FUND		50,000
759	DATA PROCESSING SERVICES		
	FROM STATE SURPLUS PROPERTY WORKING CAPITAL TRUST FUND		29,880
BOND FINANCE, DIVISION OF			
760	SALARIES AND BENEFITS POSITIONS	18	
	FROM GENERAL REVENUE FUND	95,478	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		634,463
761	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	17,169	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		747,332
762	EXPENSES		
	FROM GENERAL REVENUE FUND	82,531	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		427,982
763	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	767	
	FROM REVENUE BOND FEE REVOLVING TRUST FUND		3,428
COMMUNICATIONS, DIVISION OF			
764	SALARIES AND BENEFITS POSITIONS	111	
	FROM GENERAL REVENUE FUND	746,459	
	FROM COMMUNICATIONS SURVEY TRUST FUND		94,684
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		2,593,802
	FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		276,869
765	OTHER PERSONAL SERVICES		
	FROM COMMUNICATIONS SURVEY TRUST FUND		52,617
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		46,700
766	EXPENSES		
	FROM GENERAL REVENUE FUND	145,140	

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	FROM COMMUNICATIONS SURVEY TRUST FUND . .		73,589
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		973,028
	FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		942,678
767	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	11,447	
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		186,727
	FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		5,501
768	SPECIAL CATEGORIES		
	CENTREX AND SUNCOM PAYMENTS		
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		31,710,747
769	SPECIAL CATEGORIES		
	GROWTH MANAGEMENT DATA NETWORK		
	FROM GENERAL REVENUE FUND	10,600	

Funds in Specific Appropriation 769 will be held in reserve pending approval by the Growth Management Data Network Coordinating Council. Pursuant to s. 282.403, Florida Statutes, the Council will evaluate plans for the expenditure of these funds to ensure that they are based on comprehensive systems planning, avoid duplication of effort and facilitate the sharing of information among growth management agencies.

770	SPECIAL CATEGORIES		
	MAINTENANCE OF EXISTING LAW ENFORCEMENT RADIO SYSTEM		
	FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND		2,000,000
771	SPECIAL CATEGORIES		
	GENERAL REVENUE TRANSFER TO COMMUNICATIONS WORKING CAPITAL TRUST FUND FOR NON-RECOVERABLE (CATEGORY I) SERVICES		
	FROM GENERAL REVENUE FUND	641,769	
772	DATA PROCESSING SERVICES		
	FROM COMMUNICATIONS WORKING CAPITAL TRUST FUND		681,345

GOVERNOR, EXECUTIVE OFFICE OF THE

GENERAL OFFICE

773	SALARIES AND BENEFITS POSITIONS	262	
	FROM GENERAL REVENUE FUND	8,063,524	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,053,058
	FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		1,059,100

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From the funds provided in Specific Appropriation 773, from the positions currently assigned to the Florida-Washington office, two shall be designated to provide services directly to the Legislature.

774	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	140,743	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		200,041
	FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		21,396
775	EXPENSES		
	FROM GENERAL REVENUE FUND	2,145,702	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		414,705
	FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		152,993
776	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	45,623	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,960
	FROM PLANNING AND BUDGETING SYSTEM TRUST FUND		4,649
777	LUMP SUM		
	ANTI-SUBSTANCE ABUSE POSITIONS	1	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		200,000
778	NOT USED		
778A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY AND STATEWIDE DRUG ABUSE PREVENTION PROGRAM		
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,406,463

Funds provided in Specific Appropriation 778A shall be used as follows:

1. $712,452 shall be used to fund statewide coordination projects funded in 1988-89 and which have been evaluated as being successful.

2. $85,161 may be used for the administration of the grants authorized by Specific Appropriation 778a.

3. Not less than $2,285,679 shall be used to fund competitively awarded community based drug prevention programs for high risk youth. First priority shall be to fund the continuation of successful community based programs funded in 1988-89. Not less than 80% of any approved grant shall be used for direct services to high risk youth. To be eligible for funding, a project must be reviewed and recommended by the Governor's Substance Abuse Policy Advisory Council.

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779 NOT USED

779A SPECIAL CATEGORIES
GRANTS AND AIDS - PROJECT DARE
FROM GRANTS AND DONATIONS TRUST FUND . . . 323,171

Funds in Specific Appropriation 779A shall be transferred to the Department of Law Enforcement for the implementation of Project DARE.

780 SPECIAL CATEGORIES
COST-OF-LIVING PRICE SURVEY
FROM GENERAL REVENUE FUND 269,600

781 SPECIAL CATEGORIES
CONTINGENT - DISCRETIONARY
FROM GENERAL REVENUE FUND 30,000

782 SPECIAL CATEGORIES
GRANTS AND AIDS - GOVERNOR'S COUNCIL ON INDIAN AFFAIRS
FROM GENERAL REVENUE FUND 118,234

783 SPECIAL CATEGORIES
GRANTS AND AIDS - NORTHWEST FLORIDA CREEK INDIAN COUNCIL
FROM GENERAL REVENUE FUND 44,766

784 SPECIAL CATEGORIES
NATIONAL GOVERNORS' ASSOCIATION
FROM GENERAL REVENUE FUND 120,770

785 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 16,694
FROM PLANNING AND BUDGETING SYSTEM TRUST FUND 343,004

OPERATION OF THE GOVERNOR'S MANSION

785A SALARIES AND BENEFITS POSITIONS 9
FROM GENERAL REVENUE FUND 214,203

785B OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,200

785C EXPENSES
FROM GENERAL REVENUE FUND 112,681

INFORMATION RESOURCE COMMISSION

786 SALARIES AND BENEFITS POSITIONS 20
FROM GENERAL REVENUE FUND 962,835

787 EXPENSES
FROM GENERAL REVENUE FUND 246,636

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788 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,293

789 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 4,874

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

OFFICE OF THE SECRETARY

790 SALARIES AND BENEFITS POSITIONS 108
FROM GENERAL REVENUE FUND 3,003,838
FROM ADMINISTRATIVE TRUST FUND 848,579
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 71,435

791 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 61,377
FROM ADMINISTRATIVE TRUST FUND 205,842

792 EXPENSES
FROM GENERAL REVENUE FUND 913,045
FROM ADMINISTRATIVE TRUST FUND 465,058
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 3,411

793 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 25,049
FROM ADMINISTRATIVE TRUST FUND 1,134

794 SPECIAL CATEGORIES
STATEWIDE HUMAN RIGHTS ADVOCACY COMMITTEE
FROM GENERAL REVENUE FUND 15,158

HEALTH CARE COST CONTAINMENT BOARD

795 SALARIES AND BENEFITS POSITIONS 77
FROM HEALTH CARE COST CONTAINMENT TRUST FUND 2,294,754

796 OTHER PERSONAL SERVICES
FROM HEALTH CARE COST CONTAINMENT TRUST FUND 461,643

From the funds in Specific Appropriation 796, up to $50,000 shall be allocated to support a task force whose scope of activity will involve, but not be limited to, an assessment of the present state-wide organ and tissue procurement effort; professional qualifications of organ and tissue procurement personnel--including education and/or training/performance requirements; the role of organ procurement organizations in tissue banking; the role of the State Medical Examiners in organ and tissue procurement; an analysis of the legitimate costs of organ and tissue procurement, processing,

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quality control, and distribution; selection of entities to which organs and tissues will be released; efficiency of organ acquisition and distribution; efficiency of tissue (bone, skin, eyes, tendon, etc.) acquisition, processing, quality control, and distribution; selection of centers in which transplantations of the various types will be done; a review of state and federal moneys expended in transplantation; role of community and/or regional based procurement activities and centers; role of Board of Regents, State University System and the Academic Health Science Centers in such transplantation activities; the relationship to federal requirements of organ procurement agencies; and the role of Florida hospitals in the selection of programs with whom to become involved. The Chairman of the Health Care Cost Containment Board shall appoint a thirteen-member task force to include four members from the present Department of Health and Rehabilitative Services Task Force on Organ Transplantation and one member nominated by each of the following: United Network of Organ Sharing, Lions Club of Florida, the Department of Health and Rehabilitative Services, the Chancellor of the State University System, the State Medical Examiners Commission, each of the two University affiliated tissue banks (University of Florida, University of Miami), the Florida Hospital Association, and the National Association of Transplant Coordinators Organization. A report to include recommendations for statutory change and funding requirements shall be submitted to the Executive Office of the Governor, and the Chairmen of the House and the Senate Appropriations Committees by March 1, 1990. All task force members shall be entitled to travel and per diem expenses for the activities of the task force, according to s. 112.061, F.S. The task force shall be staffed by the Health Care Cost Containment Board. The chairman of the Task Force shall be the Chairman of the present Department of Health and Rehabilitative Services Task Force on Organ Transplantation.

Of the funds in Specific Appropriation 796, up to $50,000 shall be used by the board to conduct a review of all funding appropriated to the six statutorily authorized Teaching Hospitals. The review shall include, but not be limited to, funding received by the teaching hospitals through the Teaching Hospital appropriations provided through the university budgets, all Medicaid funding through the HRS budgets, and all general revenue and other trust funded programming provided through all other HRS programs. A report on this review shall be submitted by February 1, 1990 to the chairmen of the House and Senate Appropriations Committees.

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From funds provided in Specific Appropriation 796, $80,400 shall be used for Phase I of a study to develop methodologies to measure standards of productivity and efficiency in hospitals, in order that such methods may be used in conjunction with the board's review of each hospital's annual operating budget. The board may contract a portion of this study with a consultant who has expertise in the area of health services administration. An interim report on the status of the study shall be submitted to the chairmen of the Senate and House Appropriations Committees and to the Executive Office of the Governor no later than March 1, 1990.

797	EXPENSES		
	FROM HEALTH CARE COST CONTAINMENT TRUST FUND		950,594
798	OPERATING CAPITAL OUTLAY		
	FROM HEALTH CARE COST CONTAINMENT TRUST FUND		336,340

OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION

799	SALARIES AND BENEFITS POSITIONS 564		
	FROM GENERAL REVENUE FUND	12,223,316	
	FROM ADMINISTRATIVE TRUST FUND		3,257,772
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		281,034
800	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	9,135	
	FROM ADMINISTRATIVE TRUST FUND		23,975
801	EXPENSES		
	FROM GENERAL REVENUE FUND	4,057,589	
	FROM ADMINISTRATIVE TRUST FUND		1,866,342
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		47,704
802	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	116,364	
803	LUMP SUM		
	ECONOMIC SERVICES INFORMATION SYSTEM		
	FROM GENERAL REVENUE FUND	3,375,003	
	FROM ADMINISTRATIVE TRUST FUND		14,309,252
804	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	613,850	
805	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS		
	FROM GENERAL REVENUE FUND	1,025,138	
	FROM ADMINISTRATIVE TRUST FUND		297,404

SECTION 1

SPECIFIC
APPROPRIATION

806 SPECIAL CATEGORIES
CONTRACT NURSING HOME AUDIT PROGRAM
FROM GENERAL REVENUE FUND 679,000
FROM ADMINISTRATIVE TRUST FUND 679,000

806A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 200,000

From the funds in Specific Appropriation 806A, up to $25,000 shall be used to conduct a study that will develop criteria to evaluate and prioritize all funding requests for construction, renovation and repair of facilities to be used by community service providers. The study shall differentiate between the distinct program areas and capital outlay requirements and unique financial capabilities of the department's service providers. The study is to include but not be limited to requirements for joint financial participation, the relationship between the state's capital expenditure and contract rates, and client access to services. In addition, the study will include a proposed policy on the disposition of land and buildings upon substantial change or termination of state financial participation in the program. The study along with any appropriate statutory changes shall be sent to the Governor, the Speaker of the House, and the President of the Senate no later than December 31, 1989.

From the funds in Specific Appropriation 806A, up to $175,000 shall be used to contract with a private sector consulting firm for a study of the mental health and substance abuse provider reimbursement system. The consulting firm shall review all recent studies relating to the department's contract management system, reimbursement policies, payment methodology, and shall evaluate the department's current policy of funding contract providers. Such evaluation shall include, but not be limited to: local matching requirements; regional differentials; equity between districts on funding provided; district policy on price level increases; and base funding rates appropriated by the Legislature versus contract rates negotiated by the department. This study shall not preclude the department from going forward with its plans to implement contract management changes. In addition, the contractor shall assist the department to develop formal policies or modify existing policies relating to the contract management system and shall provide technical assistance to the department for developing rules and policy for the implementation of a performance contracting system by July 1, 1990. The consulting firm shall be chosen by a nine-member committee: three chosen by the Governor, three by the Speaker of the House of Representatives, and three by the President of the Senate. The firm which is selected shall confer with staff of the House and Senate Appropriations Committees and the Governor's Office of Planning and Budgeting prior to conducting research. The consulting firm shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than March 1, 1990, which shall include recommendations, if any, for changes in the current payment system. Further, the study shall determine the feasibility of implementing a uniform reimbursement methodology to include: (1) a cost based per diem payment system with considerations for differentials for geographic deviations, case mix and scope of services offered or (2) a prospective payment system which places patients into homogeneous groups based on clinical factors, severity of condition, or intensity of care required.

807 SPECIAL CATEGORIES
DEPARTMENTAL STAFF DEVELOPMENT AND TRAINING
FROM GENERAL REVENUE FUND 762,000

808 SPECIAL CATEGORIES
FINGERPRINTING FOR DAY CARE EMPLOYEES
FROM GENERAL REVENUE FUND 210,539
FROM ADMINISTRATIVE TRUST FUND 340,000

809 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY FEEDING ORGANIZATIONS
FROM ADMINISTRATIVE TRUST FUND 1,379,245

810 SPECIAL CATEGORIES
STATE INSTITUTIONAL CLAIMS
FROM GENERAL REVENUE FUND 15,000

811 SPECIAL CATEGORIES
UNIVERSITY EDUCATION AND TRAINING
FROM GENERAL REVENUE FUND 595,349

Funds in Specific Appropriation 811 shall be used for education/training programs in social work at Florida State University, the University of Central Florida, Barry University, Florida A&M University, the University of West Florida and the University of South Florida.

812 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 3,874,829
FROM ADMINISTRATIVE TRUST FUND 409,576

SECTION 1

SPECIFIC
APPROPRIATION

DEPUTY SECRETARY FOR MANAGEMENT SYSTEMS

813 SALARIES AND BENEFITS POSITIONS 335
FROM WORKING CAPITAL TRUST FUND 10,102,452

814 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 1,115,586

815 EXPENSES
FROM WORKING CAPITAL TRUST FUND 2,807,528

816 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 95,825

817 SPECIAL CATEGORIES
COMPUTER RELATED EXPENSES
FROM WORKING CAPITAL TRUST FUND 31,685,389

No funds shall be released or expended from Specific Appropriations 813, 814, 815, 816, and 817, relating to the FLORIDA System, without the Secretary of the Department of Health and Rehabilitative Services certifying that the implementation of the FLORIDA System is in accordance with the approved Advanced Planning Document (APD). In the event current federal law governing the FLORIDA System is amended, the secretary shall prepare a report specifying how such amendments will affect the agency's APD, system design, system implementation, and the costs of implementing the system. The secretary shall prepare and submit quarterly progress reports on the implementation of the system which shall include: a detailed work plan specifying anticipated completion dates and the actual dates of completion; an operating budget and actual costs incurred; problems encountered and corrective measures; and any deviations from the approved APD. This report shall be provided to the Executive Office of the Governor, the Information Resource Commission, and the House and Senate Appropriations Committee chairmen.

OFFICE OF THE DEPUTY SECRETARY FOR PROGRAMS

818 SALARIES AND BENEFITS POSITIONS 1,055
FROM GENERAL REVENUE FUND 18,141,066
FROM ADMINISTRATIVE TRUST FUND 5,443,841
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 126,067
FROM FEDERAL GRANTS TRUST FUND 1,038,483
FROM GRANTS AND DONATIONS TRUST FUND . . . 835,628
FROM HEALTH MAINTENANCE ORGANIZATION QUALITY CARE TRUST FUND 242,177
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 121,637
FROM LICENSURE FEES TRUST FUND 421,189

SECTION 1

SPECIFIC
APPROPRIATION

FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 52,469
FROM PLANNING AND EVALUATION TRUST FUND . 7,689,149
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 595,921
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 51,348

From the funds in Specific Appropriations 818, 820, and 822, 24 FTE and $767,996; $210,840; and $83,736 respectively from the Planning and Evaluation Trust Fund are provided for an expansion of the Plans and Construction Unit in the Office of Licensure and Certification.

In Specific Appropriation 818, 2 positions are authorized contingent upon the receipt from the Health Care Financing Administration (HCFA) of a home and community-based services for AIDS waiver and 5 positions upon the receipt of a primary case management waiver. Funding for these positions will be provided from surplus funds in Medicaid Services - Hospital Inpatient Services which result from the implementation of these waivers.

819 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 287,419
FROM ADMINISTRATIVE TRUST FUND 321,778
FROM FEDERAL GRANTS TRUST FUND 152,314
FROM GRANTS AND DONATIONS TRUST FUND . . . 523,104
FROM HEALTH MAINTENANCE ORGANIZATION QUALITY CARE TRUST FUND 100,000
FROM PLANNING AND EVALUATION TRUST FUND . 1,195,353
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 25,053

From the funds in Specific Appropriation 819, $33,000 is provided for the Developmental Services Program Office to contract for a study on the feasibility of state-operated, small residential facilities.

820 EXPENSES
FROM GENERAL REVENUE FUND 4,151,452
FROM ADMINISTRATIVE TRUST FUND 1,823,209
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 46,320
FROM FEDERAL GRANTS TRUST FUND 292,692
FROM GRANTS AND DONATIONS TRUST FUND . . . 583,960
FROM HEALTH MAINTENANCE ORGANIZATION QUALITY CARE TRUST FUND 52,361
FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND 61,908
FROM LICENSURE FEES TRUST FUND 129,246
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 23,582
FROM PLANNING AND EVALUATION TRUST FUND . 2,236,719

SECTION 1

SPECIFIC APPROPRIATION

	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		227,966
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		66,213
821	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - LOCAL HEALTH COUNCILS		
	FROM LOCAL AND STATE HEALTH TRUST FUND		2,018,294
822	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	361,211	
	FROM ADMINISTRATIVE TRUST FUND		11,994
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		1,265
	FROM PLANNING AND EVALUATION TRUST FUND		107,861

From the funds in Specific Appropriations 818 and 820, 15 FTEs and $327,346 and $168,272, respectively, of recurring general revenue and from the funds in Specific Appropriation 822, $254,382 of non-recurring general revenue are provided to the Office of Licensure and Certification as workload increases for ACLF inspections for licensing and certification.

823	SPECIAL CATEGORIES		
	AGING AND ADULT SERVICES TRAINING AND EDUCATION		
	FROM FEDERAL GRANTS TRUST FUND		119,358
823A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FLORIDA SMALL BUSINESS HEALTH ACCESS CORPORATION		
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,773,400

From the funds in Specific Appropriation 823A, $1,000,000 from the Public Medical Assistance Trust Fund is provided for the direct provision or purchase of reinsurance or supplemental insurance and is contingent upon $1,000,000 which was provided in Fiscal Year 1988-89 reverting to the Public Medical Assistance Trust Fund.

824	SPECIAL CATEGORIES		
	EMERGENCY ALTERNATIVE PLACEMENT		
	FROM RESIDENT PROTECTION TRUST FUND		103,000
825	SPECIAL CATEGORIES		
	MEDICAID PEER REVIEW		
	FROM GENERAL REVENUE FUND	141,861	
	FROM ADMINISTRATIVE TRUST FUND		113,912
826	SPECIAL CATEGORIES		
	MEDICAID SURVEILLANCE		
	FROM GENERAL REVENUE FUND	733,515	
	FROM PLANNING AND EVALUATION TRUST FUND		1,228,975

SECTION 1

SPECIFIC APPROPRIATION

827	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	9,035,154	
	FROM ADMINISTRATIVE TRUST FUND		3,827,262
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		958,763
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,421,168

From the funds in Specific Appropriation 827, $958,763 from the Alcohol, Drug Abuse, and Mental Health Trust Fund is provided to implement the Mental Health Single Data System to include a pilot project with providers in District 3 and District 10. The department shall submit a report to the Executive Office of the Governor and to the chairmen of the House and Senate Appropriations Committees by March 1, 1990. The report shall detail the results of the pilot projects and include recommendations for modifying the development of the Mental Health Single Data System.

DEPUTY SECRETARY FOR HEALTH

828	SALARIES AND BENEFITS POSITIONS 1,082		
	FROM GENERAL REVENUE FUND	14,812,829	
	FROM ADMINISTRATIVE TRUST FUND		257,118
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND		338,305
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND		1,730,893
	FROM GRANTS AND DONATIONS TRUST FUND		4,176,982
	FROM LOW LEVEL RADIOACTIVE WASTE TRUST FUND		84,136
	FROM PEST CONTROL TRUST FUND		690,760
	FROM PLANNING AND EVALUATION TRUST FUND		5,060,624
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		267,987
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		556,629
	FROM RADIATION PROTECTION TRUST FUND		2,006,671
	FROM RADON TRUST FUND		392,167

From the funds in Specific Appropriations 828, 830, and 834, $26,976, $1,217, and $3,659, respectively are provided for a staff position for the Cancer Control Advisory Board.

From the funds in Specific Appropriation 828, $30,000 is provided for a position in the AIDS office to provide technical assistance in grant writing to local AIDS groups.

829	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	93,672	
	FROM ADMINISTRATIVE TRUST FUND		170,882

SECTION 1

SPECIFIC APPROPRIATION

	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND	6,704
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	411,057
	FROM GRANTS AND DONATIONS TRUST FUND	458,913
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND	65,000
	FROM PEST CONTROL TRUST FUND	18,991
	FROM PLANNING AND EVALUATION TRUST FUND	158,691
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND	12,322
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	113,144
	FROM RADIATION PROTECTION TRUST FUND	10,692
830	EXPENSES	
	FROM GENERAL REVENUE FUND	6,554,912
	FROM ADMINISTRATIVE TRUST FUND	94,558
	FROM DRUGS, DEVICES AND COSMETIC TRUST FUND	187,533
	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	891,728
	FROM GRANTS AND DONATIONS TRUST FUND	5,681,278
	FROM LOW LEVEL RADIOACTIVE WASTE TRUST FUND	29,343
	FROM PEST CONTROL TRUST FUND	131,984
	FROM PLANNING AND EVALUATION TRUST FUND	2,115,427
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND	221,581
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND	237,696
	FROM RADIATION PROTECTION TRUST FUND	731,388
	FROM RADON TRUST FUND	290,407
831	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FLUORIDATION PROJECT FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND	200,000
831A	AID TO LOCAL GOVERNMENTS MOSQUITO CONTROL PROGRAM FROM GENERAL REVENUE FUND	3,423,520
832	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES COUNTY GRANTS FROM EMERGENCY MEDICAL SERVICES TRUST FUND	3,120,522
833	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - EMERGENCY MEDICAL SERVICES MATCHING GRANTS FROM EMERGENCY MEDICAL SERVICES TRUST FUND	2,773,797
834	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	331,477

SECTION 1

SPECIFIC APPROPRIATION

	FROM EMERGENCY MEDICAL SERVICES TRUST FUND	69,946
	FROM GRANTS AND DONATIONS TRUST FUND	3,010
	FROM PEST CONTROL TRUST FUND	15,814
	FROM PLANNING AND EVALUATION TRUST FUND	33,486
	FROM RADIATION PROTECTION TRUST FUND	152,036
	FROM RADON TRUST FUND	13,840
835	SPECIAL CATEGORIES ACQUISITION OF MOTOR VEHICLES FROM RADIATION PROTECTION TRUST FUND	15,000
836	SPECIAL CATEGORIES GRANTS AND AIDS - OUNCE OF PREVENTION FROM GENERAL REVENUE FUND	300,000
836A	SPECIAL CATEGORIES GRANTS AND AIDS - AIDS LAB ENHANCEMENTS FROM GENERAL REVENUE FUND	300,000

From the funds in Specific Appropriation 836A, $150,000 in non-recurring general revenue is provided for Mt. Sinai Medical Center and $150,000 in non-recurring general revenue is provided for Showa University.

836B	SPECIAL CATEGORIES GRANTS AND AIDS - CONTRACTED SERVICES FROM GENERAL REVENUE FUND	200,000

From the funds in Specific Appropriation 836B, $50,000 in non-recurring general revenue is provided for a Student Health Records Pilot at the University of Miami Medical School. The purpose of this pilot is to develop a program for tracking public school student health information to assist providers in the delivery of emergency medical services on a 24-hour a day basis.

From the funds in Specific Appropriation 836B, $150,000 in recurring general revenue is provided for the Hispanic AIDS Awareness Program in Dade County.

837	SPECIAL CATEGORIES HOSPITAL REIMBURSEMENT FROM GENERAL REVENUE FUND	526,301
838	SPECIAL CATEGORIES PURCHASED CLIENT SERVICES FROM GENERAL REVENUE FUND	318,246
839	SPECIAL CATEGORIES GRANTS AND AIDS - TRAUMA CARE FROM EMERGENCY MEDICAL SERVICES TRUST FUND	93,747

SECTION 1

SPECIFIC APPROPRIATION

840 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT
FROM RADON TRUST FUND 2,018,279

840A SPECIAL CATEGORIES
GRANTS AND AIDS - PRIMARY CARE TRAINING DEMONSTRATIONS
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 3,444,600

From the funds in Specific Appropriation 840A, $444,600 is provided for the Challenge Project in Dade County.

DEPUTY SECRETARY FOR OPERATIONS

OFFICE OF THE DEPUTY SECRETARY FOR OPERATIONS

841 SALARIES AND BENEFITS POSITIONS 1,016
FROM GENERAL REVENUE FUND 5,606,732
FROM ADMINISTRATIVE TRUST FUND 2,250,445
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 344,192
FROM U.S. TRUST FUND 20,182,489

842 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 302,934
FROM ADMINISTRATIVE TRUST FUND 6,234
FROM U.S. TRUST FUND 855,399

843 EXPENSES
FROM GENERAL REVENUE FUND 2,761,520
FROM ADMINISTRATIVE TRUST FUND 885,948
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 99,785
FROM U.S. TRUST FUND 13,865,969

From the funds in Specific Appropriation 843, $50,000 from the General Revenue Fund shall be used by the department to develop a plan to minimize the time spent by trained abuse registry counselors on calls unrelated to abuse or neglect. The department shall submit this plan to the Executive Office of the Governor and to the chairmen of the House and Senate Appropriations Committees by March 1, 1990. In addition, Abuse Registry staff shall develop a data report in consultation with the Governor's Office, the House and Senate Appropriations Committees, and substantive committees in the House and Senate. This report should be developed by September 1, 1989 and should then be prepared on a monthly basis.

844 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 15,706

SECTION 1

SPECIFIC APPROPRIATION

FROM ADMINISTRATIVE TRUST FUND 6,693
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 1,497
FROM U.S. TRUST FUND 58,209

845 SPECIAL CATEGORIES
PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT
FROM GENERAL REVENUE FUND 104,861
FROM ADMINISTRATIVE TRUST FUND 2,941,476

846 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 1,890,957
FROM ADMINISTRATIVE TRUST FUND 5,190,869

DISTRICT ADMINISTRATION

847 SALARIES AND BENEFITS POSITIONS 2,573
FROM GENERAL REVENUE FUND 28,751,661
FROM ADMINISTRATIVE TRUST FUND 36,331,522
FROM OPERATIONS AND MAINTENANCE TRUST FUND 703,638
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 188,633

848 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 328,108
FROM ADMINISTRATIVE TRUST FUND 169,376

849 EXPENSES
FROM GENERAL REVENUE FUND 8,642,990
FROM ADMINISTRATIVE TRUST FUND 7,360,473
FROM OPERATIONS AND MAINTENANCE TRUST FUND 119,661
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 43,826

850 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 81,565
FROM ADMINISTRATIVE TRUST FUND 196,929

851 SPECIAL CATEGORIES
CITIZEN ADVOCACY COMMITTEES AND ADVISORY COUNCILS - EXPENSES
FROM GENERAL REVENUE FUND 132,740

852 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 163,804

853 SPECIAL CATEGORIES
GRANTS AND AIDS - FOSTER GRANDPARENT PROGRAM
FROM GENERAL REVENUE FUND 70,000

SECTION 1

SPECIFIC APPROPRIATION

854	SPECIAL CATEGORIES		
	PURCHASE OF SERVICES - CHILD SUPPORT ENFORCEMENT		
	FROM GENERAL REVENUE FUND	1,555,134	
	FROM ADMINISTRATIVE TRUST FUND		24,114,952
	ECONOMIC SERVICES		
855	SALARIES AND BENEFITS POSITIONS	6,591	
	FROM GENERAL REVENUE FUND	55,161,598	
	FROM ADMINISTRATIVE TRUST FUND		68,070,092
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		549,316
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		14,329,703
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		130,569
	FROM SPECIAL GRANTS TRUST FUND		711,771
856	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	2,744,382	
	FROM ADMINISTRATIVE TRUST FUND		5,302,140
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		939,766
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		7,757
	FROM SPECIAL GRANTS TRUST FUND		52,084
857	EXPENSES		
	FROM GENERAL REVENUE FUND	11,015,426	
	FROM ADMINISTRATIVE TRUST FUND		16,316,035
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		274,155
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		4,856,550
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		56,127
	FROM SPECIAL GRANTS TRUST FUND		278,768
858	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	242,926	
	FROM ADMINISTRATIVE TRUST FUND		227,308
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		1,694
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		19,605
859	SPECIAL CATEGORIES		
	GRANTS AND AIDS - FEDERAL EMERGENCY SHELTER GRANT PROGRAM		
	FROM GENERAL REVENUE FUND	5,700,000	
	FROM ADMINISTRATIVE TRUST FUND		4,600,000
860	SPECIAL CATEGORIES		
	PUBLIC ASSISTANCE FRAUD CONTRACT		
	FROM ADMINISTRATIVE TRUST FUND		3,979,628

SECTION 1

SPECIFIC APPROPRIATION

861	SPECIAL CATEGORIES		
	PURCHASED CLIENT SERVICES		
	FROM GENERAL REVENUE FUND	126,878	
	FROM ADMINISTRATIVE TRUST FUND		126,878
862	SPECIAL CATEGORIES		
	SERVICES TO REPATRIATED AMERICANS		
	FROM ADMINISTRATIVE TRUST FUND		130,380
863	SPECIAL CATEGORIES		
	PROJECT INDEPENDENCE SUPPORT SERVICES		
	FROM GENERAL REVENUE FUND	5,127,640	
	FROM ADMINISTRATIVE TRUST FUND		4,675,639
864	FINANCIAL ASSISTANCE PAYMENTS		
	AID TO FAMILIES WITH DEPENDENT CHILDREN		
	FROM GENERAL REVENUE FUND	146,399,733	
	FROM DIRECT ASSISTANCE TRUST FUND		216,702,183
	FROM SPECIAL GRANTS TRUST FUND		136,101
	From the funds provided in Specific Appropriation 864, $2,025,000 from the General Revenue Fund and $2,457,072 from the Direct Assistance Trust Fund are provided for a 2.5 percent AFDC payment level increase effective January 1, 1990.		
865	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT ENFORCEMENT - PAYMENT TO PUBLIC ASSISTANCE FAMILIES		
	FROM DIRECT ASSISTANCE TRUST FUND		16,500,000
866	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT INCENTIVE PAYMENTS - POLITICAL SUBDIVISIONS		
	FROM DIRECT ASSISTANCE TRUST FUND		600,000
867	FINANCIAL ASSISTANCE PAYMENTS		
	CHILD SUPPORT FOR NON-AFDC FAMILIES		
	FROM DIRECT ASSISTANCE TRUST FUND		140,000,000
868	FINANCIAL ASSISTANCE PAYMENTS		
	HOME ENERGY ASSISTANCE		
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		12,254,821
869	FINANCIAL ASSISTANCE PAYMENTS		
	REFUGEE/ENTRANT ASSISTANCE		
	FROM SPECIAL GRANTS TRUST FUND		1,755,734
870	FINANCIAL ASSISTANCE PAYMENTS		
	TRADE WELFARE FOR WORK WAGE POOL		
	FROM GENERAL REVENUE FUND	280,433	
	FROM DIRECT ASSISTANCE TRUST FUND		387,066

SECTION 1

SPECIFIC APPROPRIATION

AGING AND ADULT SERVICES

871	SALARIES AND BENEFITS POSITIONS	1,863	
	FROM GENERAL REVENUE FUND	17,461,680	
	FROM ADMINISTRATIVE TRUST FUND		12,839,107
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		5,343,142
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		8,127,061
872	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	238,921	
	FROM ADMINISTRATIVE TRUST FUND		424,937
873	EXPENSES		
	FROM GENERAL REVENUE FUND	4,666,204	
	FROM ADMINISTRATIVE TRUST FUND		3,297,521
	FROM FEDERAL GRANTS TRUST FUND		46,681
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		2,093,555
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		724,223
874	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	83,158	
	FROM ADMINISTRATIVE TRUST FUND		14,633
875	NOT USED		
876	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ALZHEIMER'S DISEASE PROJECTS/SERVICES		
	FROM GENERAL REVENUE FUND	3,925,370	
877	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY CARE FOR THE ELDERLY		
	FROM GENERAL REVENUE FUND	41,477,937	
	FROM FEDERAL GRANTS TRUST FUND		231,014
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		5,075,286

From funds in Specific Appropriation 877, each Area Agency on Aging may retain a maximum of $25,000 for administrative costs associated with implementing Community Care for the Elderly.

Of the funds in Specific Appropriation 877, $1,000,000 shall be used to target services to clients who are eligible for nursing home care under the Medicaid program. The department shall evaluate and submit a report evaluating this targeting effort by March 1, 1990 to the chairmen of the Senate and House Appropriations Committees. The evaluation shall determine the cost effectiveness and appropriateness of the placement alternative.

SECTION 1

SPECIFIC APPROPRIATION

878	SPECIAL CATEGORIES		
	HOME CARE FOR THE ELDERLY		
	FROM GENERAL REVENUE FUND	11,726,599	
879	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HOME ENERGY ASSISTANCE		
	FROM LOW INCOME HOME ENERGY ASSISTANCE PROGRAM BLOCK GRANT TRUST FUND		795,184
880	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY CARE FOR DISABLED ADULTS		
	FROM GENERAL REVENUE FUND	4,679,293	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		327,485

Of the funds in Specific Appropriation 880, $211,839 from the General Revenue Fund is provided to the Gulf Coast Jewish Family Services.

881	SPECIAL CATEGORIES		
	GRANTS AND AIDS - OLDER AMERICANS ACT PROGRAM		
	FROM GENERAL REVENUE FUND	387,347	
	FROM FEDERAL GRANTS TRUST FUND		52,799,823
882	NOT USED		
883	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	105,000	

From the funds in Specific Appropriation 883, $30,000 in recurring general revenue is provided for the Elderly Seminar and Referral Institute Project in District 11.

From the funds in Specific Appropriation 883, $75,000 in recurring general revenue is provided for Action Community Center, Inc. for transportation services in District 11.

884	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DISPLACED HOMEMAKERS		
	FROM DISPLACED HOMEMAKER TRUST FUND		1,401,088
885	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DOMESTIC VIOLENCE PROGRAM		
	FROM MARRIAGE LICENSE FEES TRUST FUND		3,085,560
885A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ELDERLY MEALS PROGRAMS		
	FROM GENERAL REVENUE FUND	190,000	

From the funds in Specific Appropriation 885A,

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$40,000 in recurring general revenue is provided for the West Miami Hot Lunch Program and $150,000 in recurring general revenue is provided for special dietary programs for the elderly in Broward County.

886 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAMS
FROM GENERAL REVENUE FUND 2,284,054
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 876,082

From the funds in Specific Appropriation 886, $267,893 from the General Revenue Fund and $876,082 from the Social Services Block Grant Trust Fund are provided to continue the services which were originally provided through Title XX and Title III federal funds to persons in HRS Districts 6 and 11 aged 60 and older.

From the funds in Specific Appropriation 886, $935,656 for HRS District 5 and $700,000 for HRS District 10 are provided only for the purpose of distributing special grants for services to the elderly.

From the funds in Specific Appropriation 886, $11,000 in recurring general revenue is provided for Putnam County Council on Aging.

From the funds in Specific Appropriation 886, $20,000 in recurring general revenue is provided for the Flagami Community Center in District 11.

From the funds in Specific Appropriation 886, $75,000 in recurring general revenue is provided for Southwest Social Services in District 11.

From the funds in Specific Appropriation 886, $50,000 in recurring general revenue is provided for Viejos Utiles, the Association for the Useful Aged in Dade County.

886A SPECIAL CATEGORIES
GRANTS AND AIDS - SOUTHWEST SOCIAL SERVICES - BADIA SENIOR CENTER
FROM GENERAL REVENUE FUND 45,000

Funds in Specific Appropriation 886A are provided from non-recurring general revenue for operating costs associated with the Social Services-Badia Senior Center.

887 SPECIAL CATEGORIES
TEMPORARY EMERGENCY SHELTER SERVICES
FROM GENERAL REVENUE FUND 236,425

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888 FINANCIAL ASSISTANCE PAYMENTS
ADULT CONGREGATE LIVING FACILITY CARE SUPPLEMENT
FROM GENERAL REVENUE FUND 14,136,630

889 FINANCIAL ASSISTANCE PAYMENTS
FOSTER HOME CARE SUPPLEMENT
FROM GENERAL REVENUE FUND 1,146,579

890 FINANCIAL ASSISTANCE PAYMENTS
PERSONAL CARE ALLOWANCE
FROM GENERAL REVENUE FUND 326,022

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES

From Specific Appropriations 891 through 908, $13,309,720 from the Alcohol, Drug Abuse, and Mental Health Trust Fund is provided as non-recurring funds made available from unencumbered Alcohol, Drug Abuse, and Mental Health Block Grant cash carried forward from prior fiscal years. The department is authorized to expend these funds on non-recurring service activities consistent with the requirements of the federal laws and regulations governing the Alcohol, Drug Abuse, and Mental Health Block Grant. Purchase of service arrangements for HRS clients shall be used as much as possible to expend these non-recurring funds.

891 SALARIES AND BENEFITS POSITIONS 152
FROM GENERAL REVENUE FUND 4,002,076
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 348,894
FROM GRANTS AND DONATIONS TRUST FUND . . . 242,283

892 EXPENSES
FROM GENERAL REVENUE FUND 884,411
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 157,506
FROM GRANTS AND DONATIONS TRUST FUND . . . 29,129

893 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 6,335
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 13,915

894 SPECIAL CATEGORIES
GRANTS AND AIDS - COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 79,764,632
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 19,018,136
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,889,556

From funds in Specific Appropriation 894, $10,000 from the General Revenue Fund is provided to conduct

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the evaluation of deinstitutionalization projects.

From the funds provided in Specific Appropriation 894, $462,000 from the Alcohol, Drug Abuse, and Mental Health Trust Fund is provided for the Chemical Dependency Day/Night Treatment Program operated by the Family Health Center, Inc. in Miami. This program shall target services for AFDC mothers and pregnant teenagers.

From the funds provided in Specific Appropriation 894, $326,766 in recurring general revenue is provided for Gulf Coast Jewish Family Services, Inc. for a Geriatric Mental Health Support Team in District 5.

From the funds provided in Specific Appropriation 894, $1,125,972 from the Alcohol, Drug Abuse, and Mental Health Trust Fund is provided for community mental health Adult Congregate Living Facility (ACLF) overlay teams. HRS Districts 4, 5, 7, 8, 9, 10, and 11 shall be allocated one team each, at $125,108 per team; and HRS District 6 shall be allocated $250,216 for two teams. Funds provided are for nine months of operation.

From the funds provided in Specific Appropriation 894, $405,232 from the General Revenue Fund is provided for nine months operations of four in-jail forensic units. These units shall be allocated one each to HRS Districts 2, 3, 6, and 8.

From the funds in Specific Appropriation 894, $50,000 in recurring general revenue funds shall be allocated to Fellowship House in South Miami.

From the funds provided in Specific Appropriation 894, $16,667 from the General Revenue Fund is provided to Lock Towns Community Mental Health Center in Dade County to provide mental health and substance abuse services to dually diagnosed persons.

895	SPECIAL CATEGORIES		
	GRANTS AND AIDS - BAKER ACT SERVICES		
	FROM GENERAL REVENUE FUND	48,156,557	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		35,236

From the general revenue funds provided in Specific Appropriation 895, $2,000,000 is provided for a special price level increase for Crisis Stabilization Unit (CSU) beds. This special price level shall be allocated prior to and separate from other price level increases provided with other funds. Of the $2,000,000, $717,590 shall be allocated as follows to be used as price level increases for specifically appropriated CSU beds:

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$71,175 to HRS District 1; $102,200 to HRS District 3; $94,900 to HRS District 4; $93,075 to HRS District 7; $159,140 to HRS District 8; and $197,100 to HRS District 11. The $717,590 allocated above shall be used to bring the state share of CSU daily bed cost up to $113. The remaining $1,282,410 shall be allocated to districts to use as price level increases for other CSU bed contracts as follows: $2,129 to HRS District 1; $298,036 to HRS District 3; $166,191 to HRS District 5; $31,762 to HRS District 7; $221,860 to HRS District 8; $349,179 to HRS District 9; and $213,253 to HRS District 11. All of the $2,000,000 shall be used for price level increases directly relating to the operation of CSU beds, and not to other Baker Act support services. The Department of Health and Rehabilitative Services shall ensure that contracts with providers identify the contract amounts associated with operation of CSU beds as opposed to crisis screening and other Baker Act services.

From the general revenue funds provided in Specific Appropriation 895, $1,082,047 is provided for operational costs of Short Term Residential Treatment Unit (SRT) beds and Mobile Crisis Teams as follows. In HRS District 6, $316,032 is provided for twelve months operations of a mobile crisis team. In HRS District 7, $237,024 is provided for nine months operations of a mobile crisis team. In HRS District 9, $237,024 is provided for nine months operations of a mobile crisis team. In HRS District 4, $291,967 is provided for twelve months operation of five short-term residential treatment beds currently available at the Mental Health Center of Jacksonville, Inc.

From the funds provided in Specific Appropriation 895, up to $291,404 in general revenue shall be allocated to the community mental health centers that operate licensed psychiatric hospital beds and which are assessed payments for the Public Medical Assistance Trust Fund. These funds shall be used to reimburse the centers for annual assessments which are due during Fiscal Year 1989-90 and which were actually remitted in that fiscal year by the centers. In the event that funds allocated for the assessments are insufficient to reimburse for the assessments, the department shall allocate reimbursements to the centers on a pro rata basis. In the event that Public Medical Assistance Trust Fund monies become available to the centers through a redistribution law, or some other mechanism, then the funds allocated herein shall be deemed last resort funds to make up for any remaining assessment reimbursement not otherwise received.

From the funds in Specific Appropriation 895,

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$250,000 in recurring general revenue is provided for West Florida Community Care Mental Health Center in Santa Rosa County.

896	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY ALCOHOL SERVICES		
	FROM GENERAL REVENUE FUND	18,993,196	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		8,344,183
	FROM ALCOHOLISM RESOURCE LICENSING TRUST FUND		20,880
	FROM GRANTS AND DONATIONS TRUST FUND . . .		77,574
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		297,300
897	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY DRUG ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	23,845,121	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		14,393,418
	FROM GRANTS AND DONATIONS TRUST FUND . . .		860,000
898	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PURCHASED CLIENT SERVICES/DRUG ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	1,135,853	
899	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY SUBSTANCE ABUSE SERVICES		
	FROM GENERAL REVENUE FUND	100,000	
	FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND		10,768,463

From the funds provided in Specific Appropriation 899, $175,214 from the Alcohol, Drug Abuse, and Mental Health Trust Fund is provided for Tampa Crossroads, Inc. for a residential drug treatment program for women.

From the funds provided in Specific Appropriation 899, $100,000 from the General Revenue Fund is provided for operation of the Community Out-Reach Services, Inc. residential substance abuse program in Deland.

From the funds in Specific Appropriation 899, $75,000 from the Alcohol, Drug Abuse, and Mental Health Trust Fund is provided for River Region Human Services to provide counseling, testing, and outreach services to minority intravenous drug abusers in Duval County who are at risk of contracting AIDS.

From the funds in Specific Appropriation 899,

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$85,000 from the Alcohol, Drug Abuse, and Mental Health Trust Fund is provided to Switchboard of Miami to develop a telephone hotline for teen substance abusers.

From the funds in Specific Appropriation 899, $25,000 in recurring revenue from the Alcohol, Drug Abuse, and Mental Health Services Trust Fund is provided to P.A.D., Inc. for an outpatient substance abuse program in Polk County.

From the funds in Specific Appropriation 899, $100,000 in recurring revenue from the Alcohol, Drug Abuse, and Mental Health Trust Fund is provided for the Chemical Addiction Recovery Effort, Inc. in Bay County for a female substance abuse halfway house.

From the funds in Specific Appropriations 894, 896, 897, 898, and 899, the department shall ensure that all contracts separately identify Medicaid earnings from other funds.

900	SPECIAL CATEGORIES	
	GRANTS AND AIDS - CONTRACTED SERVICES	
	FROM GENERAL REVENUE FUND	2,901,511

From the funds in Specific Appropriation 900, $1,000,000 from the General Revenue Fund is contingent upon House Bill 859 or similar legislation becoming law.

From the funds in Specific Appropriation 900, $200,000 in recurring general revenue is provided to the Juvenile Assessment Center in Broward County.

901	SPECIAL CATEGORIES	
	GRANTS AND AIDS - DAY TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH	
	FROM GENERAL REVENUE FUND	6,422,016
902	SPECIAL CATEGORIES	
	GRANTS AND AIDS - INDIGENT PSYCHIATRIC MEDICATION PROGRAM	
	FROM GENERAL REVENUE FUND	3,063,767
903	SPECIAL CATEGORIES	
	GRANTS AND AIDS - PURCHASED RESIDENTIAL TREATMENT SERVICES FOR EMOTIONALLY DISTURBED CHILDREN AND YOUTH	
	FROM GENERAL REVENUE FUND	24,160,659

From the funds provided in Specific Appropriation 903, $269,370 in recurring general revenue is provided for nine months funding of a children's crisis stabilization unit at N. W. Dade Community Mental Health Center; and $168,357 in recurring

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general revenue is provided for nine months operations of 5 pediatric crisis stabilization unit beds in HRS District 9.

904 NOT USED

905 NOT USED

906 NOT USED

907 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF SUPPORT SERVICES
FROM GENERAL REVENUE FUND 70,937
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 753,592
FROM SERVICES TRUST FUND 1,126,214

908 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES - CONTINUITY OF CARE MANAGEMENT SYSTEM
FROM GENERAL REVENUE FUND 1,035,807

MENTAL HEALTH - INSTITUTIONS

909 SALARIES AND BENEFITS POSITIONS 7,222
FROM GENERAL REVENUE FUND 156,657,842
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 23,288
FROM GRANTS AND DONATIONS TRUST FUND . . . 24,137
FROM OPERATIONS AND MAINTENANCE TRUST FUND 16,872,523

910 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,689,398

911 EXPENSES
FROM GENERAL REVENUE FUND 28,682,960
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 1,080
FROM GRANTS AND DONATIONS TRUST FUND . . . 398,890
FROM OPERATIONS AND MAINTENANCE TRUST FUND 2,196,026

912 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 1,241,840
FROM ALCOHOL, DRUG ABUSE AND MENTAL HEALTH TRUST FUND 5,060
FROM OPERATIONS AND MAINTENANCE TRUST FUND 426,480

913 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 3,170,934
FROM GRANTS AND DONATIONS TRUST FUND . . . 168,715
FROM OPERATIONS AND MAINTENANCE TRUST FUND 62,809

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913A LUMP SUM
NORTHEAST FLORIDA STATE HOSPITAL RESIDENTIAL TREATMENT FACILITIES CONVERSION PROJECT
FROM GENERAL REVENUE FUND 250,000

From the funds provided in Specific Appropriation 913A, $250,000 from the General Revenue Fund is provided to convert staff housing of Northeast Florida State Hospital to adult congregate living facilities to be leased to private service providers to provide transitional residential services to mentally ill clients of the department. Of the funds provided, both non-recurring and recurring expenditures may be made to renovate the facilities and to provide mental health services to clients on an ongoing basis.

914 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 3,581,104

915 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 45,189

CHILDREN, YOUTH AND FAMILY SERVICES

916 SALARIES AND BENEFITS POSITIONS 6,138
FROM GENERAL REVENUE FUND 100,239,831
FROM GRANTS AND DONATIONS TRUST FUND . . . 843,920
FROM SERVICES TRUST FUND 4,586,097
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 41,105,165

917 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 909,408
FROM CHILD WELFARE TRAINING TRUST FUND . . 5,714
FROM GRANTS AND DONATIONS TRUST FUND . . . 105,321
FROM JUVENILE JUSTICE TRAINING TRUST FUND 11,712
FROM SERVICES TRUST FUND 227,020

918 EXPENSES
FROM GENERAL REVENUE FUND 25,532,716
FROM CHILD WELFARE TRAINING TRUST FUND . . 226,021
FROM DIRECT ASSISTANCE TRUST FUND 6,763
FROM GRANTS AND DONATIONS TRUST FUND . . . 367,855
FROM JUVENILE JUSTICE TRAINING TRUST FUND 157,450
FROM SERVICES TRUST FUND 1,243,402
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 5,465,463

From the funds in Specific Appropriations 916 and

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918, $196,299, $4,842, and 12 FTEs from the General Revenue Fund shall be allocated for additional secure detention staffing for secure detention facilities in District 4.

919	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	674,023	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		89
	FROM SERVICES TRUST FUND		5,427
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		3,857
920	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	2,148,063	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		678,331
920A	LUMP SUM		
	CHILD DAY CARE INITIATIVES		
	POSITIONS	12	
	FROM GENERAL REVENUE FUND	1,583,400	

From General Revenue Funds in Specific Appropriation 920A, $600,000 is for child day care training; $250,000 is for Child Care Facility/Family Day Care loans; $50,000 is for Early Childhood Enhancements for Family Day Care Homes; $300,000 is for Resource and Referral program; and $383,400 and 12 positions are for Support Services and Technical Assistance to Providers.

921	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE PROGRAM		
	FROM GENERAL REVENUE FUND	3,758,189	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		62,760
922	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD DAY CARE		
	FROM GENERAL REVENUE FUND	42,641,111	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		3,031,366
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		41,035,346

Funds in Specific Appropriation 922 shall require an 8 percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services due to accepting in-kind match.

From funds in Specific Appropriation 922, $3,031,366 from the Grants and Donations Trust Fund shall provide an increase for day care expansion, and shall be distributed based on an equity index developed by the department and approved by the Executive Office of the Governor. All slots funded by this increase shall be targeted at participants in the Project Independence program.

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From funds in Specific Appropriation 922, $11,000,000 in general revenue is provided for the department to negotiate rates for the purchase of child day care not to exceed the market rate by geographic area. Any rate increase will be tied to performance in the Child Care Assessment Tool.

The additional amount of general revenue funds available shall be distributed on the equity index developed by the department and approved by the Executive Office of the Governor. Further, the districts, upon determination that there are not enough child day care facilities with slots available to absorb their allocation to allow child care providers to apply to the department for loans pursuant to s. 402.3195, F.S. An annual report detailing such utilization shall be provided to the chairmen of the legislative appropriations committees by June 30, 1990.

From the funds in Specific Appropriation 922, $25,000 from the General Revenue Fund shall be allocated to Southwest Social Services Program in District 11 to provide after school care at a rate of $25.00 per week for 25 children.

From the funds in Specific Appropriation 922, $5,000 is for the Miami Beach Social Services Day Care, Inc.

923	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE/DAY CARE TRAINING		
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		319,091
924	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CHILD ABUSE INVESTIGATION		
	FROM GENERAL REVENUE FUND	251,296	
924A	SPECIAL CATEGORIES		
	CHILD CARE PARTNERSHIP PROGRAM		
	FROM GENERAL REVENUE FUND	1,000,000	
925	SPECIAL CATEGORIES		
	CLIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	368,151	
926	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTED SERVICES		
	FROM GENERAL REVENUE FUND	21,786,960	
	FROM CHILD WELFARE TRAINING TRUST FUND . .		2,173,127
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,898,071
	FROM JUVENILE JUSTICE TRAINING TRUST FUND		1,487,262

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FROM SOCIAL SERVICES BLOCK GRANT TRUST
FUND 282,793

From the funds in Specific Appropriation 926, $228,000 of recurring funds from the General Revenue Fund shall be allocated for nine months funding to the Florida Keys Children's Shelter operated by the Children's Home Society.

From General Revenue Funds in Specific Appropriation 926, $1,700,000 is for prevention/early intervention prototype programs, and $300,000 is for the community resource mother/father program.

From the funds in Specific Appropriation 926, $30,000 from the General Revenue Fund shall be allocated for the Phone Friends program in District 6.

From the General Revenue funds in Specific Appropriation 926, $46,500 is for the Infant Abuse/Neglect Program of the Life Management Center of Northwest Florida.

From the general revenue funds in Specific Appropriation 926, $25,000 is for the Mary McLeod Bethune-LaSalle D. Leffall Success Program which is an intervention program dealing with teenage pregnancy and drugs in Orange County.

From the general revenue funds in Specific Appropriation 926, $25,000 is for Project ESCAPE which is a program dealing with truants and suspended Orange County school students. It is operated by the Central Florida Police Athletic League.

From the general revenue funds in Specific Appropriation 926, $832,200 from the General Revenue Fund shall be allocated for the Serious Habitual Offender Drug Involved (SHODI) program located in District 4. Those eligible clients which reside within the judicial circuit in which the program is located shall be given first preference for placement in this program.

From the funds in Specific Appropriation 926, $500,000 from the General Revenue Fund shall be allocated for six months funding for a new Serious Habitual Offender Drug Involved (SHODI) program. Those eligible clients which reside within the judicial circuit in which the program is located shall be given first preference for placement in this program.

From the funds in Specific Appropriation 926, $450,000 from the General Revenue Fund shall be allocated for six months funding for the implementation of a pilot Early Delinquency Intervention Program (EDIP) to be located in Duval County. The department shall prepare and submit quarterly progress reports to the chairmen of the Senate and House Appropriations Committees on the development and implementation of the program which shall include: the factors determining placement of a child in the program, the services to be provided in each component, the costs associated with each component, and any problems encountered with the implementation of the program.

From the funds in Specific Appropriation 926, $1,839,600 from the General Revenue Fund shall be allocated to the CHARLEE programs statewide for four therapeutic group homes in District 7, five therapeutic group homes in District 10, and five therapeutic group homes in District 11.

927 SPECIAL CATEGORIES
GRANTS AND AIDS - EMERGENCY SHELTER FOR CHILDREN
FROM GENERAL REVENUE FUND 10,357,146
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,161,309

From the funds in Specific Appropriation 927, $100,000 from the General Revenue Fund shall be allocated to The Treehouse in District 2 for additional emergency shelter slots.

From General Revenue Funds in Specific Appropriation 927, $881,908 is for a rate increase of 11.8%.

928 SPECIAL CATEGORIES
FOSTER HOME CARE FOR CHILDREN
FROM GENERAL REVENUE FUND 14,452,256
FROM DIRECT ASSISTANCE TRUST FUND 7,479,398
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,669,949
FROM SERVICES TRUST FUND 2,799,169
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 2,000,000

From the funds in Specific Appropriation 928, $100,000 from the General Revenue Fund shall be allocated to the Florida Foster Care Review Project in Dade County to implement a pilot citizen review project for eighteen months.

From the funds in Specific Appropriation 928, $125,196 from the General Revenue Fund shall be allocated to the Pilot Foster Care Project in District 11 and shall be used to phase down the project while still attempting to achieve permanent placement for any children currently receiving

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intensive services in the project.

From General Revenue Funds in Specific Appropriation 928, $2,430,104 is for a rate increase of 11.8%; $143,500 is for a clothing allowance for infants in foster care; $660,000 is for foster care benefits for those foster children attending college or vocational education facilities; $90,500 is for foster parent recruitment; $526,000 is for support services for the foster care program; and $100,000 is for foster parent training.

From the funds in Specific Appropriation 928, the department may provide intensive crisis counseling services to current/prospective foster children and current foster parents.

929 SPECIAL CATEGORIES
HOUSEKEEPER SERVICES FOR CHILDREN
FROM GENERAL REVENUE FUND 340,735
FROM SERVICES TRUST FUND 279,313

930 SPECIAL CATEGORIES
GRANTS AND AIDS - INTENSIVE CRISIS COUNSELING
FROM GENERAL REVENUE FUND 3,330,448
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 635,636

931 SPECIAL CATEGORIES
GRANTS AND AIDS - LOCAL SERVICES PROGRAM
FROM GENERAL REVENUE FUND 1,073,053
FROM GRANTS AND DONATIONS TRUST FUND . . . 6,559,028
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 63,564

From funds in Specific Appropriation 931, $1,073,053 from the General Revenue Fund shall require a 25 percent match from local sources. In-kind match is allowable provided there is no reduction in the number of slots or level of services due to accepting in-kind match.

From the funds in Specific Appropriation 931, $100,000 from the General Revenue Fund shall be allocated to Legal Services of Greater Miami, Inc. for direct delivery of civil legal services to eligible clients.

932 SPECIAL CATEGORIES
MAINTENANCE ADOPTION SUBSIDY
FROM GENERAL REVENUE FUND 4,356,511
FROM DIRECT ASSISTANCE TRUST FUND 4,612,295

933 SPECIAL CATEGORIES
MEDICAL COST OF SUBSIDIZED ADOPTIONS
FROM GENERAL REVENUE FUND 722,096

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FROM SERVICES TRUST FUND 65,573

934 SPECIAL CATEGORIES
PURCHASE OF ADOPTION SERVICES
FROM GENERAL REVENUE FUND 109,774
FROM GRANTS AND DONATIONS TRUST FUND . . . 157,524
FROM SERVICES TRUST FUND 41,712

From the funds in Specific Appropriation 934, the department shall ensure that contracts written with agencies which provide services funded by this appropriation must conform with the legislative intent as to the issue of confidentiality of records, including identifying of adoptive parents and natural parents as set forth in s. 63.162, F.S.

935 SPECIAL CATEGORIES
PURCHASE OF RESIDENTIAL GROUP CARE
FROM GENERAL REVENUE FUND 11,351,499
FROM DIRECT ASSISTANCE TRUST FUND 539,848
FROM GRANTS AND DONATIONS TRUST FUND . . . 8,112
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 1,135,967

936 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF SUPPORT SERVICES
FROM GENERAL REVENUE FUND 459,778

937 SPECIAL CATEGORIES
GRANTS AND AIDS - RUNAWAY SHELTER PROGRAM
FROM GENERAL REVENUE FUND 5,596,565

From the funds in Specific Appropriation 937, $300,000 from the General Revenue Fund shall be allocated for a pilot Families in Need of Services program in District 5.

From the funds in Specific Appropriation 937, $150,000 is for establishing a shelter for runaways in Escambia County.

938 SPECIAL CATEGORIES
GRANTS AND AIDS - SPECIAL PROGRAMS FOR STATUS OFFENDERS
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 418,400

939 SPECIAL CATEGORIES
GRANTS AND AIDS - WILDERNESS THERAPEUTIC SERVICES
FROM GENERAL REVENUE FUND 5,421,323

CHILDREN AND YOUTH - INSTITUTIONS

939A SALARIES AND BENEFITS POSITIONS 227
FROM GENERAL REVENUE FUND 3,313,312

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	FROM GRANTS AND DONATIONS TRUST FUND . . .		42,515
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,984,178
939B	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	29,094	
939C	EXPENSES		
	FROM GENERAL REVENUE FUND	1,025,208	
939D	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	46,645	
939E	FOOD PRODUCTS		
	FROM GENERAL REVENUE FUND	81,012	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		90,053
940	NOT USED		
940A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTUAL SERVICES-DOZIER TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND	522,699	
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		105,187
941	SPECIAL CATEGORIES		
	GRANTS AND AIDS - CONTRACTUAL SERVICES-OKEECHOBEE TRAINING SCHOOL		
	FROM GENERAL REVENUE FUND	5,492,326	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		32,088
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,546,273

DEVELOPMENTAL SERVICES

942	SALARIES AND BENEFITS POSITIONS	532	
	FROM GENERAL REVENUE FUND	10,762,199	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		344,592
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		993,847
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,628,434
943	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	13,804	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		86,520
944	EXPENSES		
	FROM GENERAL REVENUE FUND	2,562,273	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		588,666
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		39,289
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		274,974

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945	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	241,143	
945A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY RESIDENTIAL TRAINING		
	FROM GENERAL REVENUE FUND	52,159,893	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		10,678,956
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		6,720,740
946	NOT USED		
947	SPECIAL CATEGORIES		
	CONTRACTED CASEWORK SERVICES		
	FROM GENERAL REVENUE FUND	472,868	

Funds in Specific Appropriation 947 shall be used to contract with the Children's Home Society of Florida for case management and casework services for developmentally disabled clients.

948	SPECIAL CATEGORIES		
	GRANTS AND AIDS - COMMUNITY RETARDATION SERVICES		
	FROM GENERAL REVENUE FUND	476,365	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		1,339,945
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		30,799
949	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DEVELOPMENTAL DISABILITIES		
	FROM GENERAL REVENUE FUND	4,001,546	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		234,363

From the funds in Specific Appropriation 949, $50,000 in recurring general revenue is provided for the Toddler Intervention Program for a pilot program for the enhancement of developmental growth.

From the funds in Specific Appropriation 949, $70,000 in recurring general revenue is provided to the Association for Retarded Citizens Broward, Inc. and the University of Miami, Department of Pediatrics, Genetics Division for genetic evaluation and counseling of the developmentally disabled.

949A	SPECIAL CATEGORIES		
	EXTENDED EMPLOYMENT FOR THE DEVELOPMENTALLY DISABLED		
	FROM GENERAL REVENUE FUND	367,390	

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950 SPECIAL CATEGORIES
GROUP HOMES - TEMPORARY LOANS
FROM INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED/GROUP LIVING HOME REVOLVING TRUST FUND 160,000

951 SPECIAL CATEGORIES
INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - COMMUNITY
FROM GENERAL REVENUE FUND 32,582,124
FROM OPERATIONS AND MAINTENANCE TRUST FUND 38,804,960

952 SPECIAL CATEGORIES
GRANTS AND AIDS - INDEPENDENT/FAMILY LIVING
FROM GENERAL REVENUE FUND 28,160,370
FROM OPERATIONS AND MAINTENANCE TRUST FUND 3,865,805
FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND 6,630,371

Funds in Specific Appropriations 945A and 952 for Developmental Training Programs shall require a 12.5 percent match from local sources. In-kind match is allowable providing there is no reduction in the number of slots or level of services due to accepting in-kind match.

From funds in Specific Appropriation 952, an increase of $2,300,000 in recurring general revenue is provided specifically for early intervention services for high-risk, independent family living clients.

From funds provided in Specific Appropriation 952, $25,000 in non-recurring general revenue is provided for the Space Coast Early Intervention Center in Palm Bay.

From the funds in Specific Appropriation 952, $25,000 in recurring general revenue is provided for Volusia Easter Seals.

953 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES-SPINA BIFIDA
FROM GENERAL REVENUE FUND 506,739

Funds in Specific Appropriation 953 shall provide for incidental nonmedical expenditures incurred by persons with spina bifida.

954 SPECIAL CATEGORIES
PURCHASED CLUSTER SERVICES
FROM GENERAL REVENUE FUND 15,440,129

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FROM OPERATIONS AND MAINTENANCE TRUST FUND 19,001,192

955 SPECIAL CATEGORIES
PURCHASED REFUGEE SERVICES
FROM GRANTS AND DONATIONS TRUST FUND . . . 11,300

956 SPECIAL CATEGORIES
START-UP FUNDS/GROUP HOMES
FROM GENERAL REVENUE FUND 80,000
FROM INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED/GROUP LIVING HOME REVOLVING TRUST FUND 80,000

DEVELOPMENTAL SERVICES - INSTITUTIONS

957 SALARIES AND BENEFITS POSITIONS 4,349
FROM GENERAL REVENUE FUND 61,210,119
FROM OPERATIONS AND MAINTENANCE TRUST FUND 31,896,268

958 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 2,497,920

959 EXPENSES
FROM GENERAL REVENUE FUND 12,597,474
FROM OPERATIONS AND MAINTENANCE TRUST FUND 1,672,111

From the funds in Specific Appropriations 957 and 959, $180,042 from Specific Appropriation 957 and $2,550 from Specific Appropriation 959 in recurring general revenue is provided for 17 FTE's for housekeeping staff for Marianna Sunland.

960 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 582,060

961 FOOD PRODUCTS
FROM GENERAL REVENUE FUND 2,363,487
FROM GRANTS AND DONATIONS TRUST FUND . . . 296,085

962 SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED PROFESSIONAL SERVICES
FROM GENERAL REVENUE FUND 3,313,567

HEALTH SERVICES

963 SALARIES AND BENEFITS POSITIONS 200
FROM GENERAL REVENUE FUND 4,623,657
FROM GRANTS AND DONATIONS TRUST FUND . . . 607,567
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 107,531
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 103,042

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	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		269,457
964	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	37,885	
	FROM GRANTS AND DONATIONS TRUST FUND		5,400
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		35,000
965	EXPENSES		
	FROM GENERAL REVENUE FUND	3,922,141	
	FROM GRANTS AND DONATIONS TRUST FUND		1,540,445
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		1,287,783
	FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND		22,937
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		59,671
966	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FAMILY PLANNING SERVICES		
	FROM GENERAL REVENUE FUND	3,665,130	
	FROM GRANTS AND DONATIONS TRUST FUND		3,910,925
967	AID TO LOCAL GOVERNMENTS CONTRIBUTION TO COUNTY HEALTH UNITS		
	FROM GENERAL REVENUE FUND	96,165,159	
	FROM COUNTY HEALTH UNIT TRUST FUND		87,020,041
	FROM GRANTS AND DONATIONS TRUST FUND		635,884
968	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - PRIMARY CARE PROGRAM		
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		30,029,150
969	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - DADE COUNTY		
	FROM GENERAL REVENUE FUND	7,830,000	

Of the funds in Specific Appropriation 969, $30,000 from the General Revenue Fund shall be used to contract with the Health Council of South Florida to review the current length of stay for AIDS victims at Jackson Memorial Hospital and to determine if an alternative placement policy would be more appropriate for patient care and funding considerations.

969A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYDROME (AIDS) NETWORK - TAMPA BAY DEMONSTRATION		
	FROM GENERAL REVENUE FUND	450,000	

The funds in Specific Appropriation 969A are provided for the development of the Tampa Bay AIDS Network. The State Health Officer will appoint a task force consisting of no less than 12 persons from Hillsborough, Pasco, Pinellas, and Polk Counties to develop a plan for a Tampa Bay AIDS Patient Care Network and select a fiscal agent for a pilot project. The plan will be completed by August 15, 1989; patient care services for the project will begin on October 1, 1989. Up to $50,000 of these funds may be used by HRS to assist with the administration of this project.

969B	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) NETWORK - PALM BEACH COUNTY DEMONSTRATION		
	FROM GENERAL REVENUE FUND	250,000	

The funds in Specific Appropriation 969B are provided for the development of the Palm Beach AIDS Network. The development plan for this network shall be determined by the State Health Officer in conjunction with the Palm Beach County Health Unit Director. Up to $25,000 of these funds may be used by HRS to assist with the administration of this project.

970	AID TO LOCAL GOVERNMENTS IMPACT AID		
	FROM GRANTS AND DONATIONS TRUST FUND		7,440,000
971	AID TO LOCAL GOVERNMENTS IMPROVED PREGNANCY OUTCOME PROGRAM		
	FROM GENERAL REVENUE FUND	8,377,993	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		2,707,849
972	AID TO LOCAL GOVERNMENTS MATERNAL AND CHILD HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	1,137,260	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		4,748,835
973	AID TO LOCAL GOVERNMENTS SCHOOL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	5,718,508	
973A	AID TO LOCAL GOVERNMENTS FIRST COAST MEDICAL CENTER AND FOUNDATION		
	FROM GENERAL REVENUE FUND	10,000	

Funds in Specific Appropriation 973A are provided to the First Coast Medical Center and Foundation for equipment.

974	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	30,615	

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FROM GRANTS AND DONATIONS TRUST FUND . . . 1,024
FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND 9,200
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 677

975 LUMP SUM
WASTE DISPOSAL
POSITIONS 2
FROM GRANTS AND DONATIONS TRUST FUND . . . 435,333

Funds in Specific Appropriation 975 shall be used solely for the provision of regulatory activities associated with infectious or biohazardous waste. Funding to be provided from the Solid Waste Management Trust Fund in the Department of Environmental Regulation.

975A LUMP SUM
GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) PREVENTION AND PATIENT CARE - STATEWIDE
FROM GENERAL REVENUE FUND 1,664,589

From the funds in Specific Appropriation 975A, $194,589 is provided for Monroe County and $1,000,000 is provided for Broward County. Of this $1,000,000, $300,000 is for the Northwest Health Center; $400,000 is for the North Broward Hospital District; and $300,000 is for the South Broward Hospital District. These funds can be used for inpatient or outpatient care and the entities mentioned above have the right to contract with other providers for care and services including hospice care.

976 SPECIAL CATEGORIES
ANATOMICAL GIFT PROGRAM
FROM GENERAL REVENUE FUND 180,250

976A SPECIAL CATEGORIES
GRANTS AND AIDS - CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 450,000

From the funds in Specific Appropriation 976A, $125,000 in recurring general revenue is provided as state assistance for the administrative costs associated with La Liga Contra El Cancer in Dade County.

From the funds in Specific Appropriation 976A, $50,000 in recurring general revenue is provided for the Metropolitan Orlando Urban League for a teenage pregnancy program.

From the funds in Specific Appropriation 976A, $50,000 in recurring general revenue is provided for the Frontline Outreach Center Teenage Pregnancy Education Program in Orlando.

From the funds in Specific Appropriation 976A, $25,000 in recurring general revenue is provided for the Centaur AIDS Program in Orange County.

From the funds in Specific Appropriation 976A, $100,000 in non-recurring general revenue is provided for Hospice, Inc. in Dade County.

From funds in Specific Appropriation 976A, $100,000 in recurring general revenue is provided for the City of Jacksonville, Department of Human Services, for a dropout prevention program for pregnant teens and teenage mothers.

977 SPECIAL CATEGORIES
GRANTS AND AIDS - EPILEPSY SERVICES
FROM GENERAL REVENUE FUND 2,284,441
FROM GRANTS AND DONATIONS TRUST FUND . . . 52,450

977A SPECIAL CATEGORIES
GRANTS AND AIDS - ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) INSURANCE COVERAGE DEMONSTRATION
FROM GENERAL REVENUE FUND 360,000

The funds in Specific Appropriation 977A are provided for the demonstration of a proposal for state funding of health insurance premiums for AIDS victims whose employment has been terminated. This demonstration shall be conducted in Monroe and Broward Counties. The Health Council of South Florida shall be allocated $50,000 of these funds for the administration and evaluation of this project. A report on the implementation and evaluation of the demonstration shall be submitted by the council to the chairmen of the Senate and House Appropriations Committees by March 1, 1990.

978 SPECIAL CATEGORIES
DRUGS, VACCINES AND OTHER BIOLOGICALS
FROM GENERAL REVENUE FUND 13,325,979
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,300,000

978A SPECIAL CATEGORIES
GRANTS AND AIDS - RURAL HEALTH
FROM GENERAL REVENUE FUND 382,409

979 SPECIAL CATEGORIES
HEALTH EDUCATION RISK REDUCTION PROJECT
FROM PREVENTIVE HEALTH SERVICES BLOCK GRANT TRUST FUND 576,183

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980	SPECIAL CATEGORIES KIDNEY DISEASE PROGRAM FROM GENERAL REVENUE FUND	642,058	
981	SPECIAL CATEGORIES REGIONAL DIABETES CENTERS FROM GENERAL REVENUE FUND	1,190,131	
982	SPECIAL CATEGORIES WOMEN, INFANTS AND CHILDREN (WIC) FROM GRANTS AND DONATIONS TRUST FUND . . .		58,525,791
983	SPECIAL CATEGORIES STATE UNDERGROUND PETROLEUM ENVIRONMENTAL RESPONSE (SUPER) ACT REIMBURSEMENT FROM GRANTS AND DONATIONS TRUST FUND . . .		414,775

HEALTH - TUBERCULOSIS HOSPITAL

984	SALARIES AND BENEFITS POSITIONS 232 FROM GENERAL REVENUE FUND	4,539,923	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		867,979
985	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	42,522	
986	EXPENSES FROM GENERAL REVENUE FUND	1,934,540	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		282,155
987	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	51,235	
988	FOOD PRODUCTS FROM GENERAL REVENUE FUND	95,679	
	FROM HOSPITAL MAINTENANCE TRUST FUND . . .		442,509

CHILDREN'S MEDICAL SERVICES

989	SALARIES AND BENEFITS POSITIONS 460 FROM GENERAL REVENUE FUND	7,851,136	
	FROM DONATIONS TRUST FUND		1,065,314
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		810,244
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		2,148,602
990	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	269,576	

From the funds in Specific Appropriation 990, $50,000 of non-recurring general revenue shall be used to determine the feasibility of operating a Children's Medical Services clinic in St. Lucie County for chronically ill children who meet the income and medical eligibility guidelines for services.

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991	EXPENSES FROM GENERAL REVENUE FUND	1,399,123	
	FROM DONATIONS TRUST FUND		281,677
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		168,971
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		818,995
992	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	61,270	
	FROM MATERNAL AND CHILD HEALTH BLOCK GRANT TRUST FUND		419
	FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		1,024
993	SPECIAL CATEGORIES CHILD ASSESSMENT AND MANAGEMENT PLANNING FROM SOCIAL SERVICES BLOCK GRANT TRUST FUND		97,943
994	SPECIAL CATEGORIES CLEFT LIP, CLEFT PALATE AND CRANIO-FACIAL ANOMALY PROGRAM FROM GENERAL REVENUE FUND	125,740	
995	NOT USED		
996	SPECIAL CATEGORIES REGIONAL GENETICS PROGRAM FROM GENERAL REVENUE FUND	1,091,812	
	FROM DONATIONS TRUST FUND		194,928
997	SPECIAL CATEGORIES SICKLE CELL EDUCATION AND SCREENING FROM GENERAL REVENUE FUND	416,191	
998	SPECIAL CATEGORIES GRANTS AND AIDS - MEDICAL SERVICES FOR ABUSED/NEGLECTED CHILDREN FROM GENERAL REVENUE FUND	7,605,903	
999	SPECIAL CATEGORIES GRANTS AND AIDS - PRIMARY CARE PROGRAM FROM GENERAL REVENUE FUND	873,404	
	FROM DONATIONS TRUST FUND		100,000

Third party payments collected through the primary care program funded in Specific Appropriation 999 may be used to expand or enhance the program services within District 2, provided the department has reviewed and approved such expansions of enhancements. A separate detailed accounting of such collections and disbursements shall be reported quarterly to the department.

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1000 SPECIAL CATEGORIES
CONTRACTED SERVICES
FROM GENERAL REVENUE FUND 66,358

1001 SPECIAL CATEGORIES
CYSTIC FIBROSIS
FROM GENERAL REVENUE FUND 75,313

1001A SPECIAL CATEGORIES
GRANTS AND AIDS - INFANT/TODDLERS
STEP-DOWN
FROM GENERAL REVENUE FUND 300,000

From the funds in Specific Appropriation 1001A, $300,000 in recurring general revenue is provided for Jackson Memorial Hospital for the treatment of cocaine babies.

1002 SPECIAL CATEGORIES
INFANT HEARING SCREENING
FROM GENERAL REVENUE FUND 364,208
FROM DONATIONS TRUST FUND 334,159

1003 SPECIAL CATEGORIES
KIDNEY DISEASE PROGRAM FOR CHILDREN
FROM GENERAL REVENUE FUND 979,026

1004 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES - IMPACT AID
FROM DONATIONS TRUST FUND 470,000

1005 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 32,527,669
FROM DONATIONS TRUST FUND 1,295,494
FROM MATERNAL AND CHILD HEALTH BLOCK
GRANT TRUST FUND 4,867,042
FROM SOCIAL SERVICES BLOCK GRANT TRUST
FUND 1,591,271

Up to $3,000,000 of the funds from general revenue in Specific Appropriation 1005 shall be retained by the department in a reserve account to provide services for catastrophic conditions, including but not limited to, spinal cord injury and liver and other organ transplants. These funds shall be utilized when the estimated expenditure to provide services to a client exceed $25,000 in any one fiscal year.

1005A SPECIAL CATEGORIES
POISON CONTROL CENTER
FROM GENERAL REVENUE FUND 575,000

From the funds in Specific Appropriation 1005A, $575,000 shall be provided for continuation and

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expansion of the poison control program. Such funds shall be used to develop an integrated statewide poison information/control program through three regionalized centers affiliated with the university medical schools.

1006 SPECIAL CATEGORIES
RHEUMATIC FEVER
FROM GENERAL REVENUE FUND 103,977

1006A SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL
INTENSIVE CARE CENTER/ SPECIAL BASE
CONTRACTS
FROM GENERAL REVENUE FUND 10,199,566

From the funds provided in Specific Appropriation 1006A, the department shall establish a grant program for the purpose of reimbursing the Regional Perinatal Intensive Care Center hospitals as established pursuant to Chapter 383. A hospital may earn against the grant only if its total revenues for RPICC patients derived from the expansion of Medicaid eligibility from 100 to 150 percent of the federal poverty level and the RPICC disproportionate share payments, do not equal the revenues the hospital received from the Regional Perinatal Intensive Care Program for the fiscal year ending June 30, 1989. Provided, the total amount reimbursed to a RPICC hospital from the special base contracts shall not exceed the difference necessary to reach that hospital's fiscal year 1988-89 RPICC revenues.

The department may advance funds from this category where and in the amount they determine necessary to aid in the conversion of the RPICC program to a Medicaid reimbursement system. On or before March 1, 1990, the department shall submit a report to the chairmen of the Senate and House Appropriations Committees, concerning the estimated fiscal effects on RPICC patients, physicians, and hospitals as a result of the conversion of the RPICC funding to a Medicaid reimbursement system.

1006B SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL
INTENSIVE CARE CENTER/ PHYSICIAN FEE
ADJUSTMENT
FROM GENERAL REVENUE FUND 841,117
FROM MEDICAL CARE TRUST FUND 1,015,653

Funds provided in Specific Appropriation 1006B are contingent on the federal Health Care Financing Administration (HCFA) approving a Medicaid physician reimbursement methodology which is consistent with the prospective payment system currently developed

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by the department for the RPICC program. Should HCFA disapprove such methodology, the department shall develop methodology which would distribute, through quarterly installments, not more than $1,000,000 from Specific Appropriation 1006A and $841,117 from Specific Appropriation 1006B, to physicians participating in the RPICC program.

1006C SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DISPROPORTIONATE SHARE
FROM GENERAL REVENUE FUND 4,530,000
FROM MEDICAL CARE TRUST FUND 5,470,000

From the funds provided in Specific Appropriation 1006C, the department shall design and implement a system of making medicaid disproportionate share payments to those hospitals that participate in the Regional Perinatal Intensive Care Center program established pursuant to chapter 383. This system of payments shall conform with federal requirements and shall distribute by quarterly installments no less than $10 million in total funds. However, should the federal Health Care Financing Administration deny the state's request for matching federal funds, the department shall distribute the appropriated state funds to the RPICC's, pursuant to the same methodology.

1006D SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER DEVELOPMENTAL EVALUATION AND INTERVENTION
FROM GENERAL REVENUE FUND 4,185,000

1006E SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PERINATAL INTENSIVE CARE CENTER/ PERINATAL SUPPORT SERVICES
FROM GENERAL REVENUE FUND 1,255,000

Funds provided in Specific Appropriation 1006E shall be utilized to provide non-Medicaid reimbursed support services for patients in the perinatal program. Such services may include necessary transportation services, specialized medical treatment or procedures, ancillary supplies and other services necessary to provide appropriate care to such patients.

MEDICAID SERVICES

Funds in Specific Appropriations 1020, 1022, 1026, and 1030 are provided pursuant to the federally approved state Medicaid plan effective April 1, 1989, except for any amendments necessary to provide

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physician fee increases, Medicaid SOBRA expansions and disproportionate share appropriations provided in this act.

1007 SALARIES AND BENEFITS POSITIONS 397
FROM GENERAL REVENUE FUND 2,283,767
FROM ADMINISTRATIVE TRUST FUND 4,615,253
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 1,908,032

In Specific Appropriation 1007, 8 positions are authorized contingent upon the receipt from the Health Care Financing Administration (HCFA) of a primary care case management waiver. Funding for these positions will be provided from surplus funds in Hospital Inpatient Services which result from the implementation of the waiver.

1008 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 212,430
FROM ADMINISTRATIVE TRUST FUND 641,790

1009 EXPENSES
FROM GENERAL REVENUE FUND 1,372,471
FROM ADMINISTRATIVE TRUST FUND 2,055,645
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 856,547

1010 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 17,043
FROM ADMINISTRATIVE TRUST FUND 9,694
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 185

1011 LUMP SUM
TRANSFER TO PUBLIC MEDICAL ASSISTANCE TRUST FUND
FROM GENERAL REVENUE FUND 30,000,000

1011A LUMP SUM
MEDICAID EXPANSION FOR PREGNANT WOMEN AND CHILDREN UP TO AGE ONE WITH INCOME UP TO 150% OF FEDERAL POVERTY LEVEL
FROM ADMINISTRATIVE TRUST FUND 108,202
FROM MEDICAL CARE TRUST FUND 23,366,991
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 19,356,308

1011B LUMP SUM
TRANSFER TO SHARED COUNTY AND STATE TRUST FUND
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 10,000,000

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1011C LUMP SUM
PSYCHIATRIC HOSPITAL REIMBURSEMENT PROGRAM
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 4,000,000

Funds in Specific Appropriation 1011C are contingent on HB 744 or similar legislation becoming law.

1012 SPECIAL CATEGORIES
ADULT DENTAL, VISUAL AND HEARING SERVICES
FROM GENERAL REVENUE FUND 5,465,476
FROM MEDICAL CARE TRUST FUND 7,934,874
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 1,073,776
FROM SPECIAL GRANTS TRUST FUND 265,739

1012A SPECIAL CATEGORIES
CASE MANAGEMENT
FROM GENERAL REVENUE FUND 1,303,488
FROM MEDICAL CARE TRUST FUND 1,576,512

1013 SPECIAL CATEGORIES
COMMUNITY MENTAL HEALTH SERVICES
FROM GENERAL REVENUE FUND 12,680,853
FROM MEDICAL CARE TRUST FUND 15,607,048
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 218,117
FROM SPECIAL GRANTS TRUST FUND 5,214

1014 NOT USED

1015 SPECIAL CATEGORIES
EARLY AND PERIODIC SCREENING OF CHILDREN
FROM GENERAL REVENUE FUND 6,722,986
FROM MEDICAL CARE TRUST FUND 9,925,087
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 1,464,835
FROM SPECIAL GRANTS TRUST FUND 103,273

1016 SPECIAL CATEGORIES
FAMILY PLANNING
FROM GENERAL REVENUE FUND 234,101
FROM MEDICAL CARE TRUST FUND 2,700,314
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 65,812
FROM SPECIAL GRANTS TRUST FUND 5,382

1017 SPECIAL CATEGORIES
HOME AND COMMUNITY BASED SERVICES
FROM GENERAL REVENUE FUND 1,867,553
FROM MEDICAL CARE TRUST FUND 20,612,255
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 9,147
FROM SPECIAL GRANTS TRUST FUND 44,371

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1018 SPECIAL CATEGORIES
HOME HEALTH SERVICES
FROM GENERAL REVENUE FUND 7,415,041
FROM MEDICAL CARE TRUST FUND 9,923,249
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 789,196
FROM SPECIAL GRANTS TRUST FUND 719

1019 SPECIAL CATEGORIES
HOSPICE SERVICES
FROM GENERAL REVENUE FUND 994,526
FROM MEDICAL CARE TRUST FUND 1,428,443
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 186,529

1020 SPECIAL CATEGORIES
HOSPITAL INPATIENT SERVICES
FROM GENERAL REVENUE FUND 210,998,011
FROM MEDICAL CARE TRUST FUND 392,402,619
FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND 113,122,925
FROM SPECIAL GRANTS TRUST FUND 1,293,200

Of the funds in Specific Appropriation 1020, $20,000,000 from the Public Medical Assistance Trust Fund and $24,300,000 from the Medical Care Trust Fund shall be used for additional payments to those hospitals which qualify as "disproportionate share" hospitals subject to the federal Omnibus Budget Reconciliation Act of 1987. The methods established by the department shall at least meet minimum federal requirements. In order to qualify for reimbursement, a hospital's total Medicaid days when combined with its total charity care days must equal or exceed 7 percent of its total adjusted patient days. Further, 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. The department shall use actual audited data for fiscal years ending in calendar year 1987 for calculation of disproportionate share payments under this section. 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. The total amount calculated to be distributed under this act shall be made in quarterly payments subsequent to each quarter during fiscal year 1989-1990.

1021 SPECIAL CATEGORIES
HOSPITAL INSURANCE BENEFITS
FROM GENERAL REVENUE FUND 13,690,438
FROM MEDICAL CARE TRUST FUND 18,559,332

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	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		1,654,844
	FROM SPECIAL GRANTS TRUST FUND		278
1022	SPECIAL CATEGORIES		
	HOSPITAL OUTPATIENT SERVICES		
	FROM GENERAL REVENUE FUND	20,964,500	
	FROM MEDICAL CARE TRUST FUND		57,132,731
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		26,246,437
	FROM SPECIAL GRANTS TRUST FUND		394,791
1023	SPECIAL CATEGORIES		
	INTERMEDIATE CARE FACILITIES/MENTALLY RETARDED - COMMUNITY		
	FROM MEDICAL CARE TRUST FUND		153,858,174
	FROM SPECIAL GRANTS TRUST FUND		37,572
1024	SPECIAL CATEGORIES		
	MEDICAID FISCAL CONTRACT		
	FROM GENERAL REVENUE FUND	1,871,751	
	FROM ADMINISTRATIVE TRUST FUND		9,805,913
	FROM MEDICAL CARE TRUST FUND		7,411
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		486,061
	FROM SPECIAL GRANTS TRUST FUND		24,661
1024A	SPECIAL CATEGORIES		
	MEDICAID SURVEILLANCE		
	FROM GENERAL REVENUE FUND	65,655	
	FROM ADMINISTRATIVE TRUST FUND		69,758
1025	SPECIAL CATEGORIES		
	NURSE PRACTITIONER SERVICES		
	FROM GENERAL REVENUE FUND	508,145	
	FROM MEDICAL CARE TRUST FUND		992,757
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		310,407
	FROM SPECIAL GRANTS TRUST FUND		3,087
1026	SPECIAL CATEGORIES		
	NURSING HOME CARE		
	FROM GENERAL REVENUE FUND	331,849,754	
	FROM MEDICAL CARE TRUST FUND		402,478,340
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		860,523
	FROM SPECIAL GRANTS TRUST FUND		56,140

From Specific Appropriation 1026, funds are provided for the purpose of increasing the maximum income eligibility standard for the institutional care program as established pursuant to s. 409.266, F.S., to 300 percent of the Supplemental Security Income payment level.

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SPECIFIC APPROPRIATION			
1027	SPECIAL CATEGORIES		
	BIRTHING CENTER SERVICES		
	FROM GENERAL REVENUE FUND	17,271	
	FROM MEDICAL CARE TRUST FUND		46,508
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		21,181
1028	SPECIAL CATEGORIES		
	OTHER LAB AND X-RAY SERVICES		
	FROM GENERAL REVENUE FUND	1,934,004	
	FROM MEDICAL CARE TRUST FUND		2,937,552
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		492,020
	FROM SPECIAL GRANTS TRUST FUND		28,369
1029	SPECIAL CATEGORIES		
	PATIENT TRANSPORTATION		
	FROM GENERAL REVENUE FUND	7,976,710	
	FROM ADMINISTRATIVE TRUST FUND		373,784
	FROM MEDICAL CARE TRUST FUND		10,194,995
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		830,479
	FROM SPECIAL GRANTS TRUST FUND		15,069
1030	SPECIAL CATEGORIES		
	PHYSICIAN SERVICES		
	FROM GENERAL REVENUE FUND	45,060,795	
	FROM MEDICAL CARE TRUST FUND		76,528,820
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		18,087,820
	FROM SPECIAL GRANTS TRUST FUND		624,993
1030A	SPECIAL CATEGORIES		
	CHIROPRACTIC SERVICES		
	FROM GENERAL REVENUE FUND	274,610	
	FROM MEDICAL CARE TRUST FUND		469,161
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		112,771
	FROM SPECIAL GRANTS TRUST FUND		4,304
1031	SPECIAL CATEGORIES		
	PREPAID HEALTH PLANS/HEALTH MAINTENANCE ORGANIZATION		
	FROM GENERAL REVENUE FUND	42,617,249	
	FROM MEDICAL CARE TRUST FUND		51,787,810
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		207,907
	FROM SPECIAL GRANTS TRUST FUND		147,535
1032	SPECIAL CATEGORIES		
	PRESCRIBED MEDICINE/DRUGS		
	FROM GENERAL REVENUE FUND	75,379,031	
	FROM MEDICAL CARE TRUST FUND		100,128,836
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		7,681,408
	FROM SPECIAL GRANTS TRUST FUND		351,271

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SPECIFIC APPROPRIATION

1033	SPECIAL CATEGORIES		
	RURAL HEALTH SERVICES		
	FROM GENERAL REVENUE FUND	535,049	
	FROM MEDICAL CARE TRUST FUND		827,876
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		148,184
	FROM SPECIAL GRANTS TRUST FUND		2,187
1034	SPECIAL CATEGORIES		
	STATE MENTAL HEALTH HOSPITAL PROGRAM		
	FROM MEDICAL CARE TRUST FUND		10,108,992
1035	SPECIAL CATEGORIES		
	SUPPLEMENTAL MEDICAL INSURANCE		
	FROM GENERAL REVENUE FUND	36,318,736	
	FROM MEDICAL CARE TRUST FUND		33,323,664
	FROM PUBLIC MEDICAL ASSISTANCE TRUST FUND		2,215,770
	FROM SPECIAL GRANTS TRUST FUND		341

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1036	SALARIES AND BENEFITS POSITIONS	386	
	FROM GENERAL REVENUE FUND	8,432,434	
	FROM ACCIDENT REPORTS TRUST FUND		52,548
	FROM GRANTS AND DONATIONS TRUST FUND		72,939
	FROM LAW ENFORCEMENT TRUST FUND		50,791
1037	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	56,900	
1038	EXPENSES		
	FROM GENERAL REVENUE FUND	1,559,369	
	FROM ACCIDENT REPORTS TRUST FUND		6,900
	FROM GRANTS AND DONATIONS TRUST FUND		25,467
	FROM LAW ENFORCEMENT TRUST FUND		7,651
1039	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	288,608	
	FROM ACCIDENT REPORTS TRUST FUND		3,536
1039A	LUMP SUM		
	ODOMETER FRAUD ACT		
	POSITIONS	20	
	ODOMETER FRAUD PREVENTION AND DETECTION TRUST FUND		1,007,545

Funds and positions in Specific Appropriation 1039A are contingent upon CS/CS/SB 639 or similar legislation becoming law.

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1040	SPECIAL CATEGORIES		
	PAYMENT OF DEATH AND DISMEMBERMENT CLAIMS		
	FROM HIGHWAY PATROL INSURANCE TRUST FUND		40,000
1041	SPECIAL CATEGORIES		
	TRANSFER TO HIGHWAY PATROL INSURANCE TRUST FUND		
	FROM GENERAL REVENUE FUND	40,000	
1042	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	1,397,120	
	FROM LAW ENFORCEMENT TRUST FUND		3,900

FLORIDA HIGHWAY PATROL, DIVISION OF

1043	SALARIES AND BENEFITS POSITIONS	2,138	
	FROM GENERAL REVENUE FUND	61,259,156	
	FROM GRANTS AND DONATIONS TRUST FUND		30,487
	FROM REIMBURSEMENT TRUST FUND		4,817,100
1044	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	228,282	
	FROM GRANTS AND DONATIONS TRUST FUND		500,000
	FROM LAW ENFORCEMENT TRUST FUND		100,000
	FROM REIMBURSEMENT TRUST FUND		1,000
1045	EXPENSES		
	FROM GENERAL REVENUE FUND	5,895,761	
	FROM LAW ENFORCEMENT TRUST FUND		220,655
	FROM REIMBURSEMENT TRUST FUND		372,304
1046	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	792,377	
	FROM REIMBURSEMENT TRUST FUND		10,222
1047	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	5,245,779	
	FROM REIMBURSEMENT TRUST FUND		306,320
1048	SPECIAL CATEGORIES		
	OPERATION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	5,589,882	
	FROM GRANTS AND DONATIONS TRUST FUND		69,361
	FROM REIMBURSEMENT TRUST FUND		627,894
1049	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	1,125,330	
	FROM REIMBURSEMENT TRUST FUND		85,637
1050	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	917,843	
	FROM REIMBURSEMENT TRUST FUND		93,147

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SPECIFIC APPROPRIATION

DRIVER LICENSES, DIVISION OF

1051 SALARIES AND BENEFITS POSITIONS 1,655
FROM GENERAL REVENUE FUND 17,777,382
FROM ACCIDENT REPORTS TRUST FUND 16,035,257

Of the positions provided in Specific Appropriation 1051, 29 positions for the Driver Improvement/DUI Reinstatement Program are provided through September 30, 1989. Subsequent to this date the Executive Office of the Governor may place these positions in reserve.

1052 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 654,516
FROM ACCIDENT REPORTS TRUST FUND 318,500

1053 EXPENSES
FROM GENERAL REVENUE FUND 7,403,341
FROM ACCIDENT REPORTS TRUST FUND 75,995

1054 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 317,033
FROM ACCIDENT REPORTS TRUST FUND 162,080

1054A LUMP SUM
PARKING VIOLATION REPORTING SYSTEM
FROM GENERAL REVENUE FUND 83,632

Funds and positions in Specific Appropriation 1054A are contingent upon HB 734 or similar legislation becoming law.

1055 NOT USED

1056 SPECIAL CATEGORIES
PURCHASE OF DRIVER LICENSES
FROM GENERAL REVENUE FUND 1,251,612

1057 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 9,185,093
FROM ACCIDENT REPORTS TRUST FUND 22,832

MOTOR VEHICLES, DIVISION OF

1058 SALARIES AND BENEFITS POSITIONS 598
FROM GENERAL REVENUE FUND 7,548,494
FROM GAS TAX COLLECTION TRUST FUND 678,055
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 4,142,688

1059 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 149,387

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1060 EXPENSES
FROM GENERAL REVENUE FUND 4,093,928
FROM GAS TAX COLLECTION TRUST FUND 249,269
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 60,000

1061 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO SCHOOLS - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 10,500,000

1062 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO COUNTIES - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 6,632,000

1063 AID TO LOCAL GOVERNMENTS
DISTRIBUTION TO CITIES - MOBILE HOME DECAL REVENUE
FROM LICENSE TAX COLLECTION TRUST FUND . . 3,368,000

1064 AID TO LOCAL GOVERNMENTS
FIFTH & SIXTH CENT/SBA/COUNTY/FUEL USE TRUST FUND
FROM SPECIAL FUEL AND MOTOR FUEL USE TAX CLEARING TRUST FUND 1,050,000

1065 AID TO LOCAL GOVERNMENTS
SEVENTH CENT/COUNTIES/MOTOR FUEL
FROM SPECIAL FUEL AND MOTOR FUEL USE TAX CLEARING TRUST FUND 530,000

1066 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 81,955
FROM GAS TAX COLLECTION TRUST FUND 12,861
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 392,800

1067 NOT USED

1068 SPECIAL CATEGORIES
GRANTS AND AIDS - PURCHASE OF LICENSE PLATES
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 8,695,451

1069 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 2,498,612
FROM FLORIDA REAL TIME VEHICLE INFORMATION SYSTEM TRUST FUND 6,515,140
FROM GAS TAX COLLECTION TRUST FUND 136,551
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 130,320

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SPECIFIC APPROPRIATION

KIRKMAN DATA CENTER

1070 SALARIES AND BENEFITS POSITIONS 268
FROM WORKING CAPITAL TRUST FUND 6,907,683

1071 OTHER PERSONAL SERVICES
FROM WORKING CAPITAL TRUST FUND 2,100

1072 EXPENSES
FROM WORKING CAPITAL TRUST FUND 5,255,646

1073 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 4,802,909

1073A LUMP SUM
COMMERCIAL DRIVERS LICENSE PROGRAM
POSITIONS 5
FROM WORKING CAPITAL TRUST FUND 200,000

Funds and positions in Specific Appropriation 1073A are contingent upon CS/SB 658 or similar legislation becoming law.

1074 NOT USED

1075 SPECIAL CATEGORIES
CONTRACTUAL DATA ENTRY SERVICES
FROM WORKING CAPITAL TRUST FUND 62,608

1076 SPECIAL CATEGORIES
TAX COLLECTOR NETWORK - COUNTY SYSTEMS
FROM WORKING CAPITAL TRUST FUND 5,212,832

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

1077 SALARIES AND BENEFITS POSITIONS 168
FROM GENERAL REVENUE FUND 261,869
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,085,292

1078 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 130,800

1079 EXPENSES
FROM GENERAL REVENUE FUND 40,700
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,137,563

1080 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 26,745

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SPECIFIC APPROPRIATION

1081 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,942,423

DIVISION OF BENEFITS

1082 SALARIES AND BENEFITS POSITIONS 21
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 444,923
FROM PREPAID POSTSECONDARY EDUCATION EXPENSE TRUST FUND 221,151

1083 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 7,550
FROM PREPAID POSTSECONDARY EDUCATION EXPENSE TRUST FUND 746,000

1084 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 96,770
FROM PREPAID POSTSECONDARY EDUCATION EXPENSE TRUST FUND 142,241

1085 AID TO LOCAL GOVERNMENTS
TWO PERCENT PREMIUM TAX TO CITIES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 57,000,000

1086 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 487

1087 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 7,256
FROM PREPAID POSTSECONDARY EDUCATION EXPENSE TRUST FUND 1,604

TREASURY, DIVISION OF

1088 SALARIES AND BENEFITS POSITIONS 66
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND 1,815,301

1089 EXPENSES
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND 560,731

1090 OPERATING CAPITAL OUTLAY
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND 13,576

1091 DATA PROCESSING SERVICES
FROM TREASURER'S ADMINISTRATIVE AND INVESTMENT TRUST FUND 800,521

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INSURANCE RATING, DIVISION OF

1092 SALARIES AND BENEFITS POSITIONS 113
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,947,475

1093 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 70,000

1094 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 831,234

1095 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 21,214

1096 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 384,859

INSURANCE COMPANY REGULATION, DIVISION OF

1097 SALARIES AND BENEFITS POSITIONS 240
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 6,919,871

1098 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 100,431

1099 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 3,146,289

From funds provided in Specific Appropriation 1099, $100,000 shall be used to pay expenses associated with the activities of a Mental Illness Benefits Study Commission. The Insurance Commissioner, the President of the Senate, and the Speaker of the House shall each appoint a member from each of the following categories: (a) a representative of the health insurance industry; (b) a consumer, or a family member of a consumer, of mental illness treatment; and (c) an employer who is a consumer of health insurance. The Insurance Commissioner or designee shall be a member and he shall appoint a psychiatrist; the President shall appoint a member of the Senate, and a mental health professional licensed pursuant to Chapter 491, F.S.; and the Speaker shall appoint a member of the House of Representatives, and a psychologist. The members shall be appointed on or before July 31, 1989; they shall serve without compensation, but shall be entitled to reimbursement for per diem and travel

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expenses per s. 112.061, F.S. On or before February 1, 1990, the commission shall provide to the appointing officers a report of the mechanisms, if any, by which benefits paid through insurance, self-insurance, and pre-paid contracts and plans, for treatment of mental illness, may be enhanced. The commission shall expire on June 1, 1990. For administrative purposes, the commission shall be attached to the Department of Insurance. The commission shall select its own staff.

1100 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 33,770

From the funds in Specific Appropriations 1097, 1098, 1099, and 1100, 15 positions and $290,314, $100,431, $97,180, and $4,662, respectively, from the Insurance Commissioner's Regulatory Trust Fund are contingent upon SB 815 or similar legislation becoming law which allows the department to provide administrative supervision for certain insurers.

1100A SPECIAL CATEGORIES
TRANSFER TO THE PUBLIC COUNSEL TRUST FUND
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 459,027

Funds provided in Specific Appropriation 1100A are contingent upon CS/CS/HB 855 or similar legislation becoming law which authorizes the establishment of an Insurance Public Counsel.

1101 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 737,455

REHABILITATION AND LIQUIDATION, DIVISION OF

1102 SALARIES AND BENEFITS POSITIONS 48
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 1,452,639

1103 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 275,000

1104 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 493,024

1105 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 19,977

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SPECIFIC APPROPRIATION

1106 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 139,338

INSURANCE CONSUMER SERVICES, DIVISION OF

1107 SALARIES AND BENEFITS POSITIONS 201
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,078,000

1107A OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 75,000

1108 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,530,833

1109 AID TO LOCAL GOVERNMENTS
INSURANCE LICENSE TAX TO COUNTIES
FROM AGENTS AND SOLICITORS COUNTY LICENSE TAX TRUST FUND 1,500,000

1110 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 56,969

1111 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,447,647

STATE FIRE MARSHAL, DIVISION OF

1112 SALARIES AND BENEFITS POSITIONS 192
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 5,527,945

1113 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 240,000

1114 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,918,018

1115 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 616,118

1116 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 33,000

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1117 SPECIAL CATEGORIES
ON-CALL FEES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 111,543

1118 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 56,670

1119 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 666,285

RISK MANAGEMENT, DIVISION OF

1120 SALARIES AND BENEFITS POSITIONS 71
FROM CASUALTY INSURANCE TRUST FUND 1,859,746
FROM FIRE INSURANCE TRUST FUND 157,016

1121 NOT USED

1122 EXPENSES
FROM CASUALTY INSURANCE TRUST FUND 405,718
FROM FIRE INSURANCE TRUST FUND 19,437
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 25,512

1123 NOT USED

1124 SPECIAL CATEGORIES
EXCESS INSURANCE AND CLAIM SERVICE
FROM CASUALTY INSURANCE TRUST FUND 1,312,642
FROM FIRE INSURANCE TRUST FUND 1,560,000

1125 DATA PROCESSING SERVICES
FROM CASUALTY INSURANCE TRUST FUND 17,054
FROM FIRE INSURANCE TRUST FUND 10,166

INSURANCE FRAUD, DIVISION OF

1126 SALARIES AND BENEFITS POSITIONS 56
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 1,751,084

1127 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 487,050

1128 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 77,837

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1129 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 154,000

1130 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 83,390

LIQUEFIED PETROLEUM GAS, DIVISION OF

1131 SALARIES AND BENEFITS POSITIONS 20
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 551,128

1132 OTHER PERSONAL SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 2,000

1133 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 394,227

1134 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 14,240

1135 DATA PROCESSING SERVICES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 27,778

TREASURER'S MANAGEMENT INFORMATION CENTER

1136 SALARIES AND BENEFITS POSITIONS 64
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 178,217
FROM WORKING CAPITAL TRUST FUND 1,794,728

1137 NOT USED

1138 EXPENSES
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 108,945
FROM WORKING CAPITAL TRUST FUND 2,567,861

Additional rent expenses provided in the amount of $548,743 from the Insurance Commissioner's Regulatory Trust Fund in Specific Appropriations 1079 through 1138, are to be expended solely for the purpose of providing additional space in the Larson Building, and are not provided for renovations / repairs / construction.

1139 OPERATING CAPITAL OUTLAY
FROM INSURANCE COMMISSIONER'S REGULATORY
TRUST FUND 7,192

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FROM WORKING CAPITAL TRUST FUND 1,102,052

1140 NOT USED

JUDICIAL BRANCH

SUPREME COURT

1141 SALARIES AND BENEFITS POSITIONS 147
FROM GENERAL REVENUE FUND 5,187,070
FROM COURT EDUCATION TRUST FUND 250,549
FROM DWI SCHOOLS COORDINATION TRUST FUND . 174,027

1142 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 224,450
FROM COURT EDUCATION TRUST FUND 121,000
FROM DWI SCHOOLS COORDINATION TRUST FUND . 41,200

1143 EXPENSES
FROM GENERAL REVENUE FUND 1,146,174
FROM COURT EDUCATION TRUST FUND 647,412
FROM DWI SCHOOLS COORDINATION TRUST FUND . 64,883

No general revenue funds in Specific Appropriation 1143 shall be used for out-of-state judicial education programs.

1144 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 117,604
FROM DWI SCHOOLS COORDINATION TRUST FUND . 3,372

1145 SPECIAL CATEGORIES
DISCRETIONARY FUNDS OF THE CHIEF JUSTICE
FROM GENERAL REVENUE FUND 5,000

Funds in Specific Appropriation 1145 may be expended at the discretion of the Chief Justice in carrying out the official duties of the court. These funds shall be disbursed by the Comptroller upon receipt of vouchers authorized by the Chief Justice. The Chief Justice shall submit a report to the Legislature by September 1 of each year which states the specific expenses paid with these funds in the prior year.

1146 SPECIAL CATEGORIES
SUPREME COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 264,414

1147 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 435,381

ADMINISTERED FUNDS - JUDICIAL

In the event of a General Revenue Fund shortfall, as provided in Chapter 216, F.S., funds in Specific Appropriations 1153 and 1157 shall not be reserved

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in excess of the amount obtained by multiplying the overall percentage reduction factor required times the amounts in Specific Appropriations 1153 and 1157 unless all other General Revenue Funds in Specific Appropriations 1141 through 1175 have been exhausted.

1148 NOT USED

1149 SPECIAL CATEGORIES
COMPENSATION TO RETIRED JUDGES
FROM GENERAL REVENUE FUND 882,615

From the funds in Specific Appropriation 1149, $282,615 from the General Revenue Fund is provided contingent upon the passage of substantive legislation increasing the appellate filing fees in the district courts of appeal to at least $250.

1150 SPECIAL CATEGORIES
COMPENSATION AND EXPENSES OF COURT REPORTERS
FROM GENERAL REVENUE FUND 1,377,205

1151 SPECIAL CATEGORIES
JUDICIAL NOMINATING COMMISSION - EXPENSES
FROM GENERAL REVENUE FUND 15,690

1152 NOT USED

1153 SPECIAL CATEGORIES
GRANTS AND AIDS - PAYMENT TO JURORS AND WITNESSES
FROM GENERAL REVENUE FUND 8,533,057

Funds in Specific Appropriation 1153 shall be used solely for the payment of jurors and witnesses.

1154 SPECIAL CATEGORIES
MEALS AND LODGING FOR JURORS
FROM GENERAL REVENUE FUND 265,825

1155 SPECIAL CATEGORIES
FLORIDA CASES SOUTHERN 2ND REPORTER
FROM GENERAL REVENUE FUND 734,355

From the funds in Specific Appropriation 1155, $162,000 from the General Revenue Fund is provided contingent upon passage of substantive legislation authorizing new judgeships.

1156 SPECIAL CATEGORIES
STATEWIDE GRAND JURY - EXPENSES
FROM GENERAL REVENUE FUND 168,772

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1157 SPECIAL CATEGORIES
WITNESS FEES
FROM GENERAL REVENUE FUND 3,448,000

Funds in Specific Appropriation 1157 are contingent upon the matching contribution by each county with sufficient personnel and funds to establish a witness coordination office for all witnesses. These offices shall follow the procedures designed by the State Courts Administrator's Office. All payments with these funds shall be made on a reimbursement basis with sufficient documentation to support them. If expenditure projections for the fiscal year exceed the amount appropriated, the State Courts Administrator's Office shall submit a plan for approval to the Administration Commission, with prior consultation with the chairmen of the legislative appropriations committees, for the proportional distribution to the counties within funds appropriated. Of the funds provided in Specific Appropriation 1157, $5,000 may be used by the State Courts Administrator's Office for expenses of the management and statistical reporting associated with witness coordination offices.

JUSTICE DATA CENTER

1158 SALARIES AND BENEFITS POSITIONS 24
FROM WORKING CAPITAL TRUST FUND 760,499

1159 EXPENSES
FROM WORKING CAPITAL TRUST FUND 2,520,165

1160 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 1,838,477

1160A SPECIAL CATEGORIES
STATEWIDE CRIMINAL JUSTICE NETWORK
FROM WORKING CAPITAL TRUST FUND 778,802

The Justice Data Center shall submit an implementation schedule for the Statewide Criminal Justice Network, and associated supporting information technology hardware and software, describing each implementation stage of the system, and the target completion dates associated with each stage, and the anticipated expenditures associated with each stage of the system, by appropriation category. This implementation schedule shall be developed in conjunction with the clerks of the court, the Office of the State Courts Administrator, and the Department of Corrections. The implementation schedule shall be provided to the Information Resource Commission and approved by the Department of General Services-Division of Communications, the Information Resource Commission,

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the Supreme Court, and the Joint Legislative Information Technology Committee prior to the expenditure of funds from Specific Appropriation 1160A from the Working Capital Trust Fund.

DISTRICT COURTS OF APPEAL

1161 SALARIES AND BENEFITS POSITIONS 360
FROM GENERAL REVENUE FUND 16,597,687

1162 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 86,207

1163 EXPENSES
FROM GENERAL REVENUE FUND 1,534,181

1164 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 737,220

The following general revenue funds are provided contingent upon passage of substantive legislation authorizing new judgeships. From Specific Appropriation 1161, $542,081 and 20 positions; from Specific Appropriation 1163, $32,460; and from Specific Appropriation 1164, $141,735.

1165 SPECIAL CATEGORIES
DISTRICT COURT OF APPEAL LAW LIBRARY
FROM GENERAL REVENUE FUND 548,797

CIRCUIT COURTS

Ten positions and $263,140 from the General Revenue Fund in Specific Appropriation 1166, along with $12,000 from the General Revenue Fund in Specific Appropriation 1168, are provided for an expansion of the Trial Court Law Clerk Program, contingent upon passage of substantive legislation increasing the appellate filing fee in the district courts of appeal to at least $250.

1166 SALARIES AND BENEFITS POSITIONS 1,144
FROM GENERAL REVENUE FUND 61,170,516

1167 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 393,455

1168 EXPENSES
FROM GENERAL REVENUE FUND 1,291,616

No funds in Specific Appropriation 1168 shall be used for out-of-state judicial education programs.

The following general revenue funds are provided contingent upon passage of substantive legislation authorizing new judgeships. From Specific Appropriation 1166, $1,078,650 and 34 positions; and

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from Specific Appropriation 1168, $15,230.

From the general revenue funds in Specific Appropriation 1168, $102,252 shall be used to establish an Office of the Public Guardian in the 13th Judicial Circuit, pursuant to Chapter 744, F.S. Funds provided shall be used to contract with Lutheran Ministries, Inc.

1169 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 20,707

1170 NOT USED

1171 SPECIAL CATEGORIES
CIRCUIT COURT LAW LIBRARY
FROM GENERAL REVENUE FUND 60,000

1172 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 90,000

COUNTY COURTS

1173 SALARIES AND BENEFITS POSITIONS 470
FROM GENERAL REVENUE FUND 28,198,397

1174 EXPENSES
FROM GENERAL REVENUE FUND 176,629

No funds in Specific Appropriation 1174 shall be used for out-of-state judicial education programs.

1175 SPECIAL CATEGORIES
ADDITIONAL COMPENSATION FOR COUNTY JUDGES
FROM GENERAL REVENUE FUND 209,494

From the funds in Specific Appropriation 1175, $74,494 from the General Revenue Fund is provided contingent upon passage of substantive legislation increasing the appellate filing fee in the district courts of appeal to at least $250.

The following general revenue funds are provided contingent upon passage of substantive legislation authorizing new judgeships. From Specific Appropriation 1173, $365,115 and 12 positions; and from Specific Appropriation 1174, $2,197.

JUSTICE ADMINISTRATIVE COMMISSION

1176 SALARIES AND BENEFITS POSITIONS 28
FROM GENERAL REVENUE FUND 731,309
FROM GRANTS AND DONATIONS TRUST FUND . . . 9,537

1177 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 14,886

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1178 EXPENSES
FROM GENERAL REVENUE FUND 162,194
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,422

1179 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 26,383
FROM GRANTS AND DONATIONS TRUST FUND . . . 2,554

1180 NOT USED

1181 NOT USED

1182 NOT USED

1183 SPECIAL CATEGORIES
CONFLICT CASES
FROM GENERAL REVENUE FUND 2,000,000

The allocation of funds in Specific Appropriation 1183 for conflict cases shall be used solely for compensation of court appointed attorneys who are members of the Florida Bar and who have been approved by the circuit's conflict committee to handle such cases. Attorneys shall be appointed by the trial court for purposes of representation and compensated as provided in ss. 27.53, 925.035, and 925.036, F.S. In each judicial circuit, a circuit conflict committee shall be established consisting of the following members: (a) the chief judge of the judicial circuit or his designated representative; (b) one representative of each board of county commissioners located within the judicial circuit, such representative to be designated by resolution of each board; and (c) the public defender of the judicial circuit. The public defender of each judicial circuit shall submit an annual report for Fiscal Year 1988-89 in writing to the chairmen of the Senate and House Appropriations Committees. The report shall indicate by county how the funds for conflict cases were expended and the number of cases and associated costs of those cases that the public defenders were unable to accept as a result of a stated lack of resources. This report shall be submitted no later than March 1, 1990.

The allocation of funds in Specific Appropriation 1183 shall be:

Circuit	Amount
1	$ 96,400
2	65,500
3	13,300
4	121,800
5	62,700
6	172,200
7	105,000
8	63,800
9	103,600
10	54,200
11	260,700
12	81,100
13	167,900
14	41,100
15	217,400
16	24,000
17	171,600
18	71,500
19	56,800
20	49,400
TOTAL	$2,000,000

These funds shall be used to reimburse the counties for fees paid to only those attorneys who were approved by the circuit conflict committee prior to appointment. Requests for reimbursement shall be prepared by each county and certified by the public defender that the claim fully complies with the provisions of s. 925.036, F.S. Each circuit conflict committee shall allocate the funds for conflict cases among the respective counties within each circuit. Each circuit conflict committee shall request the clerk of the circuit court to provide all expenditure data to each public defender. These funds shall not be transferred or used for any other purpose than for the payment of attorney fees for conflict cases. No funds shall be transferred to increase the amount allocated for this purpose. Upon depletion of the funds allocated for this purpose, the responsibility for payment of conflict cases shall be that of each respective county. These funds may be reallocated among the circuits with the approval of the Executive Office of the Governor in consultation with the chairmen of the Senate and House Appropriations Committees.

1184 SPECIAL CATEGORIES
CONTRACT WITH DEPARTMENT OF ADMINISTRATION
FOR COPES
FROM GENERAL REVENUE FUND 90,125

1185 NOT USED

1186 SPECIAL CATEGORIES
STATE ATTORNEYS ON EXECUTIVE ASSIGNMENT
FROM GENERAL REVENUE FUND 142,753

1187 SPECIAL CATEGORIES
STATE ATTORNEY AND PUBLIC DEFENDER
TRAINING
FROM GENERAL REVENUE FUND 189,533

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FROM GRANTS AND DONATIONS TRUST FUND . . . 75,000

JUDICIAL QUALIFICATIONS COMMISSION

1188 SALARIES AND BENEFITS POSITIONS 2
FROM GENERAL REVENUE FUND 73,664

1189 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 60,052

1190 EXPENSES
FROM GENERAL REVENUE FUND 51,492

1191 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 674

1192 LUMP SUM
LITIGATION EXPENSES
FROM GENERAL REVENUE FUND 50,000

Funds in Specific Appropriation 1192 are to be used only for case expenditures associated with the filing and prosecution of formal charges. These costs shall consist of attorney fees, court reporting fees, investigators fees, and similar charges associated with the adjudicatory process.

OFFICE OF CAPITAL COLLATERAL REPRESENTATIVE

1193 SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 1,116,976

1194 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 101,084

1195 EXPENSES
FROM GENERAL REVENUE FUND 474,320

1196 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,890

STATE ATTORNEYS

From funds in the "Salaries and Benefits" categories of state attorneys, the salary rate for new assistant state attorney positions provided shall not exceed $25,726 for each position.

FIRST JUDICIAL CIRCUIT

From the funds in Specific Appropriations 1197 through 1203, the State Attorney of the First Judicial Circuit is authorized to transfer up to $30,000 from the General Revenue Fund into Specific Appropriation 1200 for the purpose of purchasing three new motor vehicles. Such transfers shall be shown as adjustments to current year expenditures in

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the agency's 1990-91 legislative budget request.

1197 SALARIES AND BENEFITS POSITIONS 148
FROM GENERAL REVENUE FUND 5,120,720
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,077

1198 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 33,500

1199 EXPENSES
FROM GENERAL REVENUE FUND 410,026

1200 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 46,326

1201 NOT USED

1202 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 9,281

1203 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 52,693

SECOND JUDICIAL CIRCUIT

1204 SALARIES AND BENEFITS POSITIONS 88
FROM GENERAL REVENUE FUND 3,153,737
FROM GRANTS AND DONATIONS TRUST FUND . . . 66,267

1205 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 28,000
FROM GRANTS AND DONATIONS TRUST FUND . . . 22,000

1206 EXPENSES
FROM GENERAL REVENUE FUND 282,211
FROM GRANTS AND DONATIONS TRUST FUND . . . 25,765

1207 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 69,181
FROM GRANTS AND DONATIONS TRUST FUND . . . 40,000

1208 NOT USED

1209 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 8,195

1210 SPECIAL CATEGORIES
STATE ATTORNEYS - LAW LIBRARY
FROM GENERAL REVENUE FUND 22,388

THIRD JUDICIAL CIRCUIT

From the funds in Specific Appropriation 1211 through 1217, the State Attorney of the Third

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Judicial Circuit is authorized to transfer up to $40,000 from the General Revenue Fund into Item 1214 for the purpose of purchasing four new motor vehicles. Such transfers shall be shown as adjustments to current year expenditures in the agency's 1990-91 legislative budget request.

1211	SALARIES AND BENEFITS POSITIONS	44	
	FROM GENERAL REVENUE FUND	1,714,880	
	FROM GRANTS AND DONATIONS TRUST FUND		26,192
1212	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	13,586	
1213	EXPENSES		
	FROM GENERAL REVENUE FUND	265,618	
	FROM GRANTS AND DONATIONS TRUST FUND		2,860
1214	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	27,727	
	FROM GRANTS AND DONATIONS TRUST FUND		16,200
1215	NOT USED		
1216	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	5,110	
1217	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	15,113	
	FOURTH JUDICIAL CIRCUIT		
1218	SALARIES AND BENEFITS POSITIONS	267	
	FROM GENERAL REVENUE FUND	8,456,978	
1219	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	143,725	
	FROM CONSUMER FRAUDS TRUST FUND		30,000
	FROM GRANTS AND DONATIONS TRUST FUND		139,300
1220	EXPENSES		
	FROM GENERAL REVENUE FUND	492,942	
	FROM GRANTS AND DONATIONS TRUST FUND		366,655
1221	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	69,865	
	FROM CIVIL RICO TRUST FUND		10,000
	FROM GRANTS AND DONATIONS TRUST FUND		140,866
1222	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,873	

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1223	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	42,729	
	FIFTH JUDICIAL CIRCUIT		
1224	SALARIES AND BENEFITS POSITIONS	137	
	FROM GENERAL REVENUE FUND	4,654,880	
	FROM GRANTS AND DONATIONS TRUST FUND		37,333
1225	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	30,500	
	FROM GRANTS AND DONATIONS TRUST FUND		2,600
1226	EXPENSES		
	FROM GENERAL REVENUE FUND	394,670	
	FROM CIVIL RICO TRUST FUND		15,327
	FROM CONSUMER FRAUDS TRUST FUND		2,043
	FROM GRANTS AND DONATIONS TRUST FUND		26,935
1227	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	62,896	
1228	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	15,938	
1229	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	40,057	
	SIXTH JUDICIAL CIRCUIT		
1230	SALARIES AND BENEFITS POSITIONS	335	
	FROM GENERAL REVENUE FUND	11,012,205	
1231	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	59,110	
1232	EXPENSES		
	FROM GENERAL REVENUE FUND	583,485	
1233	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	91,849	
	FROM CONSUMER FRAUDS TRUST FUND		12,245
	FROM GRANTS AND DONATIONS TRUST FUND		10,000
1234	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	23,009	
1235	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	42,861	

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SEVENTH JUDICIAL CIRCUIT

From the funds in Specific Appropriations 1236 through 1241, the State Attorney of the Seventh Judicial Circuit is authorized to transfer up to $80,000 into Specific Appropriation 1239 for the purpose of purchasing eight new motor vehicles. Such transfers shall be shown as adjustments to current year expenditures in the agency's 1990-91 legislative budget request.

1236	SALARIES AND BENEFITS POSITIONS	154	
	FROM GENERAL REVENUE FUND	4,877,074	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		347,648
1237	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	23,976	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,000
1238	EXPENSES		
	FROM GENERAL REVENUE FUND	315,027	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		45,778
1239	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	26,577	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		29,500
1240	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	11,289	
1241	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	33,627	

EIGHTH JUDICIAL CIRCUIT

1242	SALARIES AND BENEFITS POSITIONS	94	
	FROM GENERAL REVENUE FUND	3,166,977	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		41,108
1243	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	8,443	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,482
1244	EXPENSES		
	FROM GENERAL REVENUE FUND	247,437	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		11,249
1245	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	21,193	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		15,957
1246	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,312	

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1247	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	25,165	

NINTH JUDICIAL CIRCUIT

1248	SALARIES AND BENEFITS POSITIONS	239	
	FROM GENERAL REVENUE FUND	6,882,114	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		573,349
1249	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	59,671	
1250	EXPENSES		
	FROM GENERAL REVENUE FUND	424,281	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		35,509
1251	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	67,958	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		18,660
1252	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	11,972	
1253	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	48,157	

TENTH JUDICIAL CIRCUIT

1254	SALARIES AND BENEFITS POSITIONS	144	
	FROM GENERAL REVENUE FUND	4,602,719	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		34,840
1255	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	35,500	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		26,249
1256	EXPENSES		
	FROM GENERAL REVENUE FUND	338,518	
1257	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	50,233	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		36,000
1258	NOT USED		
1259	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	8,026	
1260	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	13,908	

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ELEVENTH JUDICIAL CIRCUIT

From the funds in Specific Appropriation 1261 through 1267, the State Attorney of the Eleventh Judicial Circuit is authorized to transfer up to $100,000 into Specific Appropriation 1264 for the purpose of purchasing 10 new motor vehicles. Such transfers shall be shown as adjustments to current year expenditures in the agency's 1990-91 legislative budget request.

The funds provided in Specific Appropriations 1261 through 1267 for the operation of the Child Support Enforcement Program (Child Support Trust Fund) and the Children's Center (Child Abuse Trust Fund) pursuant to contracts between the State Attorney, Eleventh Judicial Circuit and the Department of Health and Rehabilitative Services, shall be adjusted to correspond with the 1989-1990 contract amounts, upon execution of the contracts. Rate shall also be adjusted to correspond with the contracted salary amounts.

1261	SALARIES AND BENEFITS POSITIONS	847	
	FROM GENERAL REVENUE FUND	21,081,603	
	FROM CHILD SUPPORT TRUST FUND		6,283,122
	FROM GRANTS AND DONATIONS TRUST FUND		471,007
1262	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	272,625	
	FROM CHILD SUPPORT TRUST FUND		149,250
	FROM GRANTS AND DONATIONS TRUST FUND		10,000
1263	EXPENSES		
	FROM GENERAL REVENUE FUND	1,425,271	
	FROM CHILD SUPPORT TRUST FUND		1,257,143
	FROM CONSUMER FRAUDS TRUST FUND		4,220
	FROM GRANTS AND DONATIONS TRUST FUND		78,770
1264	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	303,446	
	FROM CHILD SUPPORT TRUST FUND		116,181
	FROM GRANTS AND DONATIONS TRUST FUND		5,177
1265	NOT USED		
1266	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	22,500	
1267	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	64,525	
	FROM CHILD SUPPORT TRUST FUND		2,625

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TWELFTH JUDICIAL CIRCUIT

1268	SALARIES AND BENEFITS POSITIONS	143	
	FROM GENERAL REVENUE FUND	4,484,999	
	FROM GRANTS AND DONATIONS TRUST FUND		19,985
1269	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	11,000	
1270	EXPENSES		
	FROM GENERAL REVENUE FUND	327,240	
	FROM GRANTS AND DONATIONS TRUST FUND		7,225
1271	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	87,434	
	FROM GRANTS AND DONATIONS TRUST FUND		2,424
1272	NOT USED		
1273	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	9,580	
1274	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	40,505	
	FROM GRANTS AND DONATIONS TRUST FUND		2,500

THIRTEENTH JUDICIAL CIRCUIT

1275	SALARIES AND BENEFITS POSITIONS	248	
	FROM GENERAL REVENUE FUND	8,408,788	
	FROM GRANTS AND DONATIONS TRUST FUND		30,170
1276	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	109,000	
1277	EXPENSES		
	FROM GENERAL REVENUE FUND	671,600	
1278	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	425,115	
	FROM CIVIL RICO TRUST FUND		75,000
1279	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	6,913	
1280	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	27,604	

FOURTEENTH JUDICIAL CIRCUIT

1281	SALARIES AND BENEFITS POSITIONS	69	
	FROM GENERAL REVENUE FUND	2,485,439	

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	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,021
1282	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	22,260	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		27,000
1283	EXPENSES		
	FROM GENERAL REVENUE FUND	286,647	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		7,000
1284	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	39,065	
1285	NOT USED		
1286	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,794	
1287	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	25,379	

FIFTEENTH JUDICIAL CIRCUIT

1288	SALARIES AND BENEFITS POSITIONS	237	
	FROM GENERAL REVENUE FUND	7,917,857	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		95,131
1289	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	74,086	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		12,549
1290	EXPENSES		
	FROM GENERAL REVENUE FUND	672,001	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		14,490
1291	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	47,114	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,880
1292	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	14,702	
1293	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	48,923	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		250

SIXTEENTH JUDICIAL CIRCUIT

1294	SALARIES AND BENEFITS POSITIONS	50	
	FROM GENERAL REVENUE FUND	1,733,432	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		29,567

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1295	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	27,000	
1296	EXPENSES		
	FROM GENERAL REVENUE FUND	192,782	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		9,156
1297	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	7,685	
1298	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,129	
1299	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	3,778	

SEVENTEENTH JUDICIAL CIRCUIT

1300	SALARIES AND BENEFITS POSITIONS	342	
	FROM GENERAL REVENUE FUND	11,931,312	
1301	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	58,500	
1302	EXPENSES		
	FROM GENERAL REVENUE FUND	749,293	
1303	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	400,377	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,000
1304	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	20,292	
1305	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	71,352	

EIGHTEENTH JUDICIAL CIRCUIT

1306	SALARIES AND BENEFITS POSITIONS	178	
	FROM GENERAL REVENUE FUND	5,828,182	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		65,215
1307	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	35,000	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,000
1308	EXPENSES		
	FROM GENERAL REVENUE FUND	617,327	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,044

SECTION 1

SPECIFIC APPROPRIATION

1309	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	67,945	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,500
1310	NOT USED		
1311	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	13,207	
1312	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	41,994	

NINETEENTH JUDICIAL CIRCUIT

1313	SALARIES AND BENEFITS POSITIONS	102	
	FROM GENERAL REVENUE FUND	3,232,601	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		128,587
1314	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	34,000	
	FROM CONSUMER FRAUDS TRUST FUND		5,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		10,000
1315	EXPENSES		
	FROM GENERAL REVENUE FUND	307,195	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		26,292
1316	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,914	
1317	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	7,874	
1318	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	27,707	

TWENTIETH JUDICIAL CIRCUIT

1319	SALARIES AND BENEFITS POSITIONS	173	
	FROM GENERAL REVENUE FUND	5,203,324	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		121,117
1320	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	13,800	
1321	EXPENSES		
	FROM GENERAL REVENUE FUND	348,472	
	FROM CIVIL RICO TRUST FUND		10,227
	FROM CONSUMER FRAUDS TRUST FUND		5,113
	FROM GRANTS AND DONATIONS TRUST FUND . . .		79,265

SECTION 1

SPECIFIC APPROPRIATION

1322	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	60,140	
	FROM CIVIL RICO TRUST FUND		41,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		5,881
1323	NOT USED		
1324	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	21,288	
1325	SPECIAL CATEGORIES		
	STATE ATTORNEYS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	29,682	

PUBLIC DEFENDERS

From funds in the "Salaries and Benefits" categories for public defenders, the salary rate for new assistant public defender positions provided shall not exceed $25,726 for each position.

The Public Defenders Coordination Office budgetary needs will be shared by each public defender's office within the funds provided in Specific Appropriations 1326 through 1426. The total funding for this office shall not exceed $220,000.

FIRST JUDICIAL CIRCUIT

1326	SALARIES AND BENEFITS POSITIONS	86	
	FROM GENERAL REVENUE FUND	2,957,412	
1327	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	17,934	
1328	EXPENSES		
	FROM GENERAL REVENUE FUND	222,146	
1329	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	22,396	
1330	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	33,339	

SECOND JUDICIAL CIRCUIT

1331	SALARIES AND BENEFITS POSITIONS	80	
	FROM GENERAL REVENUE FUND	2,849,000	
1332	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	26,934	
1333	EXPENSES		
	FROM GENERAL REVENUE FUND	253,898	

SECTION 1

SPECIFIC
APPROPRIATION

1334 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 56,917

1335 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 28,337

THIRD JUDICIAL CIRCUIT

1336 SALARIES AND BENEFITS POSITIONS 21
FROM GENERAL REVENUE FUND 888,868

1337 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 9,217

1338 EXPENSES
FROM GENERAL REVENUE FUND 132,094

1339 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 4,576

1340 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 10,668

FOURTH JUDICIAL CIRCUIT

1341 SALARIES AND BENEFITS POSITIONS 127
FROM GENERAL REVENUE FUND 4,316,593

1342 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 26,956

1343 EXPENSES
FROM GENERAL REVENUE FUND 217,465

1344 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 68,682

1345 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 23,787

FIFTH JUDICIAL CIRCUIT

1346 SALARIES AND BENEFITS POSITIONS 58
FROM GENERAL REVENUE FUND 1,878,967

1347 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 31,467

1348 EXPENSES
FROM GENERAL REVENUE FUND 159,263

1349 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,618

SECTION 1

SPECIFIC
APPROPRIATION

1350 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 15,597

SIXTH JUDICIAL CIRCUIT

1351 SALARIES AND BENEFITS POSITIONS 166
FROM GENERAL REVENUE FUND 5,425,559

1352 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 80,000

1353 EXPENSES
FROM GENERAL REVENUE FUND 376,625

1354 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 65,301

1355 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 39,657

SEVENTH JUDICIAL CIRCUIT

1356 SALARIES AND BENEFITS POSITIONS 103
FROM GENERAL REVENUE FUND 3,559,025

1357 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 7,434

1358 EXPENSES
FROM GENERAL REVENUE FUND 256,994

1359 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 17,393

1360 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 30,162

EIGHTH JUDICIAL CIRCUIT

1361 SALARIES AND BENEFITS POSITIONS 57
FROM GENERAL REVENUE FUND 1,854,209

1362 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 12,978

1363 EXPENSES
FROM GENERAL REVENUE FUND 144,895

1364 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 16,376

SECTION 1

SPECIFIC
APPROPRIATION

1365 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 18,385

NINTH JUDICIAL CIRCUIT

1366 SALARIES AND BENEFITS POSITIONS 90
FROM GENERAL REVENUE FUND 2,866,071

1367 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 16,956

1368 EXPENSES
FROM GENERAL REVENUE FUND 236,781

1369 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 32,684

1370 NOT USED

1371 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 24,577

TENTH JUDICIAL CIRCUIT

1372 SALARIES AND BENEFITS POSITIONS 107
FROM GENERAL REVENUE FUND 3,350,240

1373 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 22,923

1374 EXPENSES
FROM GENERAL REVENUE FUND 254,938

1375 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 18,030

1376 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 18,681

ELEVENTH JUDICIAL CIRCUIT

1377 SALARIES AND BENEFITS POSITIONS 270
FROM GENERAL REVENUE FUND 10,230,751

1378 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 133,912

1379 EXPENSES
FROM GENERAL REVENUE FUND 547,431

1380 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 74,563

SECTION 1

SPECIFIC
APPROPRIATION

1381 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 95,510

TWELFTH JUDICIAL CIRCUIT

1382 SALARIES AND BENEFITS POSITIONS 74
FROM GENERAL REVENUE FUND 2,563,839

1383 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 37,467

1384 EXPENSES
FROM GENERAL REVENUE FUND 245,170

1385 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 53,419

1386 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 33,775

THIRTEENTH JUDICIAL CIRCUIT

1387 SALARIES AND BENEFITS POSITIONS 156
FROM GENERAL REVENUE FUND 5,238,135

1388 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 46,194

1389 EXPENSES
FROM GENERAL REVENUE FUND 470,542

1390 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 95,816

1391 SPECIAL CATEGORIES
PUBLIC DEFENDERS - LAW LIBRARY
FROM GENERAL REVENUE FUND 21,830

FOURTEENTH JUDICIAL CIRCUIT

1392 SALARIES AND BENEFITS POSITIONS 32
FROM GENERAL REVENUE FUND 1,413,117

1393 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 6,978

1394 EXPENSES
FROM GENERAL REVENUE FUND 131,337

1395 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 8,739

SECTION 1

SPECIFIC
APPROPRIATION

1396	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND		8,900
FIFTEENTH JUDICIAL CIRCUIT			
1397	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	POSITIONS	166 5,613,855
1398	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		110,501
1399	EXPENSES FROM GENERAL REVENUE FUND		422,019
1400	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND		93,901
1401	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND		40,539
SIXTEENTH JUDICIAL CIRCUIT			
1402	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	POSITIONS	31 1,072,452
1403	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		2,500
1404	EXPENSES FROM GENERAL REVENUE FUND		115,109
1405	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND		7,408
1406	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND		20,386
SEVENTEENTH JUDICIAL CIRCUIT			
1407	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	POSITIONS	151 5,400,959
1408	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		73,819
1409	EXPENSES FROM GENERAL REVENUE FUND		381,143
1410	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND		28,298

SECTION 1

SPECIFIC
APPROPRIATION

1411	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND		32,576
EIGHTEENTH JUDICIAL CIRCUIT			
1412	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	POSITIONS	62 2,122,609
1413	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		15,652
1414	EXPENSES FROM GENERAL REVENUE FUND		197,926
1415	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND		12,361
1416	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND		16,277
NINETEENTH JUDICIAL CIRCUIT			
1417	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	POSITIONS	48 1,581,628
1418	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		7,503
1419	EXPENSES FROM GENERAL REVENUE FUND		157,269
1420	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND		22,820
1421	SPECIAL CATEGORIES PUBLIC DEFENDERS - LAW LIBRARY FROM GENERAL REVENUE FUND		18,598
TWENTIETH JUDICIAL CIRCUIT			
1422	SALARIES AND BENEFITS FROM GENERAL REVENUE FUND	POSITIONS	53 1,647,765
1423	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND		3,230
1424	EXPENSES FROM GENERAL REVENUE FUND		138,528
1425	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND		46,598

SECTION 1

SPECIFIC APPROPRIATION

1426	SPECIAL CATEGORIES		
	PUBLIC DEFENDERS - LAW LIBRARY		
	FROM GENERAL REVENUE FUND	13,641	
	LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF		
	OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES		
1427	SALARIES AND BENEFITS POSITIONS	278	
	FROM GENERAL REVENUE FUND	296,997	
	FROM ADMINISTRATIVE TRUST FUND		6,262,561
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		663,924
	FROM REVOLVING TRUST FUND		432,607
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		437,066
1428	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		15,380
	FROM REVOLVING TRUST FUND		218,714
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		3,500
1429	EXPENSES		
	FROM GENERAL REVENUE FUND	35,750	
	FROM ADMINISTRATIVE TRUST FUND		1,489,175
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		228,333
	FROM REVOLVING TRUST FUND		1,511,499
	FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND		34,232
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		89,629
1430	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,249	
	FROM ADMINISTRATIVE TRUST FUND		35,016
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		4,243
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		2,155
1431	NOT USED		
1432	SPECIAL CATEGORIES		
	REIMBURSEMENT OF EMPLOYERS		
	FROM WORKERS' COMPENSATION SPECIAL DISABILITY TRUST FUND		35,000,000
1433	DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		244,822
	FROM LABOR, EMPLOYMENT AND TRAINING TRUST FUND		7,531

SECTION 1

SPECIFIC APPROPRIATION

	PUBLIC EMPLOYEES RELATIONS COMMISSION		
1434	SALARIES AND BENEFITS POSITIONS	42	
	FROM GENERAL REVENUE FUND	1,484,167	
1435	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	110,726	
	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		5,000
1436	EXPENSES		
	FROM GENERAL REVENUE FUND	332,734	
	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		39,780
1437	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	9,734	
1438	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	771	
	FROM PUBLIC EMPLOYEES RELATIONS COMMISSION TRUST FUND		5,000
	OFFICE OF THE CHIEF COMMISSIONER OF WORKERS' COMPENSATION		
1439	SALARIES AND BENEFITS POSITIONS	93	
	FROM GENERAL REVENUE FUND	61,302	
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		3,811,394
1440	OTHER PERSONAL SERVICES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		220,347
1441	EXPENSES		
	FROM GENERAL REVENUE FUND	13,703	
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		715,847
1442	OPERATING CAPITAL OUTLAY		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		101,434
	WORKERS' COMPENSATION, DIVISION OF		
1443	SALARIES AND BENEFITS POSITIONS	526	
	FROM GENERAL REVENUE FUND	415,472	
	FROM CRIMES COMPENSATION TRUST FUND		731,480
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		12,053,038
1444	OTHER PERSONAL SERVICES		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		146,881

SECTION 1

SPECIFIC APPROPRIATION

1445	EXPENSES		
	FROM GENERAL REVENUE FUND	358,823	
	FROM CRIMES COMPENSATION TRUST FUND . . .		191,426
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		2,922,001
1446	OPERATING CAPITAL OUTLAY		
	FROM CRIMES COMPENSATION TRUST FUND . . .		3,651
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		183,702
1447	SPECIAL CATEGORIES		
	ASBESTOS BUILDING/MAINTENANCE PLAN CONTRACT		
	FROM GENERAL REVENUE FUND	500,000	
1448	SPECIAL CATEGORIES		
	AWARDS TO CLAIMANTS		
	FROM CRIMES COMPENSATION TRUST FUND . . .		7,262,584
1449	SPECIAL CATEGORIES		
	GRANTS AND AIDS - VICTIM ASSISTANCE SERVICES		
	FROM CRIMES COMPENSATION TRUST FUND . . .		1,400,000
1449A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - ASBESTOS REMOVAL FROM BREVARD COURTHOUSE		
	FROM GENERAL REVENUE FUND	350,000	
1450	FINANCIAL ASSISTANCE PAYMENTS		
	PAYMENTS TO CLAIMANTS		
	FROM SELF INSURANCE ASSESSMENT TRUST FUND		75,000
1451	FINANCIAL ASSISTANCE PAYMENTS		
	SUPPLEMENTAL WORKERS' COMPENSATION BENEFITS		
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		17,611,200
1452	DATA PROCESSING SERVICES		
	FROM CRIMES COMPENSATION TRUST FUND . . .		2,268
	FROM WORKERS' COMPENSATION ADMINISTRATION TRUST FUND		938,330
	LABOR, EMPLOYMENT AND TRAINING, DIVISION OF		
1453	SALARIES AND BENEFITS POSITIONS	1,539	
	FROM GENERAL REVENUE FUND	1,092,601	
	FROM CREW CHIEF REGISTRATION TRUST FUND .		201,602
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		35,855,315

SECTION 1

SPECIFIC APPROPRIATION

1454	OTHER PERSONAL SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		1,854,721
1455	EXPENSES		
	FROM GENERAL REVENUE FUND	282,155	
	FROM CREW CHIEF REGISTRATION TRUST FUND .		3,928
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		7,577,105
	FROM SPECIAL EMPLOYMENT SECURITY TRUST FUND		627
1456	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - GOVERNMENTAL UNITS SPECIAL EMPLOYMENT PLACEMENT SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		1,840,595
1456A	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - MOBILE EQUIPMENT/PROJECT FIRST BASE		
	FROM GENERAL REVENUE FUND	20,000	
1457	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - JOB TRAINING PARTNERSHIP ACT SUMMER YOUTH - TEMPORARY EMPLOYMENT		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		24,927,300
1458	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	27,399	
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		209,073
1459	SPECIAL CATEGORIES		
	GRANTS AND AIDS - JOB TRAINING PARTNERSHIP ACT SERVICE DELIVERY AREA ALLOTMENTS		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		91,006,671
1460	SPECIAL CATEGORIES		
	CONTRACT PAYMENTS		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		2,779,943
1461	SPECIAL CATEGORIES		
	GRANTS AND AIDS - PRIVATE ORGANIZATIONS SPECIAL EMPLOYMENT PLACEMENT SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		1,388,520
1462	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	1,841	
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		1,782,704

SECTION 1

SPECIFIC
APPROPRIATION

UNEMPLOYMENT COMPENSATION, DIVISION OF

1463 SALARIES AND BENEFITS POSITIONS 1,179
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 28,337,643

1464 OTHER PERSONAL SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 880,785

1465 EXPENSES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 5,424,408

1466 OPERATING CAPITAL OUTLAY
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 223,982

1467 FINANCIAL ASSISTANCE PAYMENTS
UNEMPLOYMENT COMPENSATION BENEFITS
FROM UNEMPLOYMENT COMPENSATION BENEFIT TRUST FUND 380,102,622

1468 DATA PROCESSING SERVICES
FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND 2,724,816

CALDWELL DATA CENTER

1469 SALARIES AND BENEFITS POSITIONS 156
FROM WORKING CAPITAL TRUST FUND 4,490,451

1470 NOT USED

1471 EXPENSES
FROM WORKING CAPITAL TRUST FUND 1,698,758

1472 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 20,706

VOCATIONAL REHABILITATION, DIVISION OF

1473 SALARIES AND BENEFITS POSITIONS 1,000
FROM GENERAL REVENUE FUND 5,203,360
FROM FEDERAL REHABILITATION TRUST FUND . . 18,550,889
FROM POSTAL WORKERS' REHABILITATION TRUST FUND 568,318
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST FUND 594,009

1474 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 3,924
FROM FEDERAL REHABILITATION TRUST FUND . . 15,697
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST FUND 10,000

SECTION 1

SPECIFIC
APPROPRIATION

1475 EXPENSES
FROM GENERAL REVENUE FUND 977,601
FROM FEDERAL REHABILITATION TRUST FUND . . 3,810,132
FROM POSTAL WORKERS' REHABILITATION TRUST FUND 118,944
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST FUND 181,024

1476 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 21,845
FROM FEDERAL REHABILITATION TRUST FUND . . 187,416
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST FUND 35,160

1476A LUMP SUM
LUMP SUM - TRANSFER TO DEPARTMENT OF EDUCATION FOR SPINAL CORD RESEARCH PROJECT
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST FUND 500,000

1477 SPECIAL CATEGORIES
COMMUNITY FACILITIES GRANTS
FROM WORKSHOP AND FACILITIES TRUST FUND . 675,881

1478 SPECIAL CATEGORIES
INDEPENDENT LIVING SERVICES
FROM GENERAL REVENUE FUND 423,882
FROM FEDERAL REHABILITATION TRUST FUND . . 671,136

1479 SPECIAL CATEGORIES
PATIENT SERVICES
FROM POSTAL WORKERS' REHABILITATION TRUST FUND 990,000

1480 SPECIAL CATEGORIES
PURCHASED CLIENT SERVICES
FROM GENERAL REVENUE FUND 8,626,003
FROM FEDERAL REHABILITATION TRUST FUND . . 38,393,088
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST FUND 6,070,225

1480A SPECIAL CATEGORIES
SPACE COAST ASSOCIATION FOR THE PHYSICALLY HANDICAPPED - BREVARD COUNTY
FROM GENERAL REVENUE FUND 25,000

1481 SPECIAL CATEGORIES
SPINAL CORD INJURY PROGRAM
FROM IMPAIRED DRIVERS AND SPEEDERS TRUST FUND 889,538

1481A SPECIAL CATEGORIES
CENTER FOR INDEPENDENT LIVING - WINTER PARK
FROM GENERAL REVENUE FUND 25,000

SECTION 1

SPECIFIC APPROPRIATION

1481B	SPECIAL CATEGORIES		
	CENTER FOR INDEPENDENT LIVING - TAMPA		
	FROM GENERAL REVENUE FUND	50,000	
1481C	SPECIAL CATEGORIES		
	CENTER FOR INDEPENDENT LIVING - FORT MYERS		
	FROM GENERAL REVENUE FUND	25,000	
1481D	SPECIAL CATEGORIES		
	GRANTS AND AIDS - HEAD INJURY CARE AND EDUCATION PROGRAM		
	FROM IMPAIRED DRIVERS AND SPEEDERS TRUST FUND		323,270
1481E	SPECIAL CATEGORIES		
	CENTER FOR INDEPENDENT LIVING - PANAMA CITY		
	FROM GENERAL REVENUE FUND	25,000	
1481F	SPECIAL CATEGORIES		
	CENTER FOR INDEPENDENT LIVING - PENSACOLA		
	FROM GENERAL REVENUE FUND	25,000	
1482	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	102,322	
	FROM FEDERAL REHABILITATION TRUST FUND . .		386,763
	UNEMPLOYMENT APPEALS COMMISSION		
1483	SALARIES AND BENEFITS POSITIONS	25	
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		896,996
1484	OTHER PERSONAL SERVICES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		13,200
1485	EXPENSES		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		149,660
1486	OPERATING CAPITAL OUTLAY		
	FROM EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND		4,405
	LAW ENFORCEMENT, DEPARTMENT OF		
	CRIME LABORATORIES AND STAFF SERVICES, DIVISION OF		
1487	SALARIES AND BENEFITS POSITIONS	148	
	FROM GENERAL REVENUE FUND	5,237,801	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		195,535
	FROM GRANTS AND DONATIONS TRUST FUND . . .		30,194
	FROM OPERATING TRUST FUND		25,847

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1488	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	45,630	
	FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND		12,000
1489	EXPENSES		
	FROM GENERAL REVENUE FUND	1,006,150	
	FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND		48,000
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		20,687
	FROM GRANTS AND DONATIONS TRUST FUND . . .		17,168
	FROM OPERATING TRUST FUND		33,173
	FROM REVOLVING TRUST FUND		1,000,000
1490	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	48,833	
1491	NOT USED		
1492	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	52,887	
1493	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	53,609	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		2,625
	CRIMINAL INVESTIGATIONS, DIVISION OF		
1494	SALARIES AND BENEFITS POSITIONS	508	
	FROM GENERAL REVENUE FUND	18,148,521	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		346,199
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		824,495
	FROM GRANTS AND DONATIONS TRUST FUND . . .		909,697
1495	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	28,587	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		78,750
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		50,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		40,000
1496	EXPENSES		
	FROM GENERAL REVENUE FUND	5,086,720	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		120,415
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		747,698
	FROM GRANTS AND DONATIONS TRUST FUND . . .		462,240

From the funds provided in Specific Appropriation 1496 from the Forfeiture and Investigative Support

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Trust Fund, up to $25,000 may be expended for rewards leading to the capture of fugitives, if such funds are available.

1497	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,344,176	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		20,135
1498	NOT USED		
1499	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	448,570	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		6,240
	FROM GRANTS AND DONATIONS TRUST FUND . . .		31,096
1500	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	464,792	

CRIMINAL JUSTICE STANDARDS AND TRAINING, DIVISION OF

1501	SALARIES AND BENEFITS POSITIONS	71	
	FROM ADMINISTRATIVE TRUST FUND		1,677,799
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		393,520
1502	OTHER PERSONAL SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		30,000
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		125,000
	FROM CRIMINAL JUSTICE TRAINING IMPROVEMENT TRUST FUND		97,000
1503	EXPENSES		
	FROM ADMINISTRATIVE TRUST FUND		389,601
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		241,672
	FROM CRIMINAL JUSTICE TRAINING IMPROVEMENT TRUST FUND		25,000
1504	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		119,572
1505	NOT USED		
1506	SPECIAL CATEGORIES		
	GRANTS AND AIDS - SPECIAL EDUCATION AND TECHNICAL TRAINING		
	FROM CRIMINAL JUSTICE TRAINING TRUST FUND		4,469,250
1507	DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		283,267

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CRIMINAL JUSTICE INFORMATION SYSTEMS, DIVISION OF

Funds in Specific Appropriations 1508 through 1513 from the Operating Trust Fund are derived from fees for criminal history checks. Such fees charged to Department of Health and Rehabilitative Services' vendors shall not exceed $5.

1508	SALARIES AND BENEFITS POSITIONS	216	
	FROM GENERAL REVENUE FUND	2,814,697	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		104,788
	FROM OPERATING TRUST FUND		2,321,710
1509	EXPENSES		
	FROM GENERAL REVENUE FUND	1,912,026	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		44,479
	FROM OPERATING TRUST FUND		291,972
1510	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,989,434	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		350,000
1511	NOT USED		
1512	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	2,100	
1513	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	6,723,693	
	FROM FORFEITURE AND INVESTIGATIVE SUPPORT TRUST FUND		106,250
	FROM OPERATING TRUST FUND		1,590,270

LAW ENFORCEMENT DATA CENTER

1514	SALARIES AND BENEFITS POSITIONS	102	
	FROM WORKING CAPITAL TRUST FUND		2,721,644
1514A	OTHER PERSONAL SERVICES		
	FROM WORKING CAPITAL TRUST FUND		106,250
1515	EXPENSES		
	FROM WORKING CAPITAL TRUST FUND		4,774,508
1516	OPERATING CAPITAL OUTLAY		
	FROM WORKING CAPITAL TRUST FUND		2,207,058

Of the funds provided in Specific Appropriations 1515 and 1516 for the capacity upgrade project, $558,562 and $2,027,403, respectively, shall be contingent upon a three-year installment payment agreement.

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LOCAL LAW ENFORCEMENT ASSISTANCE, DIVISION OF

1517	SALARIES AND BENEFITS POSITIONS	304	
	FROM GENERAL REVENUE FUND	10,194,981	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		105,826
1518	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	137,720	
	FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND		55,500
1519	EXPENSES		
	FROM GENERAL REVENUE FUND	2,450,322	
	FROM CRIMES AGAINST CHILDREN CRIMINAL PROFILING TRUST FUND		20,660
	FROM FLORIDA LAW ENFORCEMENT ACADEMY TRUST FUND		73,401
	FROM OPERATING TRUST FUND		16,643
1520	AID TO LOCAL GOVERNMENTS LOCAL LABORATORY SERVICES		
	FROM OPERATING TRUST FUND		2,379,702
1521	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - MEDICAL EXAMINER SERVICES		
	FROM GENERAL REVENUE FUND	1,615,344	
1522	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	1,159,933	
1523	NOT USED		
1524	SPECIAL CATEGORIES SALARY INCENTIVE PAYMENTS		
	FROM GENERAL REVENUE FUND	13,029	
1525	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	297,732	

LEGAL AFFAIRS, DEPARTMENT OF, AND ATTORNEY GENERAL

The Department of Legal Affairs shall submit a report to the legislative appropriations committees itemizing attorney hours and expenditures for Department of Professional Regulation board representation by fiscal year, by September 1 of each year.

State agencies requesting approval for the use of private legal services pursuant to s. 287.059, F.S., shall contract with the Department of Legal Affairs for such legal services at a cost to be mutually agreed upon. The Attorney General may decide on a case-by-case basis to accept or decline such litigation as staffing and expertise permit.

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OFFICE OF ATTORNEY GENERAL

1526	SALARIES AND BENEFITS POSITIONS	426	
	FROM GENERAL REVENUE FUND	11,625,700	
	FROM ADMINISTRATIVE TRUST FUND		176,305
	FROM LEGAL SERVICES TRUST FUND		1,736,861
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND		851,048
	FROM MOTOR VEHICLE WARRANTY TRUST FUND		561,458
1527	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	63,132	
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		14,895
	FROM LEGAL SERVICES TRUST FUND		147,339
	FROM MOTOR VEHICLE WARRANTY TRUST FUND		400,000
1528	EXPENSES		
	FROM GENERAL REVENUE FUND	2,273,770	
	FROM ADMINISTRATIVE TRUST FUND		6,520
	FROM FLORIDA CRIME PREVENTION TRAINING INSTITUTE REVOLVING TRUST FUND		23,102
	FROM LEGAL SERVICES TRUST FUND		532,854
	FROM LEGAL AFFAIRS REVOLVING TRUST FUND		9,141
	FROM MOTOR VEHICLE WARRANTY TRUST FUND		458,155
1529	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	699,307	
	FROM ADMINISTRATIVE TRUST FUND		49,291
	FROM LEGAL SERVICES TRUST FUND		35,690
	FROM MOTOR VEHICLE WARRANTY TRUST FUND		62,463
1529A	SPECIAL CATEGORIES ATTORNEY GENERAL'S LAW LIBRARY		
	FROM GENERAL REVENUE FUND	211,010	
1530	SPECIAL CATEGORIES GRANTS AND AIDS - ASSISTANCE TO CITIZEN CRIME PREVENTION ORGANIZATIONS		
	FROM GENERAL REVENUE FUND	75,000	

The funds in Specific Appropriation 1530 are provided solely for the purpose of contracting with Florida Citizens Against Crime, Inc. to coordinate the statewide formation of local citizen groups to implement crime prevention programs. Within the funds appropriated, the department shall contract for a financial audit by an independent CPA and a performance audit of this program. The audit results shall be reported to the Executive Office of the Governor and chairmen of the legislative appropriations committees.

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1531 SPECIAL CATEGORIES
GRANTS AND AIDS - ASSISTANCE FOR CRIME PREVENTION IN THE BLACK COMMUNITY
FROM GENERAL REVENUE FUND 198,250

Funds in Specific Appropriation 1531 are provided solely for the purpose of contracting with the Florida Consortium of Urban Leagues to implement crime prevention in black communities. Within the funds appropriated, the department shall contract for a financial audit by an independent CPA and a performance audit of this program. The audit results shall be reported to the Executive Office of the Governor and the chairmen of the legislative appropriations committees.

1532 SPECIAL CATEGORIES
ANTITRUST INVESTIGATIONS
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 1,467,229

1533 SPECIAL CATEGORIES
CONSUMER FRAUD INVESTIGATIONS
FROM CONSUMER FRAUDS TRUST FUND 50,000
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 251,586

1534 SPECIAL CATEGORIES
RICO INVESTIGATIONS
FROM LEGAL AFFAIRS REVOLVING TRUST FUND . 594,079

OFFICE OF STATEWIDE PROSECUTION

1535 SALARIES AND BENEFITS POSITIONS 29
FROM GENERAL REVENUE FUND 1,166,619
FROM GRANTS AND DONATIONS TRUST FUND . . . 216,310

1536 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 8,280
FROM GRANTS AND DONATIONS TRUST FUND . . . 5,000

1537 EXPENSES
FROM GENERAL REVENUE FUND 304,696
FROM GRANTS AND DONATIONS TRUST FUND . . . 82,133

1538 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 5,844
FROM GRANTS AND DONATIONS TRUST FUND . . . 20,000

LEGISLATIVE BRANCH

The amount of $40,000 per day is hereby appropriated from the General Revenue Fund to supplement the amounts provided in Specific Appropriations 1539 and 1540 for each day of any special, extended, or extra session of the Legislature, pursuant to the provisions of Chapter 11, Florida Statutes.

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From the amount provided in Specific Appropriations 1539 and 1540, $1,500 shall be paid to each member of the Florida Legislature each month during fiscal year 1989-90 as the intradistrict expense allowance and, in addition to the funds contained in any other proviso, $250 shall be paid to the President of the Florida Senate and the Speaker of the House of Representatives each month during fiscal year 1989-90, as an additional supplemental intradistrict expense allowance. This expense allowance and additional supplement were approved by the Joint Legislative Management Committee on February 6, 1989, pursuant to s. 11.13(4), Florida Statutes.

SENATE

1539 LUMP SUM
SENATE
FROM GENERAL REVENUE FUND 22,838,383

From the amount provided in Specific Appropriation 1539, $250 shall be paid each month during Fiscal Year 1989-90 as a supplemental intradistrict expense allowance to each member of the Florida Senate who, in addition to two full time district staff employees, has a third district staff employee on 16 or more calendar days in any such month. This supplement was approved by the Joint Legislative Management Committee on February 6, 1989, pursuant to s. 11.13(4), Florida Statutes.

From the amount provided in Specific Appropriation 1539, $250 shall be paid each month during fiscal year 1989-90 as a supplemental intradistrict expense allowance to each member of the Florida Senate who, in addition to two full-time district staff employees, has a third staff employee on 16 or more calendar days in any such month and who does not qualify for the allowance under the foregoing paragraph.

The Legislature may pay, from funds appropriated to the legislative branch, the reasonable costs that are incurred by members or employees of the Legislature in excess of the level of benefits available under the state health plan for alcohol dependency treatment and rehabilitation programs.

HOUSE OF REPRESENTATIVES

1540 LUMP SUM
HOUSE
FROM GENERAL REVENUE FUND 38,214,294

From the funds provided in Specific Appropriation 1540, $50,000 shall be used to undertake a salary disparity study of all employees of the House of

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Representatives to assure compliance with Title VII of the Federal Civil Rights Act, 42 U.S.C. s. 2000e and the Florida Human Rights Act, s. 760.10, Florida Statutes, which report shall be due no later than March 1, 1990.

JOINT MANAGEMENT

1541 LUMP SUM
JLMC
FROM GENERAL REVENUE FUND 18,384,466

The Economic and Demographic Research Division of the Joint Legislative Management Committee shall serve as the contract manager for such funds contained in Specific Appropriation 1541 as shall be designated by the presiding officers as contract research funds.

ADMINISTRATIVE PROCEDURES COMMITTEE

1542 LUMP SUM
ADMINISTRATIVE PROCEDURES
FROM GENERAL REVENUE FUND 939,601

LEGISLATIVE INFORMATION TECHNOLOGY RESOURCE COMMITTEE

1543 LUMP SUM
IRC
FROM GENERAL REVENUE FUND 401,965

JOINT SELECT COMMITTEE ON GROWTH MANAGEMENT

1543A LUMP SUM
GROWTH MANAGEMENT COMMITTEE
FROM GENERAL REVENUE FUND 182,757

From the funds provided in Specific Appropriation 1543A, the committee shall be assigned, for administrative purposes, to the Joint Legislative Management Committee and shall be subject to the established policies and procedures of the Administrative Services Division of the Joint Legislative Management Committee. The employment of staff and consultants, the budget and financial operation plan of the committee, and any transfer of funds by budget amendment shall be approved in advance by the President of the Senate and the Speaker of the House of Representatives. Members of the committee shall not receive any compensation for serving on the committee but shall be reimbursed for travel and per diem expenses pursuant to s. 112.061, F.S.

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INTERGOVERNMENTAL RELATIONS, ADVISORY COUNCIL ON

1544 LUMP SUM
ACIR
FROM GENERAL REVENUE FUND 564,470

OFFICE OF PUBLIC COUNSEL

1545 LUMP SUM
PUBLIC COUNSEL
FROM GENERAL REVENUE FUND 2,316,968
FROM PUBLIC COUNSEL TRUST FUND 459,027

From funds in Specific Appropriation 1545, 8 positions and $459,027 from the Public Counsel Trust Fund are to be used for the purpose of providing legal representation for the people of the State of Florida in proceedings before the Department of Insurance pertaining to health insurance and motor vehicle insurance. These positions and funds are contingent upon HB 855 or similar legislation becoming law which authorizes the insurance public counsel.

ETHICS, COMMISSION ON

1546 LUMP SUM
ETHICS COMMISSION
FROM GENERAL REVENUE FUND 830,222

AUDITOR GENERAL

1547 LUMP SUM
AUDITOR GENERAL
FROM GENERAL REVENUE FUND 31,105,043
FROM FEDERAL REIMBURSEMENT TRUST FUND . . 5,253,604

AUDITING COMMITTEE

1548 LUMP SUM
AUDITING COMMITTEE
FROM GENERAL REVENUE FUND 195,914

LOTTERY, DEPARTMENT OF THE

1549 SALARIES AND BENEFITS POSITIONS 834
FROM ADMINISTRATIVE TRUST FUND 22,647,073

1550 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,199,775

1551 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 14,994,590

1552 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 837,580

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1553 NOT USED

1553A SPECIAL CATEGORIES
INSTANT TICKET PURCHASE
FROM ADMINISTRATIVE TRUST FUND 8,498,851

1554 SPECIAL CATEGORIES
PAID ADVERTISING AND PROMOTION
FROM ADMINISTRATIVE TRUST FUND 29,924,000

1555 SPECIAL CATEGORIES
ONLINE GAMES CONTRACT
FROM ADMINISTRATIVE TRUST FUND 36,217,480

1556 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM ADMINISTRATIVE TRUST FUND 22,380

1557 DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 13,948

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

1558 SALARIES AND BENEFITS POSITIONS 151
FROM GENERAL REVENUE FUND 2,853,585
FROM ARMORY BOARD TRUST FUND 922,477

1559 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 27,183

1560 EXPENSES
FROM GENERAL REVENUE FUND 3,127,436
FROM ARMORY BOARD TRUST FUND 171,701

1561 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 433,000
FROM ARMORY BOARD TRUST FUND 1,005

1562 NOT USED

1563 SPECIAL CATEGORIES
NATIONAL GUARD EMERGENCIES
FROM GENERAL REVENUE FUND 100,000

Funds in Specific Appropriation 1563 shall be held in reserve and released only for state active duty planning in the event of an emergency involving national guard personnel or equipment.

1563A SPECIAL CATEGORIES
TRANSFER TO ARMORY BOARD TRUST FUND
FROM GENERAL REVENUE FUND 250,000

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1563B SPECIAL CATEGORIES
DRUG INTERDICTION PROGRAM
FROM ARMORY BOARD TRUST FUND 250,000

Funds in Specific Appropriation 1563B are to be used for the funding of the State of Florida Drug Interdiction Program as generated by the Florida Department of Law Enforcement.

1564 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 50,000

CAMP BLANDING MANAGEMENT

1565 SALARIES AND BENEFITS POSITIONS 111
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 2,246,718

1566 OTHER PERSONAL SERVICES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 58,216

1567 EXPENSES
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 733,315

1568 OPERATING CAPITAL OUTLAY
FROM CAMP BLANDING MANAGEMENT TRUST FUND . 111,604

1569 NOT USED

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

1570 EXPENSES
FROM GENERAL REVENUE FUND 33,000

Prior to March 1, 1990, a report shall be submitted to the Governor, President of the Senate and Speaker of the House of Representatives detailing the expenditure of funds in Specific Appropriation 1570. The report shall also identify the specific bills filed and those which passed as a result of the expenditure of these funds for each of the 1985-89 Sessions and those bills proposed or filed for the 1990 Session.

NATURAL RESOURCES, DEPARTMENT OF

OFFICE OF EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1571 SALARIES AND BENEFITS POSITIONS 153
FROM GENERAL REVENUE FUND 1,299,972
FROM ADMINISTRATIVE TRUST FUND 3,332,549
FROM MARINE RESOURCES CONSERVATION TRUST FUND 154,838

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1572	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	159,843	
1573	EXPENSES		
	FROM GENERAL REVENUE FUND	232,465	
	FROM ADMINISTRATIVE TRUST FUND		916,682
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		119,392
1574	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	96,994	
	FROM ADMINISTRATIVE TRUST FUND		67,858
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		4,638

Funds appropriated from the Marine Resources Conservation Trust Fund in Specific Appropriations 1571, 1573, and 1574, including 6 positions, are contingent upon CS/CS/SB 9 or similar legislation becoming law.

1575	NOT USED		
1576	SPECIAL CATEGORIES		
	GULF STATES MARINE FISHERIES		
	FROM GENERAL REVENUE FUND	22,500	
1576A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - WEKIVA RESOURCES COUNCIL		
	FROM GENERAL REVENUE FUND	200,000	

STATE LANDS, DIVISION OF

1577	SALARIES AND BENEFITS POSITIONS	202	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		34,309
	FROM FORFEITED PROPERTY TRUST FUND		97,982
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		5,966,419
1578	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	3,113,503	
	FROM FORFEITED PROPERTY TRUST FUND		333,444
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		970,752

Funds in Specific Appropriation 1578, include $455,000 from the General Revenue Fund for a feasibility and needs assessment study to be conducted by the Florida Resources and Environmental Analysis Center of Florida State University concerning the implementation of a statewide Geographic Information System. The study shall be completed and its results reported to the Speaker of the House of Representatives and to the President of the Senate no later than December 31, 1990. In addition, an interim report shall be provided to the Speaker and President no later than March 15, 1990. The study shall include but not be limited to an assessment of short and long term implementation costs and objectives, impact and effects on local governments and appropriate state agencies, staffing and training requirements, technical specifications, and a timetable for implementation.

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1579	EXPENSES		
	FROM GENERAL REVENUE FUND	75,000	
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		24,409
	FROM FORFEITED PROPERTY TRUST FUND		590,954
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		1,681,267
1580	AID TO LOCAL GOVERNMENTS		
	GRANTS AND AIDS - REMOVAL OF DERELICT VESSELS		
	FROM COASTAL PROTECTION TRUST FUND		400,000
1581	OPERATING CAPITAL OUTLAY		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		179,338
1582	NOT USED		
1583	SPECIAL CATEGORIES		
	NATIONAL OCEAN SURVEY		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		50,000
1584	SPECIAL CATEGORIES		
	NATURAL AREAS INVENTORY		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		510,633
1584A	SPECIAL CATEGORIES		
	GRANTS AND AIDS - NEWFOUND HARBOR MARINE INSTITUTE - SEAGRASS STUDY		
	FROM GENERAL REVENUE FUND	75,000	
1585	SPECIAL CATEGORIES		
	RICO ACT- DISTRIBUTION OF PROCEEDS FROM PROPERTY SALES		
	FROM FORFEITED PROPERTY TRUST FUND		1,000,000
1586	SPECIAL CATEGORIES		
	SALARY INCENTIVE PAYMENTS		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		4,152
1587	SPECIAL CATEGORIES		
	TOPOGRAPHIC MAPPING		
	FROM INTERNAL IMPROVEMENT TRUST FUND . . .		150,000

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1587A	SPECIAL CATEGORIES		
	TRANSFER TO DIVISION OF ARCHIVES, HISTORY AND RECORDS MANAGEMENT FOR HISTORIC RESOURCES INVENTORY		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		86,613
1588	SPECIAL CATEGORIES		
	TRANSFER/ARCHIVES, HISTORY AND RECORDS MANAGEMENT/SAN LUIS FORT AND MISSION		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		204,364
1589	SPECIAL CATEGORIES		
	TRANSFER - DIVISION OF FORESTRY INCIDENTAL TRUST FUND		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		141,771
1590	SPECIAL CATEGORIES		
	TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR MANAGEMENT OF CARL LANDS		
	FROM CONSERVATION AND RECREATION LANDS TRUST FUND		1,127,490
1591	SPECIAL CATEGORIES		
	WATER MANAGEMENT DISTRICT PROPERTY TAXES		
	FROM INTERNAL IMPROVEMENT TRUST FUND		50,000
1591A	SPECIAL CATEGORIES		
	RAINBOW RIVER AQUATIC PRESERVE		
	FROM GENERAL REVENUE FUND	25,000	
1592	DATA PROCESSING SERVICES		
	FROM INTERNAL IMPROVEMENT TRUST FUND		29,887
	MARINE RESOURCES, DIVISION OF		
1593	SALARIES AND BENEFITS POSITIONS	221	
	FROM GENERAL REVENUE FUND	3,814,634	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		415,573
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		1,441,936
	FROM MOTORBOAT REVOLVING TRUST FUND		193,000
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		622,960
1594	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	217,328	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		262,431
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		946,013
	FROM MOTORBOAT REVOLVING TRUST FUND		193,728

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	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		18,456
1595	EXPENSES		
	FROM GENERAL REVENUE FUND	1,612,684	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		272,574
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		737,404
	FROM MOTORBOAT REVOLVING TRUST FUND		67,982
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		214,778
1596	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	276,876	
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		445,449
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		229,046
	FROM MOTORBOAT REVOLVING TRUST FUND		20,000
	FROM SALTWATER PRODUCTS PROMOTION TRUST FUND		5,692
1597	NOT USED		
1598	LUMP SUM		
	HABITAT RESTORATION, ARTIFICIAL REEFS, AND FISH HATCHERIES		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		1,000,000
1599	NOT USED		
1600	SPECIAL CATEGORIES		
	ATLANTIC STATES MARINE FISHERIES COMMISSION		
	FROM GENERAL REVENUE FUND	26,915	
1600A	SPECIAL CATEGORIES		
	TRANSFER TO COASTAL PROTECTION TRUST FUND - CHAPTER 88-393		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		500,000
1600B	SPECIAL CATEGORIES		
	TRANSFER TO DEPARTMENT OF ENVIRONMENTAL REGULATION FOR RESTORATION OF SARASOTA BAY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		100,000
1600C	SPECIAL CATEGORIES		
	GRANTS AND AIDS - UNIVERSITY OF MIAMI FISH HATCHERY		
	FROM MARINE RESOURCES CONSERVATION TRUST FUND		250,000

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1600D SPECIAL CATEGORIES
GRANTS AND AIDS - RED DRUM FISHERY ENHANCEMENT
FROM MARINE RESOURCES CONSERVATION TRUST FUND 250,000

1601 SPECIAL CATEGORIES
OYSTER PLANTING
FROM GENERAL REVENUE FUND 325,000

Funds in Specific Appropriation 1601 shall be allocated as follows: Bay County $64,000; Levy, Dixie, Santa Rosa, Franklin and Wakulla shall each receive $52,200.

1601A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF AGRICULTURE/AQUACULTURE PROJECT/ DIXIE COUNTY
FROM MARINE RESOURCES CONSERVATION TRUST FUND 75,000

1601B SPECIAL CATEGORIES
FISHERIES RESEARCH
FROM MARINE RESOURCES CONSERVATION TRUST FUND 714,292

1601C SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA SEA GRANT PROGRAM
FROM MARINE RESOURCES CONSERVATION TRUST FUND 300,000

1601D SPECIAL CATEGORIES
BAITFISH RESEARCH
FROM MARINE RESOURCES CONSERVATION TRUST FUND 169,335

1602 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 549,551
FROM MARINE RESOURCES CONSERVATION TRUST FUND 74,012

Funds appropriated from the Marine Resources Conservation Trust Fund in Specific Appropriations 1593, 1594, 1595, 1596, 1598, 1600A, 1600B, 1600C, 1600D, 1601A and 1602, including 16 positions, are contingent upon CS/CS/SB 9 or similar legislation becoming law.

BEACHES AND SHORES, DIVISION OF

1603 SALARIES AND BENEFITS POSITIONS 71
FROM GENERAL REVENUE FUND 2,091,032
FROM BEACH MANAGEMENT TRUST FUND 89,907

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1604 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 1,029,882
FROM BEACH MANAGEMENT TRUST FUND 600,000

1605 EXPENSES
FROM GENERAL REVENUE FUND 463,449
FROM BEACH MANAGEMENT TRUST FUND 161,863

1606 OPERATING CAPITAL OUTLAY
FROM BEACH MANAGEMENT TRUST FUND 231,202

1607 NOT USED

1607A SPECIAL CATEGORIES
GRANTS AND AIDS - TURKEY POINT SHIP CHANNEL ASSESSMENT
FROM BEACH MANAGEMENT TRUST FUND 75,000

Funds in Specific Appropriation 1607A shall be utilized to contract with Florida State University for an engineering and environmental impact assessment of the ship channel and boat basin associated with the Edward W. Ball Marine Laboratory in Franklin County.

RESOURCE MANAGEMENT, DIVISION OF

1608 SALARIES AND BENEFITS POSITIONS 103
FROM GENERAL REVENUE FUND 989,051
FROM AQUATIC PLANT CONTROL TRUST FUND . . 1,038,829
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 1,385,847

1609 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 13,842
FROM AQUATIC PLANT CONTROL TRUST FUND . . 664,539
FROM GRANTS AND DONATIONS TRUST FUND . . . 42,102
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 132,422
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 100,000

1610 EXPENSES
FROM GENERAL REVENUE FUND 252,777
FROM AQUATIC PLANT CONTROL TRUST FUND . . 675,766
FROM GRANTS AND DONATIONS TRUST FUND . . . 18,500
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 543,578

1611 AID TO LOCAL GOVERNMENTS
AQUATIC PLANT CONTROL MATCHING GRANTS
FROM AQUATIC PLANT CONTROL TRUST FUND . . 5,175,332

From funds in Specific Appropriation 1611, an amount

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not to exceed $1,000,000 shall be reserved during the first three quarters of the contract year for the purpose of paying claims or judgements, not exceeding the amounts allowed under s. 768.28(5), F.S., awarded by a court of competent jurisdiction, arising from improper applications of herbicides by the Department or any governmental entity with which the Department has contracted for the control of plants in waters of state responsibility when such applications of herbicides were performed pursuant to a work plan approved by the Department.

1612 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 42,867
FROM AQUATIC PLANT CONTROL TRUST FUND . . 23,110
FROM LAND RECLAMATION ADMINISTRATION TRUST FUND 2,803

1613 NOT USED

1614 SPECIAL CATEGORIES
TRANSFER TO GAME AND FRESH WATER FISH COMMISSION FOR ADMINISTRATIVE OVERHEAD
FROM AQUATIC PLANT CONTROL TRUST FUND . . 880,000

1615 SPECIAL CATEGORIES
TRANSFER TO THE UNIVERSITY OF FLORIDA - COOPERATIVE AQUATIC PLANT EDUCATION PROGRAM
FROM AQUATIC PLANT CONTROL TRUST FUND . . 130,000

1616 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ECONOMIC DEVELOPMENT FOR FLORIDA PORTS DATA ACQUISITION
FROM PORT TRUST FUND 158,000

1617 DATA PROCESSING SERVICES
FROM AQUATIC PLANT CONTROL TRUST FUND . . 4,468

RECREATION AND PARKS, DIVISION OF

1618 SALARIES AND BENEFITS POSITIONS 1,148
FROM GENERAL REVENUE FUND 78,416
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 772,952
FROM STATE PARK TRUST FUND 24,921,400

1619 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 850,584
FROM STATE PARK TRUST FUND 1,707,883

1620 EXPENSES
FROM GENERAL REVENUE FUND 25,318
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 389,485
FROM STATE PARK TRUST FUND 10,969,362

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1621 OPERATING CAPITAL OUTLAY
FROM STATE PARK TRUST FUND 2,511,393

1622 NOT USED

1623 NOT USED

1624 SPECIAL CATEGORIES
DISTRIBUTION OF SURCHARGE FEES
FROM STATE PARK TRUST FUND 650,000

1625 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE PARK TRUST FUND 93,000

1626 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE UNIVERSITY SYSTEM
DESOTO TRAIL MARKING PROJECT
FROM STATE PARK TRUST FUND 102,010

Funds in Specific Appropriation 1626 shall be used for archaeological and historical research and development of the Florida De Soto Trail, in cooperation with the University of Florida Institute for Early Contact Period Studies.

1627 DATA PROCESSING SERVICES
FROM STATE PARK TRUST FUND 180,609

LAW ENFORCEMENT, DIVISION OF

1628 SALARIES AND BENEFITS POSITIONS 529
FROM GENERAL REVENUE FUND 11,188,484
FROM COASTAL PROTECTION TRUST FUND 641,469
FROM GRANTS AND DONATIONS TRUST FUND . . . 618,957
FROM MARINE RESOURCES CONSERVATION TRUST FUND 51,710
FROM MOTORBOAT REVOLVING TRUST FUND . . . 3,398,352
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 237,209

1629 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 105,526
FROM COASTAL PROTECTION TRUST FUND 401,045
FROM MOTORBOAT REVOLVING TRUST FUND . . . 84,955

1630 EXPENSES
FROM GENERAL REVENUE FUND 1,563,510
FROM COASTAL PROTECTION TRUST FUND 149,571
FROM GRANTS AND DONATIONS TRUST FUND . . . 147,462
FROM MARINE RESOURCES CONSERVATION TRUST FUND 95,158
FROM MOTORBOAT REVOLVING TRUST FUND . . . 550,886

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1630A AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - ACQUISITION POLLUTION CONTROL EQUIPMENT
FROM COASTAL PROTECTION TRUST FUND 1,730,000

1631 OPERATING CAPITAL OUTLAY
FROM COASTAL PROTECTION TRUST FUND 40,492
FROM GRANTS AND DONATIONS TRUST FUND . . . 100,000
FROM MARINE RESOURCES CONSERVATION TRUST FUND 1,879
FROM MOTORBOAT REVOLVING TRUST FUND . . . 275,350

1632 NOT USED

1633 SPECIAL CATEGORIES
ACQUISITION AND REPLACEMENT OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 1,600,061
FROM GRANTS AND DONATIONS TRUST FUND . . . 151,986
FROM MOTORBOAT REVOLVING TRUST FUND . . . 1,750,062
FROM SALTWATER PRODUCTS PROMOTION TRUST FUND 36,021

1634 SPECIAL CATEGORIES
TRANSFER TO MARINE FISHERIES COMMISSION TRUST FUND
FROM MARINE RESOURCES CONSERVATION TRUST FUND 326,924

Funds Appropriated in Specific Appropriation 1634 are contingent upon CS/CS/SB 9 or similar legislation becoming law.

1635 NOT USED

1636 SPECIAL CATEGORIES
OPERATION AND MAINTENANCE OF PATROL VEHICLES
FROM GENERAL REVENUE FUND 2,708,608
FROM COASTAL PROTECTION TRUST FUND 55,412
FROM GRANTS AND DONATIONS TRUST FUND . . . 317,605
FROM MOTORBOAT REVOLVING TRUST FUND . . . 378,439

1637 SPECIAL CATEGORIES
PAYMENTS FOR RESTORATION AND DAMAGE
FROM COASTAL PROTECTION TRUST FUND 50,000

1638 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM GENERAL REVENUE FUND 257,503
FROM GRANTS AND DONATIONS TRUST FUND . . . 16,260
FROM MOTORBOAT REVOLVING TRUST FUND . . . 27,175

1639 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 175,594

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FROM MOTORBOAT REVOLVING TRUST FUND . . . 426,368

NATURAL RESOURCES INFORMATION CENTER

1640 SALARIES AND BENEFITS POSITIONS 19
FROM WORKING CAPITAL TRUST FUND 651,047

1641 NOT USED

1642 EXPENSES
FROM WORKING CAPITAL TRUST FUND 591,202

1643 OPERATING CAPITAL OUTLAY
FROM WORKING CAPITAL TRUST FUND 201,929

From funds in Specific Appropriations 1640, 1642, and 1643, 1 position and $33,697, $4,132, and $35,773, respectively, from the Working Capital Trust Fund are contingent upon CS/CS/SB 9 or similar legislation becoming law.

MARINE FISHERIES COMMISSION

1644 SALARIES AND BENEFITS POSITIONS 11
FROM MARINE FISHERIES COMMISSION TRUST FUND 426,042

1645 OTHER PERSONAL SERVICES
FROM MARINE FISHERIES COMMISSION TRUST FUND 66,207

1646 EXPENSES
FROM MARINE FISHERIES COMMISSION TRUST FUND 140,189

1647 OPERATING CAPITAL OUTLAY
FROM MARINE FISHERIES COMMISSION TRUST FUND 11,592

1648 DATA PROCESSING SERVICES
FROM MARINE FISHERIES COMMISSION TRUST FUND 3,690

PAROLE COMMISSION

1649 SALARIES AND BENEFITS POSITIONS 132
FROM GENERAL REVENUE FUND 4,171,121
FROM GRANTS AND DONATIONS TRUST FUND . . . 33,527

1650 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 87,010

1651 EXPENSES
FROM GENERAL REVENUE FUND 818,133

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1652 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 22,949

1653 DATA PROCESSING SERVICES
FROM GENERAL REVENUE FUND 9,562

PROFESSIONAL REGULATION, DEPARTMENT OF

1654 SALARIES AND BENEFITS POSITIONS 703
FROM PROFESSIONAL REGULATION TRUST FUND . 18,267,677

1655 OTHER PERSONAL SERVICES
FROM EDUCATION AND RESEARCH FOUNDATION TRUST FUND 252,000
FROM PROFESSIONAL REGULATION TRUST FUND . 9,230,346

Of funds provided in Specific Appropriation 1655, $50,000 from the Professional Regulation Trust Fund is to be used by the department to conduct a study in the area of foreign trained professionals to be pro-rated among all boards in the department based according to the number of licenses in each profession.

1656 EXPENSES
FROM EDUCATION AND RESEARCH FOUNDATION TRUST FUND 17,691
FROM PROFESSIONAL REGULATION TRUST FUND . 10,655,328

1657 OPERATING CAPITAL OUTLAY
FROM PROFESSIONAL REGULATION TRUST FUND . 1,497,095

1658 NOT USED

1659 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM PROFESSIONAL REGULATION TRUST FUND . 18,600

1660 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM PROFESSIONAL REGULATION TRUST FUND . 1,147,812

1661 SPECIAL CATEGORIES
CONTINUING EDUCATION
FROM PROFESSIONAL REGULATION TRUST FUND . 20,500

1661A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS FOR FLORIDA BUILDING CODES AND STANDARDS
FROM PROFESSIONAL REGULATION TRUST FUND . 79,985

1661B SPECIAL CATEGORIES
REIMBURSEMENT OF LEGAL FEES
FROM GENERAL REVENUE FUND 300,000

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1662 FINANCIAL ASSISTANCE PAYMENTS
SCHOLARSHIPS AND REAL ESTATE RECOVERY FUND
FROM PROFESSIONAL REGULATION TRUST FUND . 620,000

1663 DATA PROCESSING SERVICES
FROM PROFESSIONAL REGULATION TRUST FUND . 799,975

Funds and 50 FTEs included in Specific Appropriations 1654, 1655, and 1656 in the amounts of $1,225,650; $1,225,650; and $2,451,300 respectively are contingent upon HB988 or similar legislation becoming law.

No funds are provided in Specific Appropriations 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1661A, 1661B, 1662 and 1663, for the lease or acquisition of any space for office or any other use in Innovation Park, Tallahassee, notwithstanding any leasehold provisions to the contrary.

PUBLIC SERVICE COMMISSION

1664 SALARIES AND BENEFITS POSITIONS 376
FROM REGULATORY TRUST FUND 14,175,926

1665 OTHER PERSONAL SERVICES
FROM REGULATORY TRUST FUND 383,584

1666 EXPENSES
FROM REGULATORY TRUST FUND 3,406,307

1667 OPERATING CAPITAL OUTLAY
FROM REGULATORY TRUST FUND 434,712

1668 NOT USED

1669 SPECIAL CATEGORIES
THERMAL EFFICIENCY CODE SUPPORT
FROM REGULATORY TRUST FUND 99,450

Funds in Specific Appropriation 1669 shall be transferred to the Department of Community Affairs to provide partial support for the administration of the Thermal Efficiency Code Program established in ss. 553.900 - 553.912, F.S.

1669A SPECIAL CATEGORIES
RELOCATION FROM FLETCHER BUILDING
FROM REGULATORY TRUST FUND 550,400

Funds in Specific Appropriation 1669A include $462,800 to fund the required relocation of the Public Service Commission from state-owned office space to private sector office space. This will require an interim relocation of the Public Service

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Commission offices located on the ground floor of the Fletcher Building to the Collins Building.

1670	DATA PROCESSING SERVICES			
	FROM REGULATORY TRUST FUND			141,151

REVENUE, DEPARTMENT OF

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATION

1671	SALARIES AND BENEFITS	POSITIONS	208	
	FROM GENERAL REVENUE FUND		2,903,570	
	FROM ADMINISTRATIVE TRUST FUND			1,912,708
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND			375,563
1672	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			173,476
1673	EXPENSES			
	FROM ADMINISTRATIVE TRUST FUND			1,941,265
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND			32,464
1674	AID TO LOCAL GOVERNMENTS			
	CIGARETTE TAX TO MUNICIPALITIES			
	FROM MUNICIPAL FINANCIAL ASSISTANCE TRUST FUND			26,500,000
1675	AID TO LOCAL GOVERNMENTS			
	COUNTY REVENUE SHARING			
	FROM COUNTY REVENUE SHARING TRUST FUND . .			236,200,000
1676	AID TO LOCAL GOVERNMENTS			
	MUNICIPAL REVENUE SHARING			
	FROM MUNICIPAL REVENUE SHARING TRUST FUND			213,600,000
1677	OPERATING CAPITAL OUTLAY			
	FROM ADMINISTRATIVE TRUST FUND			686,512
1678	SPECIAL CATEGORIES			
	TRANSFER TO LOCAL GOVERNMENT HALF CENT SALES TAX CLEARING TRUST FUND			
	FROM GENERAL REVENUE FUND		2,881,816	
1679	DATA PROCESSING SERVICES			
	FROM GENERAL REVENUE FUND		4,720	
	FROM ADMINISTRATIVE TRUST FUND			549,193

AD VALOREM TAX, DIVISION OF

1680	SALARIES AND BENEFITS	POSITIONS	120	
	FROM INTANGIBLE TAX TRUST FUND			4,072,678

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1681	OTHER PERSONAL SERVICES			
	FROM INTANGIBLE TAX TRUST FUND			201,860
1682	EXPENSES			
	FROM INTANGIBLE TAX TRUST FUND			747,940
1683	AID TO LOCAL GOVERNMENTS			
	AERIAL PHOTOGRAPHY AND MAPPING			
	FROM INTANGIBLE TAX TRUST FUND			339,205
1684	AID TO LOCAL GOVERNMENTS			
	COUNTY TAX FORMS			
	FROM INTANGIBLE TAX TRUST FUND			980,829
1685	OPERATING CAPITAL OUTLAY			
	FROM INTANGIBLE TAX TRUST FUND			9,172
1686	DATA PROCESSING SERVICES			
	FROM INTANGIBLE TAX TRUST FUND			311,642

AUDITS, DIVISION OF

1687	SALARIES AND BENEFITS	POSITIONS	800	
	FROM GENERAL REVENUE FUND		17,378,142	
	FROM ADMINISTRATIVE TRUST FUND			7,027,448
1688	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			14,460
1689	EXPENSES			
	FROM GENERAL REVENUE FUND		2,204,322	
	FROM ADMINISTRATIVE TRUST FUND			1,056,258
1690	OPERATING CAPITAL OUTLAY			
	FROM ADMINISTRATIVE TRUST FUND			116,812
1691	DATA PROCESSING SERVICES			
	FROM GENERAL REVENUE FUND		38,764	
	FROM ADMINISTRATIVE TRUST FUND			1,261,789

COLLECTION AND ENFORCEMENT, DIVISION OF

1692	SALARIES AND BENEFITS	POSITIONS	693	
	FROM GENERAL REVENUE FUND		12,231,605	
	FROM ADMINISTRATIVE TRUST FUND			3,951,390
1693	OTHER PERSONAL SERVICES			
	FROM ADMINISTRATIVE TRUST FUND			189,396
1694	EXPENSES			
	FROM GENERAL REVENUE FUND		2,538,731	
	FROM ADMINISTRATIVE TRUST FUND			2,324,553

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1695	AID TO LOCAL GOVERNMENTS CONTINUATION OF SOLID MINERAL SEVERANCE TAX TO COUNTIES FROM SEVERANCE TAX SOLID MINERAL TRUST FUND		4,700,000
1696	AID TO LOCAL GOVERNMENTS DISTRIBUTION TO COUNTIES - OIL AND GAS TAX FROM OIL AND GAS TAX TRUST FUND		2,000,000
1697	AID TO LOCAL GOVERNMENTS DISTRIBUTION OF LOCAL GOVERNMENT HALF-CENT SALES TAX FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		721,500,000
1698	AID TO LOCAL GOVERNMENTS EMERGENCY DISTRIBUTIONS FROM LOCAL GOVERNMENT HALF-CENT SALES TAX CLEARING TRUST FUND		2,881,816
1699	AID TO LOCAL GOVERNMENTS FIFTH & SIXTH CENT SBA/COUNTY/MOTOR FUEL FROM GAS TAX COLLECTION TRUST FUND		136,200,000
1700	AID TO LOCAL GOVERNMENTS SEVENTH CENT/COUNTIES/MOTOR FUEL FROM GAS TAX COLLECTION TRUST FUND		68,100,000
1701	OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND		823,514
1702	SPECIAL CATEGORIES NATIONAL ASSOCIATION OF TAX ADMINISTRATORS FROM ADMINISTRATIVE TRUST FUND		13,500
1703	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	30,053	
	FROM ADMINISTRATIVE TRUST FUND		668,823

REVENUE MANAGEMENT INFORMATION CENTER

1704	SALARIES AND BENEFITS POSITIONS 20 FROM WORKING CAPITAL TRUST FUND		536,044
1705	OTHER PERSONAL SERVICES FROM WORKING CAPITAL TRUST FUND		750
1706	EXPENSES FROM WORKING CAPITAL TRUST FUND		2,267,535
1707	OPERATING CAPITAL OUTLAY FROM WORKING CAPITAL TRUST FUND		2,079,217

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INFORMATION SYSTEMS AND SERVICES, DIVISION OF

1708	SALARIES AND BENEFITS POSITIONS 309 FROM GENERAL REVENUE FUND	4,577,193	
	FROM ADMINISTRATIVE TRUST FUND		1,593,949
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		700,093
1709	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND		324,469
1710	EXPENSES FROM GENERAL REVENUE FUND	2,131,815	
	FROM ADMINISTRATIVE TRUST FUND		1,075,179
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		47,586
1711	OPERATING CAPITAL OUTLAY FROM ADMINISTRATIVE TRUST FUND		39,067
1712	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	126,301	
	FROM ADMINISTRATIVE TRUST FUND		1,726,761

From the funds and positions provided in Specific Appropriations 1708 through 1712, 2 positions and $38,920 from general revenue and $11,625 from the Administrative Trust Fund for Salaries and Benefits, $6,115 from general revenue and $83,149 from the Administrative Trust Fund for Expenses, $1,546 for Operating Capital Outlay, and $30,000 from the Administrative Trust Fund for Data Processing Services, are contingent upon HB 1124 or similar legislation becoming law. These funds are provided solely for the purpose of implementing an Electronic Funds Transfer program.

TECHNICAL ASSISTANCE, DIVISION OF

1713	SALARIES AND BENEFITS POSITIONS 96 FROM GENERAL REVENUE FUND	2,217,489	
	FROM ADMINISTRATIVE TRUST FUND		1,004,610
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		102,201
1714	OTHER PERSONAL SERVICES FROM ADMINISTRATIVE TRUST FUND		57,220
1715	EXPENSES FROM GENERAL REVENUE FUND	172,328	
	FROM ADMINISTRATIVE TRUST FUND		414,324
	FROM CORPORATION TAX ADMINISTRATION TRUST FUND		8,744

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1716	OPERATING CAPITAL OUTLAY		
	FROM ADMINISTRATIVE TRUST FUND		12,277
1717	DATA PROCESSING SERVICES		
	FROM ADMINISTRATIVE TRUST FUND		11,500
STATE, DEPARTMENT OF, AND SECRETARY OF STATE			
OFFICE OF THE SECRETARY AND DIVISION OF ADMINISTRATIVE SERVICES			
1718	SALARIES AND BENEFITS POSITIONS	79	
	FROM GENERAL REVENUE FUND	2,330,421	
1719	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	1,850	
1720	EXPENSES		
	FROM GENERAL REVENUE FUND	592,461	
	FROM FLAG TRUST FUND		8,120
1721	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	207,275	
1722	NOT USED		
1723	SPECIAL CATEGORIES		
	GRANTS AND AIDS - DEVELOPMENT FLORIDA ATLAS		
	FROM GENERAL REVENUE FUND	50,000	
1724	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	22,599	
ELECTIONS, DIVISION OF			
1725	SALARIES AND BENEFITS POSITIONS	53	
	FROM GENERAL REVENUE FUND	1,085,685	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		168,991
1726	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	7,306	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		5,000
1727	EXPENSES		
	FROM GENERAL REVENUE FUND	640,231	
	FROM OPERATING TRUST FUND		25,521
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		330,302
1728	NOT USED		
1729	AID TO LOCAL GOVERNMENTS		
	SPECIAL ELECTIONS		
	FROM GENERAL REVENUE FUND	130,000	

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1730	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	21,240	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		20,764
1731	SPECIAL CATEGORIES		
	ELECTION INVESTIGATIONS AND HEARINGS		
	FROM GENERAL REVENUE FUND	11,000	
1732	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	372,500	
	FROM PUBLICATIONS REVOLVING TRUST FUND . .		12,000
HISTORICAL RESOURCES, DIVISION OF			
1733	SALARIES AND BENEFITS POSITIONS	107	
	FROM GENERAL REVENUE FUND	2,343,044	
	FROM FLORIDA FOLKLIFE TRUST FUND		76,987
	FROM GRANTS AND DONATIONS TRUST FUND . . .		151,781
	FROM HISTORIC PRESERVATION TRUST FUND . .		6,500
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		25,188
	FROM OPERATING TRUST FUND		229,334
1734	OTHER PERSONAL SERVICES		
	FROM GENERAL REVENUE FUND	15,938	
	FROM FLORIDA FOLKLIFE TRUST FUND		17,000
	FROM GRANTS AND DONATIONS TRUST FUND . . .		75,000
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		11,820
	FROM OPERATING TRUST FUND		10,000
1735	EXPENSES		
	FROM GENERAL REVENUE FUND	1,390,861	
	FROM FLORIDA FOLKLIFE TRUST FUND		77,166
	FROM GRANTS AND DONATIONS TRUST FUND . . .		73,751
	FROM HISTORIC PRESERVATION TRUST FUND . .		1,835
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		92,016
	FROM OPERATING TRUST FUND		75,524
1736	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	32,911	
	FROM GRANTS AND DONATIONS TRUST FUND . . .		4,600
	FROM MUSEUM OF FLORIDA HISTORY TRUST FUND		6,500
1737	NOT USED		
1738	SPECIAL CATEGORIES		
	HISTORIC PRESERVATION GRANTS		
	FROM HISTORIC PRESERVATION TRUST FUND . .		444,703
1738A	SPECIAL CATEGORIES		
	PLANNING AND RESEARCH MOSAIC/JEWISH LIFE IN FLORIDA		
	FROM GENERAL REVENUE FUND	100,000	

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1739	SPECIAL CATEGORIES TRANSFER TO HISTORIC PRESERVATION TRUST FUND FROM GENERAL REVENUE FUND	250,000	
1740	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	34,746	
	CORPORATIONS, DIVISION OF		
1741	SALARIES AND BENEFITS POSITIONS 160 FROM CORPORATIONS TRUST FUND		3,571,475
1742	EXPENSES FROM CORPORATIONS TRUST FUND		2,276,994
1743	OPERATING CAPITAL OUTLAY FROM CORPORATIONS TRUST FUND		1,376,203
1744	SPECIAL CATEGORIES RICO ACT - ALIEN CORPORATIONS FROM CORPORATIONS TRUST FUND		271,262
	LIBRARY AND INFORMATION SERVICES, DIVISION OF		
1745	SALARIES AND BENEFITS POSITIONS 114 FROM GENERAL REVENUE FUND	2,027,673	
	FROM LIBRARY SERVICES TRUST FUND		321,652
	FROM RECORDS MANAGEMENT TRUST FUND		525,583
1746	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	28,542	
	FROM RECORDS MANAGEMENT TRUST FUND		10,400
1747	EXPENSES FROM GENERAL REVENUE FUND	1,554,764	
	FROM LIBRARY SERVICES TRUST FUND		215,756
	FROM RECORDS MANAGEMENT TRUST FUND		381,658
1748	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - LIBRARY GRANTS FROM GENERAL REVENUE FUND	17,067,116	
	FROM LIBRARY SERVICES TRUST FUND		5,085,065

Funds in Specific Appropriation 1748 are contingent upon counties who receive funding from this appropriation, not charging residents of cities within the respective county for library services.

1748A	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - JACKSONVILLE TALKING BOOK LIBRARY FROM GENERAL REVENUE FUND	28,000	

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1748B	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - SUWANNEE RIVER REGIONAL LIBRARY FROM GENERAL REVENUE FUND	75,000	
1749	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	96,777	
	FROM LIBRARY SERVICES TRUST FUND		8,860
	FROM RECORDS MANAGEMENT TRUST FUND		60,603
1750	NOT USED		
1750A	SPECIAL CATEGORIES GRANTS AND AIDS - LYNN HAVEN LIBRARY PROJECT FROM GENERAL REVENUE FUND	40,000	
1750B	SPECIAL CATEGORIES GRANTS AND AIDS - VOLUSIA COUNTY ORAL HISTORY PROJECT FROM GENERAL REVENUE FUND	5,000	
1751	SPECIAL CATEGORIES LIBRARY RESOURCES FROM GENERAL REVENUE FUND	100,000	
	FROM LIBRARY SERVICES TRUST FUND		225,000
1752	DATA PROCESSING SERVICES FROM GENERAL REVENUE FUND	7,554	
	CULTURAL AFFAIRS, DIVISION OF		
1753	SALARIES AND BENEFITS POSITIONS 22 FROM GENERAL REVENUE FUND	431,125	
	FROM FINE ARTS COUNCIL TRUST FUND		173,438
1754	OTHER PERSONAL SERVICES FROM GENERAL REVENUE FUND	6,000	
	FROM FINE ARTS COUNCIL TRUST FUND		22,324
1755	EXPENSES FROM GENERAL REVENUE FUND	216,300	
	FROM COCONUT GROVE PLAYHOUSE TRUST FUND .		211,837
	FROM FINE ARTS COUNCIL TRUST FUND		175,879
1756	AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - ARTS GRANTS FROM GENERAL REVENUE FUND	2,195,674	
	FROM FINE ARTS COUNCIL TRUST FUND		417,518
1757	OPERATING CAPITAL OUTLAY FROM GENERAL REVENUE FUND	289,158	
	FROM FINE ARTS COUNCIL TRUST FUND		4,663

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1757A SPECIAL CATEGORIES
GRANTS AND AIDS - BRANDON CULTURAL CENTER - BRANDON
FROM GENERAL REVENUE FUND 20,000

1757B SPECIAL CATEGORIES
GRANTS AND AIDS - FLAGLER CENTENNIAL CELEBRATION
FROM GENERAL REVENUE FUND 125,000

1757C SPECIAL CATEGORIES
GRANTS AND AIDS - SISTRUNCK HISTORICAL FESTIVAL
FROM GENERAL REVENUE FUND 65,000

1757D SPECIAL CATEGORIES
SOVIET/FLORIDA CULTURAL EXCHANGE PLANNING
FROM GENERAL REVENUE FUND 125,000

1758 NOT USED

1759 SPECIAL CATEGORIES
GRANTS AND AIDS - CULTURAL EXCHANGE PROGRAM
FROM GENERAL REVENUE FUND 250,000

1760 SPECIAL CATEGORIES
GRANTS AND AIDS - ARTS MAJOR INSTITUTIONS/LOCAL INTEREST
FROM MAJOR CULTURAL INSTITUTION TRUST FUND 4,000,000

1760A SPECIAL CATEGORIES
GRANTS AND AIDS - SOUTH FLORIDA CULTURAL CONSORTIUM
FROM GENERAL REVENUE FUND 150,000

1761 SPECIAL CATEGORIES
GRANTS AND AIDS - STATE TOURING PROGRAM
FROM GENERAL REVENUE FUND 200,000

1761A SPECIAL CATEGORIES
FLORIDA PANTHER SCULPTURE ACQUISITION
FROM GENERAL REVENUE FUND 30,000

Funds in Specific Appropriation 1761A shall be used in compliance with the requirements of chapter 287, Florida Statutes in acquiring a sculpture of the Florida Panther.

1761B SPECIAL CATEGORIES
GRANTS AND AIDS - CHAUTAQUA ARTS FESTIVAL
FROM GENERAL REVENUE FUND 35,000

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1761C SPECIAL CATEGORIES
GRANTS AND AIDS - CROSS AND SWORD PLAY
FROM GENERAL REVENUE FUND 75,000

1761D SPECIAL CATEGORIES
GRANTS AND AIDS - NEW WORLD SYMPHONY
FROM GENERAL REVENUE FUND 100,000

1761E SPECIAL CATEGORIES
GRANTS AND AIDS - MUSEUM OF SCIENCE AND HISTORY - JACKSONVILLE
FROM GENERAL REVENUE FUND 28,000

1761F SPECIAL CATEGORIES
GRANTS AND AIDS - CONCERT ASSOCIATION OF GREATER MIAMI
FROM GENERAL REVENUE FUND 100,000

1761G SPECIAL CATEGORIES
GRANTS AND AIDS - INTERNATIONAL SUMMER EXCHANGE PROGRAM - ATLANTIC CENTER FOR ARTS
FROM GENERAL REVENUE FUND 150,000

1761H SPECIAL CATEGORIES
GRANTS AND AIDS - GREATER MIAMI OPERA MEDIA PROGRAM
FROM GENERAL REVENUE FUND 250,000

1761I SPECIAL CATEGORIES
GRANTS AND AIDS - POLK MUSEUM OF ART
FROM GENERAL REVENUE FUND 300,000

1761J SPECIAL CATEGORIES
GRANTS AND AIDS - FLORIDA COMMUNITY COLLEGE/NOGUCHI SCULPTURE GARDEN
FROM GENERAL REVENUE FUND 75,000

1761K SPECIAL CATEGORIES
GRANTS AND AIDS - BALLET ETUDES - DADE
FROM GENERAL REVENUE FUND 5,000

Funds in Specific Appropriations 1757A, 1757B, 1757C, 1760A, 1761B, 1761D, 1761E, 1761F, 1761G, 1761H, and 1761K may be advanced in part or in total.

LICENSING, DIVISION OF

1762 SALARIES AND BENEFITS POSITIONS 134
FROM DIVISION OF LICENSING TRUST FUND . . 3,135,464

1763 EXPENSES
FROM DIVISION OF LICENSING TRUST FUND . . 2,580,684

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1764 OPERATING CAPITAL OUTLAY
FROM DIVISION OF LICENSING TRUST FUND . . 379,800

1765 NOT USED

1766 DATA PROCESSING SERVICES
FROM DIVISION OF LICENSING TRUST FUND . . 27,884

HISTORIC PRESERVATION BOARDS

HISTORIC PENSACOLA PRESERVATION BOARD

1767 SALARIES AND BENEFITS POSITIONS 15
FROM GENERAL REVENUE FUND 394,393

1768 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 17,414
FROM OPERATING TRUST FUND 22,659

1769 EXPENSES
FROM GENERAL REVENUE FUND 78,559
FROM OPERATING TRUST FUND 112,774

1770 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 5,600

HISTORIC ST AUGUSTINE PRESERVATION BOARD

1771 SALARIES AND BENEFITS POSITIONS 30
FROM GENERAL REVENUE FUND 710,748
FROM OPERATING TRUST FUND 31,782

1772 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 46,242

1773 EXPENSES
FROM OPERATING TRUST FUND 109,565

1774 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 5,947

Specific Appropriations 1771, 1772, 1773, and 1774 are contingent upon the St. Augustine Preservation Board developing rules and regulations pursuant to Chapter 120, F.S., covering the selection and disposal of properties under its jurisdiction or control or the control of its Direct Support Organization by January 1, 1990.

HISTORIC TALLAHASSEE PRESERVATION BOARD

1775 SALARIES AND BENEFITS POSITIONS 5
FROM GENERAL REVENUE FUND 147,451

1776 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 5,325

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FROM OPERATING TRUST FUND 450

1777 EXPENSES
FROM GENERAL REVENUE FUND 22,247
FROM OPERATING TRUST FUND 44,894

1778 OPERATING CAPITAL OUTLAY
FROM GENERAL REVENUE FUND 2,672
FROM OPERATING TRUST FUND 8,950

HISTORIC FLORIDA KEYS PRESERVATION BOARD

1779 SALARIES AND BENEFITS POSITIONS 3
FROM GENERAL REVENUE FUND 74,195
FROM OPERATING TRUST FUND 3,497

1780 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 12,000

1781 EXPENSES
FROM GENERAL REVENUE FUND 5,593
FROM OPERATING TRUST FUND 41,471

1782 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 5,830

HISTORIC TAMPA/HILLSBOROUGH COUNTY PRESERVATION BOARD

1783 SALARIES AND BENEFITS POSITIONS 6
FROM GENERAL REVENUE FUND 125,558
FROM OPERATING TRUST FUND 45,316

1784 OTHER PERSONAL SERVICES
FROM OPERATING TRUST FUND 31,766

1785 EXPENSES
FROM OPERATING TRUST FUND 60,647

1786 OPERATING CAPITAL OUTLAY
FROM OPERATING TRUST FUND 5,385

HISTORIC PALM BEACH COUNTY PRESERVATION BOARD

1787 SALARIES AND BENEFITS POSITIONS 2
FROM GENERAL REVENUE FUND 47,723

1788 EXPENSES
FROM GENERAL REVENUE FUND 2,200
FROM OPERATING TRUST FUND 8,072

HISTORIC BROWARD COUNTY PRESERVATION BOARD OF TRUSTEES

1789 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 10,000
FROM OPERATING TRUST FUND 12,980

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1790 EXPENSES
FROM OPERATING TRUST FUND 1,402

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

1791 SALARIES AND BENEFITS POSITIONS 99
FROM GENERAL REVENUE FUND 2,277,267

1792 NOT USED

1793 OPERATING CAPITAL OUTLAY
FROM INVESTMENT TRUST FUND 125,000

STATE THEATER PROGRAM

1794 EXPENSES
FROM GENERAL REVENUE FUND 819,898

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 1795 through 1876 from the State Transportation (Primary) Trust Fund for anticipated federal grant funds shall not be utilized to disburse state funds if the federal grants do not materialize.

From funds in Specific Appropriations 1795 through 1876, 100 positions and $6,979,050 have been deleted to reflect the position and expense reductions due to revised work program levels. To accommodate actual workload needs and accomplish this action with minimal program impact, the Department may submit a plan to the Executive Office of the Governor requesting approval to redistribute positions and related appropriation authority.

PROGRAM DEVELOPMENT AND SUPPORT

1795 SALARIES AND BENEFITS POSITIONS 762
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 22,910,379
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 133,415
FROM WORKING CAPITAL TRUST FUND 4,547,741

1796 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,023,760

1797 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 6,488,433
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 10,000
FROM WORKING CAPITAL TRUST FUND 4,998,369

From funds in Specific Appropriations 1795 and 1797, 3 positions and $133,415 and $10,000, respectively, from the Solid Waste Management Trust Fund is to continue support of the Clean Florida Commission pursuant to s. 403.4131, Florida Statutes.

1798 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 879,894
FROM WORKING CAPITAL TRUST FUND 2,489,695

1799 SPECIAL CATEGORIES
TRANSFER TO DIVISION OF ADMINISTRATIVE HEARINGS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 187,086

1800 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,104,864
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 500,000

From funds provided in Specific Appropriation 1800, $750,000 from the State Transportation (Primary) Trust Fund shall be transferred to the Office of the Auditor General for the purpose of preparing a Request for Proposal which shall require a management analysis and a management improvement plan for the Department of Transportation's financial management systems. The Auditor General shall award a contract to the responsive bidder and shall manage the implementation of the contract. At a minimum, the Request for Proposal shall require:

1. An examination of the existing automated financial planning and reporting systems;

2. An analysis of the data architecture and data definitions used by the Department of Transportation;

3. A recommended implementation plan which shall result in a comprehensive, strategic, and unified data architecture;

4. A proposed work plan to be used by the department in re-designing and implementing a single financial management system capable of providing the department and the Legislature with accurate, timely financial reports;

5. All systems recommendations by the responsive bidder shall comport with the state's existing chart of accounts and the existing financial systems.

From funds in Specific Appropriation 1800, $710,000 from the State Transportation (Primary) Trust Fund

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is for supportive services for Disadvantaged Business Enterprises and may be advanced in part or in total. These services will be initiated by a signed agreement by both parties stating the terms and conditions of the program.

1801 SPECIAL CATEGORIES
ENGINEERING AND PLANNING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 658,580

1802 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 77,395
FROM WORKING CAPITAL TRUST FUND 159,000

1803 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 456,555
FROM WORKING CAPITAL TRUST FUND 29,067

1804 SPECIAL CATEGORIES
PUBLIC TRANSPORTATION FLEET
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 150,000

1804A SPECIAL CATEGORIES
PUBLIC TRANSPORTATION STRUCTURES
IMPROVEMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 378,500

1804B SPECIAL CATEGORIES
PURCHASE OF RAILROAD RIGHT-OF-WAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,000,000

1805 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,983,856

1806 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMERCE - BLACK BUSINESS INVESTMENT BOARD FOR THE BOND GUARANTEE PROGRAM
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,000,000

Funds in Specific Appropriation 1806 may be advanced in part or in total. These funds shall be administered by the Florida Black Business Investment Board within the Department of Commerce upon execution of a signed agreement stating the

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terms and conditions of the Construction Management Development and Bond Guarantee programs.

1807 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS - HIGH SPEED RAIL COMMISSION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 84,501

1808 SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF ENVIRONMENTAL REGULATION - HIGH SPEED RAIL COMMISSION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 82,000

1808A SPECIAL CATEGORIES
TRANSFER TO DEPARTMENT OF COMMUNITY AFFAIRS - CONSISTENCY REVIEW OF STATE TRANSPORTATION PLAN
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 270,353

Funds in Specific Appropriation 1808A are contingent on CS/CS/SB 1474 or similar legislation becoming law which requires the Department of Community Affairs to perform a consistency review of the Tentative Work Program.

1809 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,469,165

CENTRALIZED MOBILE EQUIPMENT AND WAREHOUSE OPERATIONS

1810 SALARIES AND BENEFITS POSITIONS 379
FROM ADMINISTRATIVE TRUST FUND 8,707,817

1811 OTHER PERSONAL SERVICES
FROM ADMINISTRATIVE TRUST FUND 1,225

1812 EXPENSES
FROM ADMINISTRATIVE TRUST FUND 17,267,253

1813 OPERATING CAPITAL OUTLAY
FROM ADMINISTRATIVE TRUST FUND 748,040

1814 SPECIAL CATEGORIES
ACQUISITION OF MOTOR VEHICLES
FROM ADMINISTRATIVE TRUST FUND 4,000,000

1815 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM ADMINISTRATIVE TRUST FUND 10,000

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1816 SPECIAL CATEGORIES
RISK MANAGEMENT INSURANCE
FROM ADMINISTRATIVE TRUST FUND 546,778

1817 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM ADMINISTRATIVE TRUST FUND 14,497,361

1818 DATA PROCESSING SERVICES
FROM ADMINISTRATIVE TRUST FUND 247,468

TECHNICAL POLICY AND ENGINEERING SERVICES

1819 SALARIES AND BENEFITS POSITIONS 563
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 21,946,178

1820 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 22,264

1821 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,727,268

1822 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 438,192

From funds in Specific Appropriations 1819, 1821, and 1822, 9 positions and $268,184, $36,169, and $8,738, respectively, from the State Transportation (Primary) Trust Fund are contingent on HB 1369 or similar legislation becoming law which requires the certification of eligibility of any person desiring to perform subcontract work in an amount greater than $50,000 on any road, bridge, or public transportation construction contract.

1823 NOT USED

1824 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,768,938
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 150,000

1825 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 532,100

1826 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,072,719

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1827 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,293,234

STATE OPERATIONS ADMINISTRATION

1828 SALARIES AND BENEFITS POSITIONS 2,061
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 40,958,562

1829 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,542,190

1830 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 11,964,437

1831 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,031,797

From funds in Specific Appropriations 1828, 1829, 1830, and 1831, 180 toll collector positions and $846,767, $19,188, $82,269, and $466,600 respectively, will be placed in reserve by the Executive Office of the Governor. The positions and related funds shall not be released until the department demonstrates the need through reduced position vacancy rates and a schedule of actual toll facility opening dates.

1832 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 179,000

1833 SPECIAL CATEGORIES
FLORIDA HIGHWAY PATROL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,423,399

1834 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 116,873

1835 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,303,539

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1835A SPECIAL CATEGORIES
OVERTIME
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 170,894

1836 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,352,018

1837 SPECIAL CATEGORIES
SALARY INCENTIVE PAYMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 86,000

1838 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 294,271

1839 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 944,925

DISTRICT ADMINISTRATION

1840 SALARIES AND BENEFITS POSITIONS 241
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,750,433

1841 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 239,665

1842 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,081,536

1843 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 33,571

1844 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,000

1845 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 459,928

1846 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 470,266

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DISTRICT PLANNING AND PUBLIC TRANSIT

1847 SALARIES AND BENEFITS POSITIONS 256
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 9,547,358

1848 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 554,971

1849 NOT USED

1850 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 14,699

1851 SPECIAL CATEGORIES
GRANTS AND AIDS - ELDERLY AND HANDICAPPED
CAPITAL ASSISTANCE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,097,900

1852 SPECIAL CATEGORIES
ENGINEERING CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,000

1853 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 290,712

1853A SPECIAL CATEGORIES
TRANSFER/PUBLIC TRANSIT OPERATION
ASSISTANCE GRANT TRUST FUND
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,000,000

1854 SPECIAL CATEGORIES
PUBLIC TRANSPORTATION STRUCTURES
IMPROVEMENTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,612,890

1855 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 220,693

DISTRICT PRODUCTION

1856 SALARIES AND BENEFITS POSITIONS 1,512
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 53,715,017

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1857 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 56,620

1858 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 3,171,000

1859 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 57,534

1860 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 250,000

1861 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 106,025

1862 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,886,432

1863 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 2,910,292

DISTRICT OPERATIONS

1864 SALARIES AND BENEFITS POSITIONS 4,870
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 122,581,075

1865 OTHER PERSONAL SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,166,972

1866 EXPENSES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 4,796,469

1867 NOT USED

1868 OPERATING CAPITAL OUTLAY
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 424,926

1869 SPECIAL CATEGORIES
CONSULTANT FEES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 5,062,000

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1870 SPECIAL CATEGORIES
CONTRACT MAINTENANCE WITH DEPARTMENT OF CORRECTIONS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 8,412,501

Funds in Specific Appropriation 1870 are for contracts with the Department of Corrections for the provision of inmate labor in the Highway Maintenance Program. The Executive Office of the Governor shall not release these funds until contracts have been signed pursuant to s. 339.08(3), F.S.

1871 SPECIAL CATEGORIES
EMERGENCY STRUCTURE REPAIRS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,000,000

1872 SPECIAL CATEGORIES
HUMAN RESOURCES DEVELOPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 95,794

1873 SPECIAL CATEGORIES
MAINTENANCE AND OPERATIONS CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 26,355,998

1874 SPECIAL CATEGORIES
PAYMENTS FOR CENTRALIZED SUPPORT SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 35,937,936

1875 SPECIAL CATEGORIES
TRANSPORTATION MATERIALS AND EQUIPMENT
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 6,817,889

1876 DATA PROCESSING SERVICES
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 655,236

VETERANS' AFFAIRS, DEPARTMENT OF

1877 SALARIES AND BENEFITS POSITIONS 143
FROM GENERAL REVENUE FUND 2,264,531
FROM OPERATIONS AND MAINTENANCE TRUST FUND 258,961

1878 OTHER PERSONAL SERVICES
FROM GENERAL REVENUE FUND 40,000

1879 EXPENSES
FROM GENERAL REVENUE FUND 486,093
FROM OPERATIONS AND MAINTENANCE TRUST FUND 155,698

SECTION 1

SPECIFIC APPROPRIATION			
1880	OPERATING CAPITAL OUTLAY		
	FROM GENERAL REVENUE FUND	267,033	
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		1,326
1881	FOOD PRODUCTS		
	FROM OPERATIONS AND MAINTENANCE TRUST FUND		75,663
1882	SPECIAL CATEGORIES		
	ACQUISITION OF MOTOR VEHICLES		
	FROM GENERAL REVENUE FUND	51,000	
1883	DATA PROCESSING SERVICES		
	FROM GENERAL REVENUE FUND	3,888	
	TOTAL OF SECTION 1 POSITIONS	130,619	
	FROM GENERAL REVENUE FUND	10245,559,329	
	FROM TRUST FUNDS		9793,200,790
	FROM WORKING CAPITAL FUND		7,824,168
	FROM STATE INFRASTRUCTURE FUND		172,515,621
	TOTAL ALL FUNDS		20219,099,908

SECTION 1.1 - SALARIES AND BENEFITS

1. Statement of Purpose

This section provides instructions for implementing salary and benefit increases appropriated within this act. All allocations and distributions of these adjustments are to be made in strict accordance with the provisions of this act. All references to base salary refer to base only as of June 30, 1989.

2. Salary Increases

A. CAREER SERVICE AND EMPLOYEES SUBJECT TO THE CAREER SERVICE

1) Funds are provided to implement the provisions of the collective bargaining agreements between the state and (1) the Florida Police Benevolent Association (Law Enforcement Unit) and (2) the Florida Nurses Association. Funds are also provided for pay increases for employees represented by the American Federation of State, County and Muncipal Employees, Council 79; and Career Service employees not represented by a collective bargaining unit and for employees subject to the Career Service. Funds are to be distributed as noted in the following paragraphs:

a. For all unit and non-unit employees subject to the Career Service, other than professional health care employees, law enforcement officers, correctional officers and institutional security specialists, funds are provided in Specific Appropriation 5 for competitive pay adjustments of four percent (4%) on each employee's base salary, effective January 1, 1990. Additionally, the minimum of each pay grade shall be adjusted by 4% on January 1, 1990.

b. With funds included in Specific Appropriation 5, each full-time Career Service employee shall receive a minimum annual salary increase of $700. If the competitive pay adjustment provided above is less than $700, each eligible employee shall receive an additional increase which provides the employee a total annual increase of $700. Each part-time employee in an authorized position shall be eligible to receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the guaranteed minimum adjustment.

c. For all unit and non-unit employees in law enforcement classes, funds are provided in Specific Appropriation 5 to grant each employee a three percent (3%) increase in pay, effective July 1, 1989.

Additionally, each employee shall be granted a one-step increase on the employee's anniversary date.

The step pay plan effective January 1, 1989 shall remain in effect. Additionally, each pay step shall be adjusted by the 3% increase on July 1, 1989.

d. Funds are provided in Specific Appropriation 5 for eligible career service certified law enforcement employees at or exceeding the maximum step of the pay grade to receive an adjustment comparable to a step adjustment (5%) on the employee's anniversary date. The five percent (5%) adjustment for employees at or exceeding the maximum step of the pay grade may be granted in a lump sum on the anniversary date and shall equal the amount the employee would receive if the adjustment were prorated from the anniversary date to the subsequent anniversary date.

e. For all unit and non-unit professional health care employees, funds are provided in Specific Appropriation 5 for a seven percent (7%) increase on each employee's base salary, effective on the employee's anniversary date.

Additionally, within the funds provided, the provisions of the contract between the State of Florida and the Florida Nurses Association shall be implemented.

f. For all unit and non-unit correctional officer and institutional security specialist classes, funds are provided in Specific Appropriation 5 for competitive pay adjustments of three (3%) percent on each employee's base salary, effective July 1, 1989.

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Additionally, a competitive pay adjustment of one and one half percent (1.5%) on each employee's base rate of pay shall be granted on the employee's anniversary date. The minimum of each pay grade shall be adjusted by 4% on January 1, 1990.

g. Funds are provided in Specific Appropriation 5C for Competitive Area Differential adjustments for Correctional Officers in the Department of Corrections, Region IV, as recommended by the Recruitment and Retention Task Force, dated February 15, 1989.

h. Funds are provided in Specific Appropriation 5 for implementing the 1989-90 Correctional Education School Authority Pay Plan effective September 1, 1989.

B. BOARD OF REGENTS

1) University Support Personnel System

a) For all University Support Personnel System employees other than professional health care employees and law enforcement officers, funds are provided in Specific Appropriation 5 for competitive pay adjustments of four percent (4%) on each employee's base salary, effective January 1, 1990.

b) With funds provided in Specific Appropriation 5, each full-time USPS employee shall receive a minimum annual salary increase of $700. If the competitive pay adjustment provided above is less than $700, each eligible employee shall receive an additional increase which provides the employee a total annual increase of $700. Each part-time employee in an authorized position shall be eligible to receive a prorated portion of the pay adjustments provided to full-time employees and shall receive a prorated portion of the additional amount necessary to assure the guaranteed minimum adjustment.

c) For all unit and non-unit professional health care employees within the State University System, funds are provided in Specific Appropriation for a three and one-half percent (3.5%) increase, on each employee's base salary effective July 1, 1989.

Additionally, funds are provided in Specific Appropriation 5 to grant a three and one-half percent (3.5%) increase on each employee's base salary, effective January 1, 1990.

In accordance with the Collective Bargaining Wage Agreement between the Board of Regents and the Florida Nurses Association, funds are also provided for employees in the professional health care bargaining unit classes to provide no more than $250 per employee to attend professional education training courses.

d) For all unit and non-unit employees in law enforcement classes, funds are provided in Specific Appropriation 5 to grant each employee a three percent (3%) increase in pay, effective July 1, 1989.

Additionally, each employee shall be granted a one-step increase on the employee's anniversary date.

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APPROPRIATION

The step pay plan effective January 1, 1989, shall remain in effect. Additionally, each pay step shall be adjusted by the three percent (3%) increase on July 1, 1989.

Funds are provided in Specific Appropriation 5 for eligible unit and non-unit certified law enforcement employees at or exceeding the maximum step of the pay grade to receive an adjustment comparable to a step adjustment (5%) on the employee's anniversary date. The five percent (5%) adjustment for employees at or exceeding the maximum step of the pay grade may be granted in a lump sum on the anniversary date and shall equal the amount the employee would receive if the adjustment were prorated from the anniversary date to the subsequent anniversary date.

2) Administrative and Professional

a) Funds are provided in Specific Appropriation 5 for competitive pay adjustments of four percent (4%) in the base salaries of administrative and professional pay plan positions. These salary increases shall be effective January 1, 1990.

b) From the funds provided in Specific Appropriation 5, the Board of Regents is authorized to provide salary increases as necessary to implement the State University System Restructure Program. In consultation with the Legislative Appropriations Committees, the Board is also authorized to transfer positions and rate among the Faculty, A & P, and USPS pay plans as necessary to implement this program. These transfers shall be identified in the Board's implementation instructions, which shall include position number, class title, class code, and associated salary rate, and shall be implemented between July 1, 1989, and June 30, 1990.

3) Faculty

a) Funds are provided in Specific Appropriation 5 for all unit faculty pay plan positions in the State University System, for a competitive pay adjustment of three percent (3%) on each employee's base salary, effective at the beginning of the contract period, but no earlier than August 7, 1989.

Funds have also been provided for an additional overall average two (2%) percent increase in the base salaries of faculty pay plan positions effective at the beginning of the contract period but no earlier than August 7, 1989.

b) For all non-unit faculty pay plan positions, funds are provided in Specific Appropriation 5 for competitive pay adjustments of four percent (4%) in each employee's base rate of pay, effective at the beginning of the contract period, but no earlier than August 7, 1989. These funds are to be distributed at the discretion of the Board of Regents.

c) Funds are provided in Specific Appropriation 5 for an overall average four percent (4%) increase in pay for graduate students and medical interns.

SPECIFIC APPROPRIATION

d) Sex/Race Equity

Funds provided in Specific Appropriation 5 shall be distributed by the Board of Regents to faculty and administrative and professional employees to address salary inequities based on sex and race. These funds are to be distributed in accordance with the process outlined by the Board of Regents in its May 12, 1989 Impasse proposal, "Salary Equity Study".

4) Board of Regents Executive Service

a) Funds are provided in Specific Appropriation 5 for an overall average four (4%) percent increase on each employee's base salary, effective January 1, 1990. These salaries shall be distributed at the discretion of the Board of Regents.

C. BOARD OF TRUSTEES PAY PLAN - FLORIDA SCHOOL FOR THE DEAF AND THE BLIND

a. Funds are provided in Specific Appropriation 5 for an overall average five (5%) percent increase in base salaries, effective at the beginning of the contract period but no earlier than August 25, 1989, for faculty and supervising faculty employees. Funds for unit employees shall be distributed in accordance with the collective bargaining agreement between the Board of Trustees and the Teachers United (FTP/NEA).

b. Funds are provided in Specific Appropriation 5 for an overall average five (5%) percent increase in base salaries for all administrative employees, effective January 1, 1990. Funds for administrative employees shall be distributed as determined by the Board of Trustees.

c. Funds are provided in Specific Appropriation 5A for special pay increases for Florida School for the Deaf and the Blind residential pay grade adjustments.

D. EXEMPT FROM CAREER SERVICE

1) Elected Officers and Full-time Members of Boards and Commissions

With funds provided in Specific Appropriation 5, the salaries of the following officers shall be paid, effective January 1, 1990, at the annual rates shown below; however, these salaries may be reduced on a voluntary basis:

	7-1-88	1-1-90
Governor	98,905	100,883
Lieutenant Governor	89,511	91,301

SPECIFIC APPROPRIATION

Secretary of State	89,511	91,301
Comptroller	89,511	91,301
Treasurer	89,511	91,301
Attorney General	89,511	91,301
Education, Commissioner of	89,511	91,301
Agriculture, Commissioner of	89,511	91,301
Supreme Court Justice	92,822	94,678
Judges--District Courts of Appeal	87,362	89,109
Judges--Circuit Courts	81,902	83,540
Judges--County Courts	73,150	74,613
Commissioner--Public Service Commission	85,690	87,404
Public Employee Relations Commission-Chairman	64,602	65,894
Public Employee Relations Commission-Commissioners	61,130	62,353
Commissioner--Parole and Probation	55,759	56,874

A county judge assigned to active judiciary service in any of the courts created by Article V of the State Constitution shall be paid as additional compensation for such service, the difference between his normal salary and the salary then currently paid to a judge of the court to which he is assigned. The amount of such differential shall be computed on the basis of an eight-hour day, or major fraction thereof, and certified by the chief judge to the Office of the State Court Administrator on a monthly basis.

State Attorneys:

Circuits with 1,000,000 population or less	81,902	83,540
Circuits over 1,000,000	87,366	89,113

Circuits with populations up to 1,000,000 may add, out of existing funds and rate, an amount up to $5,000 per annum to the salary of the State Attorney of that circuit.

Adjustments may be made to the State Attorney Approved Rate, based on the average statewide rate of all circuits, as follows:

Circuit	Adjustment for Average

SPECIFIC APPROPRIATION	
4	433,146
6	215,272
9	444,160
10	178,409
12	246,932
18	67,834
19	10,177
20	384,564

Public Defenders:

Circuits with 1,000,000 population or less.....	77,039	78,580
Circuits over 1,000,000.....	82,231	84,488

Circuits with populations up to 1,000,000 with appellate responsibility pursuant to s. 27.51(4), F.S., may add out of existing funds and rate, an amount up to $5,000 per annum to the salary of the Public Defender of that circuit.

All population figures relating to the state attorneys' and public defenders' salaries shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901, F.S. These population estimates shall become effective July 1, 1989 and shall not be adjusted subsequently.

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

2) Senior Management Service and Selected Exempt Service

Funds are provided in Specific Appropriation 5 for competitive pay adjustment of two percent (2%) in base salary of each senior management service employee effective January 1, 1990. Increases shall be effective and provided January 1, 1990.

Funds are provided in Specific Appropriation 5 for competitive pay adjustments of four percent (4%) in each Selected Exempt Service employee's base salary effective January 1, 1990. Increases shall be effective and provided January 1, 1990.

Funds are provided in Specific Appropriation 5 for adjustments to selected legal positions in the Florida Department of Legal Affairs, to be distributed at the discretion of the Attorney General. The effective date of any salary adjustments given in accordance with this provision shall be January 1, 1990. The Attorney General is authorized to exceed the maximum of the pay grade for up to eight Assistant Attorney General positions.

3) Career Service Exempt and the Florida National Guard

Funds are provided in Specific Appropriation 5 for competitive pay adjustment of four percent (4%) increase on each employee's base salary. Increases shall be effective and provided January 1.

E. JUDICIAL

Funds are provided in Specific Appropriation 5 to grant competitive pay adjustment for four percent (4%) on each employee's base salary, effective January 1, 1990.

F. LOTTERY

Funds are provided in Specific Appropriation 5 for competitive pay adjustment of four percent (4%) on each employee's base salary, effective January 1, 1990.

3. Benefits

A. HEALTH, LIFE AND DISABILITY INSURANCE

Funds are provided in each agency's budget to continue paying the 1988-89 state share of State Group Health Self-Insurance premiums, approved Health Maintenance Organizations, and life and disability insurance premiums. Additionally, state savings from the State Employees Pre Tax Benefits program and the Prescription Drug Program as outlined in this Section may be used to pay costs associated with 100% state share of "employee" cost for health insurance based on the following 1989-90 premiums:

1) -0- per subscriber enrolled in the State Group Insurance Plan under Individual coverage and

2) $83.46 per subscriber for Family coverage under this program.

This represents a total premium amount of $120.57 as the state portion for Individual coverage and $184.20 as the state portion for Family coverage. The total premium paid to the state Group Self-Insurance Plan, both employer and employee shall be: $120.57 per subscriber for Individual coverage and $267.66 per subscriber for Family coverage.

Further, the following additional changes to the benefits of the State Group Self-Insurance Plan as authorized July 1, 1988, shall be implemented, effective July 1, 1989, except as follows:

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APPROPRIATION

1) Under the Prescription Drug Program, Co-payments shall be established as follows:

a) $7.00 co-payment for brand-name drugs;

b) $5.00 co-payment for generic drugs;

c) $3.00 co-payment for mail order drugs.

There shall be a 30-day supply with one (1) refill only on prescription card purchases; there shall be a 90-day supply for mail order or mail order prescription drug purchases. The ten percent discount previously negotiated as part of the Prescription Card Program is hereby eliminated and participating pharmacies shall be reimbursed at Average Wholesale Price.

All participating pharmacies in the State Prescription Program shall be liable for any prescription which exceeds limitations of the plan and for any prescription dispensed to a person not listed as an eligible participant, as listed on the most recent eligibility listing provided by the State to its administrators.

The State Group Health Self-Insurance Plan Benefits and Premiums in effect on May 1, 1989, and as amended in this Act, shall not be amended without appropriate legislative review in accordance with s. 110.123(5), F.S.

Prior to submission of the Governor's budget recommendations to the Legislature pursuant to s. 216.162, F.S., and again prior to each Regular Session of the Legislature, the Economic Estimating Conference shall evaluate and project the financial condition of the employee group health self-insurance plan. This analysis shall also consider any financial impact of the state's use of health maintenance organizations on the funding of the self-insurance plan. The conference shall indicate whether the current plan premium rates are sufficient to fund projected plan claims and other expenses during the biennial budget period.

Any proposed changes in the benefits provided under the state employee group health self-insurance plan shall be accompanied by a statement signed by an enrolled actuary indicating the amount by which monthly premiums would need to change if the proposal were enacted and the benefit changes were to be exclusively funded by a change in plan premiums.

The Department of Administration, Division of State Employees Insurance, shall conduct a feasibililty study that investigates and analyzes the possibilities of the state group health insurance program instituting incentives to employees for rational use of insurance benefits; including a review of similar plans currently in effect in other states; and initiation of a pilot program if practicable.

4. Other Provisions

The following items shall be implemented in accordance with the

SPECIFIC
APPROPRIATION

provisions of this act and with the collective bargaining agreements between the Governor and the respective bargaining agents, except as noted:

A. Continue to provide up to six (6) credit hours of tuition-free courses per term to all full-time employees on a space-available basis.

B. Continue to reimburse employees, at current levels, for replacement of personal property.

C. Continue to provide, at the current level, uniform maintenance and shoe allowances for positions currently receiving those allowances.

D. Continue to extend a personal holiday on a pro-rata basis to part-time employees who occupy authorized part-time positions.

E. Continue to pay employees on-call fees at the current level.

F. Continue to provide death benefits to dependents of law enforcement and correctional officers killed in the line of duty.

5. Studies and Reports and Other Provisions

The Department of Administration shall conduct a pilot program in Leon County for the purpose of negotiating reduced rates for physician services, hospital charges, and other related medical costs for members of the state group health insurance plan. In addition, the pilot program shall determine the feasibility of providing a state-owned clinical facility in specified areas for the purpose of providing health care to members of the state group health insurance plan.

The Department of Administration shall negotiate contracts with health care provider networks or health care providers to provide services to members of the state group health insurance plan at reduced physician and hospital charges in counties where there is not a state Preferred Provider Organization available to the employee.

The Department of Administration shall not authorize any agency head to approve lump sum bonus payments to employees for purposes of incentive rewards for performance or productivity improvement programs unless otherwise provided herein.

Upon termination of employees in the Senior Management Service, Selected Exempt Service, or positions with comparable benefits, payments for unused annual leave credits accrued on the member's last anniversary date shall be prorated at the rate of one-twelfth (1/12) of the last annual amount credited for each month, or portion thereof, worked subsequent to the member's last anniversary date.

5) Effective July 1, 1989, provisions for earning, using and retaining annual and sick leave credits for Career Service Employees shall be the same as those contained in Chapter 22A-8.010 and 22A-8.011, F.A.C., as of July 1, 1986. Any annual leave balance in excess of 240 hours as of December 31 of each calendar year shall be transferred to sick leave.

SECTION 2 - FIXED CAPITAL OUTLAY

SPECIFIC
APPROPRIATION

SECTION 2.1 - DEPARTMENT OF GENERAL SERVICES MANAGED CONSTRUCTION

The moneys contained herein are appropriated from the named funds to the Department of General Services, Division of Construction, for fixed capital outlay for the state agencies indicated.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

1883A FIXED CAPITAL OUTLAY
PLANNING/CONSTRUCTION/RELOCATION, FLORIDA AGRICULTURE MUSEUM ADMINISTRATION BUILDING AND GROUNDS, TALLAHASSEE
FROM STATE INFRASTRUCTURE FUND 250,000

MARKETING, DIVISION OF

1884 NOT USED

1885 NOT USED

1886 NOT USED

1887 FIXED CAPITAL OUTLAY
CODE CORRECTIONS TO STATE FARMERS' MARKETS - STATEWIDE
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 331,985

1887A FIXED CAPITAL OUTLAY
MAINTENANCE AND REPAIR, STATE FARMERS' MARKET FACILITIES STATEWIDE
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 1,000,000

1887B FIXED CAPITAL OUTLAY
LAND PURCHASE, RECONSTRUCT AND RENOVATE FLORIDA CITY STATE FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 650,000

1887C FIXED CAPITAL OUTLAY
ADDITIONS AND REPLACEMENT, POMPANO STATE FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 1,600,000

1887D FIXED CAPITAL OUTLAY
ADDITIONS, SANFORD STATE FARMERS' MARKET
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 500,000

SECTION 2.1

SPECIFIC
APPROPRIATION

1888 FIXED CAPITAL OUTLAY
TRANSFER TO MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND
FROM STATE INFRASTRUCTURE FUND 3,750,000

FRUIT AND VEGETABLE INSPECTION, DIVISION OF

1888A FIXED CAPITAL OUTLAY
RENOVATIONS/REPAIRS/ADDITIONS/PAVING - FLORIDA CITRUS BUILDING - WINTER HAVEN
FROM STATE INFRASTRUCTURE FUND 1,000,000

Funds provided in Specific Appropriation 1888A shall be utilized for the renovation of the Florida Citrus Building and for the purchase and installation of fixtures, fixed equipment, and all operating capital outlay necessary to furnish and operate an improved facility, pursuant to s. 216.011(1)(0), F.S.

PLANT INDUSTRY, DIVISION OF

1889 NOT USED

1889A FIXED CAPITAL OUTLAY
BIOLOGICAL CONTROL LABORATORY, PHASE II GAINESVILLE
FROM FIRE ANT CONTROL TRUST FUND 100,000

1890 NOT USED

1891 FIXED CAPITAL OUTLAY
CHEMICAL STORAGE WAREHOUSE, WINTER HAVEN
FROM STATE INFRASTRUCTURE FUND 26,475

1892 NOT USED

1893 NOT USED

1894 NOT USED

1895 NOT USED

1896 NOT USED

1897 NOT USED

ANIMAL INDUSTRY, DIVISION OF

1898 NOT USED

1899 NOT USED

SECTION 2.1

SPECIFIC
APPROPRIATION

CORRECTIONS, DEPARTMENT OF

Funds are provided in Specific Appropriations 1908A, 1909, 1911A, 2038, and 2042 to construct the following: one single cell institution (896 beds), two quick construction institutions with dormitory and single cell housing (810 beds each), two quick construction institutions with dormitory housing (896 beds each), one quick construction institution with dormitory housing for female offenders (640 beds), and six work camps (267 beds each). Sites for facilities in Escambia County, Franklin County, Gadsden County, Gulf County, Jefferson County, and Walton County shall be given first priority, unless the Department of Corrections determines and documents that no site meeting the established siting criteria of the department is available in the above listed counties.

The funds provided in Specific Appropriations 1908A and 2038 are for construction of work camps which shall have a focus on drug treatment. Beginning July 1, 1990, work camps shall have a drug treatment program modelled upon the results of a study being contracted by the Legislature to design a substance abuse program for the treatment of adult offenders.

From the funds provided in Specific Appropriations 1911A and 2042, the department shall construct and equip the academic and vocational education facilities and chapels in accordance with the plan as submitted in the department's legislative budget request.

OFFICE OF THE ASSISTANT SECRETARY FOR PROGRAMS

1899A FIXED CAPITAL OUTLAY
PLANNING/SITE ACQUISITION/ARCHITECTURE AND ENGINEERING/SERIOUS HABITUAL OFFENDER/DRUG-INVOLVED BEDS
FROM STATE INFRASTRUCTURE FUND 350,000

Funds in Specific Appropriation 1899A are provided to the Department of Corrections, contingent upon CS/CS/HB 1810 or similar legislation becoming law, to contract with the Florida Atlantic University Center for the Study of Youth Policy for activities related to identification and recommendation of sites requiring limited site preparation for twenty 25-bed facilities for serious and habitual juvenile offenders who are most likely to be tried as adults and sentenced to the department or for juvenile STOP offenders under CS/CS/HB 1810. Such activities may include survey and appraisal of the land and any existing buildings and, when feasible, architectural and engineering studies, design and contingency

SECTION 2.1

SPECIFIC
APPROPRIATION

fees. Prior to recommendation of more than one facility in any particular judicial circuit, an assessment of need for additional facilities shall be made. First priority for site location shall be given to sites in urban areas. Priority for acquiring sites, including those with existing buildings, shall be given to appropriate sites available on publicly owned or donated lands, donated or leased sites owned by private not-for-profit and for-profit providers, and sites available for purchase or lease from the public or private sector, respectively. The Center for the Study of Youth Policy shall submit a detailed summary of all site acquisition activities, a recommended list of sites, and recommendations concerning renovations necessary to existing buildings on any sites, to the department and the chairmen of the appropriations committees no later than February 1, 1990.

ASSISTANT SECRETARY FOR HEALTH SERVICES

1900 NOT USED

1901 FIXED CAPITAL OUTLAY
CORRECTION OF RECEPTION AND MEDICAL CENTER FIRE AND SAFETY DEFICIENCIES
FROM STATE INFRASTRUCTURE FUND 1,000,000

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

MAJOR INSTITUTIONS

1902 FIXED CAPITAL OUTLAY
HEALTH AND REHABILITATIVE SERVICES/CRIMINAL JUSTICE HOSPITAL ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 900,000

1903 NOT USED

1903A FIXED CAPITAL OUTLAY
PLANNING/EXPANSION OF UNION CORRECTIONAL INSTITUTION
FROM STATE INFRASTRUCTURE FUND 750,000

1904 NOT USED

1905 NOT USED

1906 NOT USED

1907 NOT USED

SECTION 2.1

SPECIFIC
APPROPRIATION

1907A FIXED CAPITAL OUTLAY
PLANNING/PRIVITIZATION/SINGLE CELL
FROM STATE INFRASTRUCTURE FUND 265,000

Funds provided in Specific Appropriation 1907A are to be used to construct a single cell facility of not less than 900 beds to be privately constructed and operated. The contractor selected shall provide programs which are designed to reduce recidivism to the maximum extent possible. The per diem cost for the inmates in this facility shall be at least 10 percent less than the per diem cost (including amortized cost of facilities) for inmates housed in similar single cell facilities operated directly by the department. The respective per diem costs shall be determined by the Department of General Services after consulting with the Auditor General and the Department of Corrections. These costs shall be based on a consideration of all the cost components that contribute to the inmate per diem, including all relevant administrative costs associated with central and regional office administration. Services which are provided to the department by other government agencies without any direct cost to the department, if relevant to the operation of the proposed institution, shall be assigned an equivalent cost and included in the per diem. The Department of General Services shall issue a Request for Proposal no later than October 1, 1989, and award a contract no later than December 1, 1989. The first beds for this institution must become operational not later than June 1991 and the last beds for this institution must be operational not later than September 1991.

1908 NOT USED

1908A FIXED CAPITAL OUTLAY
NEW CORRECTIONAL FACILITIES - WORK CAMPS STATEWIDE
FROM STATE INFRASTRUCTURE FUND 3,045,000

1909 FIXED CAPITAL OUTLAY
NEW INSTITUTIONS - PROTOTYPE SINGLE CELL
FROM STATE INFRASTRUCTURE FUND/. 24,500,000

1910 NOT USED

1911 NOT USED

1911A FIXED CAPITAL OUTLAY
NEW QUICK CONSTRUCTION INSTITUTIONS WITH DORMITORY AND SINGLE CELL HOUSING
FROM STATE INFRASTRUCTURE FUND 34,800,000

SECTION 2.1

SPECIFIC APPROPRIATION

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF DEPUTY COMMISSIONER AND DIVISION OF ADMINISTRATION

1911B FIXED CAPITAL OUTLAY
EXECUTIVE BUILDING RENOVATION FOR CHILD CARE CENTER
FROM STATE INFRASTRUCTURE FUND 192,903

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

1912 FIXED CAPITAL OUTLAY
REFURBISH WASTE WATER TREATMENT/DISTRIBUTION FACILITY, EVERGLADES YOUTH CAMP
FROM STATE GAME TRUST FUND 70,230

1912A FIXED CAPITAL OUTLAY
REFURBISH BATHHOUSE, EVERGLADES YOUTH CAMP
FROM STATE GAME TRUST FUND 20,000

1912B FIXED CAPITAL OUTLAY
REPAIR FISHING DOCK, OCALA YOUTH CAMP
FROM STATE GAME TRUST FUND 10,250

1912C FIXED CAPITAL OUTLAY
NEW REGIONAL OFFICE, WEST PALM BEACH
FROM STATE INFRASTRUCTURE FUND 2,000,000

1913 FIXED CAPITAL OUTLAY
REPLACE WATER SYSTEM, EVERGLADES YOUTH CAMP
FROM STATE GAME TRUST FUND 52,890

WILDLIFE, DIVISION OF

1913A FIXED CAPITAL OUTLAY
WATER STRUCTURE, LITTLE GATOR CREEK
FROM NON-GAME WILDLIFE TRUST FUND 124,000
FROM STATE GAME TRUST FUND 102,171

1914 NOT USED

1915 FIXED CAPITAL OUTLAY
RECREATIONAL USE IMPROVEMENTS, GUANA RIVER
FROM NON-GAME WILDLIFE TRUST FUND 86,275

SECTION 2.1

SPECIFIC APPROPRIATION

FISHERIES, DIVISION OF

1916 FIXED CAPITAL OUTLAY
EXPANSION AND DEVELOPMENT OF BLACKWATER FISHERIES CENTER
FROM STATE GAME TRUST FUND 146,000

1916A FIXED CAPITAL OUTLAY
LAKE STONE AND LAKE HURRICANE DAM REPAIR
FROM STATE GAME TRUST FUND 48,312

1916B FIXED CAPITAL OUTLAY
EXPANSION, AQUACULTURE/RICHLOAM FISH HATCHERY
FROM STATE GAME TRUST FUND 365,904

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

1917 FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE
FROM SUPERVISION TRUST FUND 1,062,492

1918 FIXED CAPITAL OUTLAY
REPAIR CENTRAL HEATING GENERATION AND DISTRIBUTION SYSTEMS
FROM SUPERVISION TRUST FUND 807,182

1919 FIXED CAPITAL OUTLAY
ELECTRICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 1,258,378

1920 FIXED CAPITAL OUTLAY
BUILDING ENVELOPE MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 104,582
FROM STATE INFRASTRUCTURE FUND 167,281

1921 FIXED CAPITAL OUTLAY
BUILDING INTERIOR MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 385,352

1922 FIXED CAPITAL OUTLAY
MECHANICAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 293,798
FROM STATE INFRASTRUCTURE FUND 6,125

1923 FIXED CAPITAL OUTLAY
PLUMBING SYSTEM MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 2,719

SECTION 2.1

SPECIFIC APPROPRIATION

1924 FIXED CAPITAL OUTLAY
ROOF REPAIRS/REPLACEMENT STATEWIDE
FROM SUPERVISION TRUST FUND 343,440
FROM STATE INFRASTRUCTURE FUND 4,918

1925 FIXED CAPITAL OUTLAY
SPECIALIZED BUILDING EQUIPMENT MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 347,024

1926 FIXED CAPITAL OUTLAY
BUILDING STRUCTURAL SYSTEMS MAINTENANCE AND REPAIR STATEWIDE
FROM SUPERVISION TRUST FUND 3,262

1926A FIXED CAPITAL OUTLAY
HEATING, VENTILATION AND AIR CONDITIONING ENHANCEMENTS - OLD CAPITOL
FROM STATE INFRASTRUCTURE FUND 122,012

1927 NOT USED

1928 FIXED CAPITAL OUTLAY
STATEWIDE CAPITAL DEPRECIATION - GENERAL
FROM SUPERVISION TRUST FUND 503,958

1929 FIXED CAPITAL OUTLAY
PARKING STRUCTURE - CAPITOL CENTER - LEON COUNTY
FROM STATE INFRASTRUCTURE FUND 177,338

1929A FIXED CAPITAL OUTLAY
PARKING FACILITY - LEON
FROM STATE INFRASTRUCTURE FUND 1,300,000

1929B FIXED CAPITAL OUTLAY
LAKELAND PARKING GARAGE
FROM STATE INFRASTRUCTURE FUND 1,200,000

BUILDING CONSTRUCTION, DIVISION OF

1930 FIXED CAPITAL OUTLAY
SUPPLEMENTAL CONTRACTS - PROJECTS LESS THAN $100,000 STATEWIDE
FROM SUPPLEMENTAL CONTRACTS TRUST FUND . . 1,000,000

SURPLUS PROPERTY, DIVISION OF

1931 NOT USED

1932 NOT USED

SECTION 2.1

SPECIFIC APPROPRIATION

1933 NOT USED

COMMUNICATIONS, DIVISION OF

1934 FIXED CAPITAL OUTLAY
STATEWIDE LAW ENFORCEMENT RADIO SYSTEM
FROM LAW ENFORCEMENT RADIO SYSTEM TRUST FUND 13,145,605

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

OFFICE OF THE DEPUTY SECRETARY FOR ADMINISTRATION

1935 FIXED CAPITAL OUTLAY
REPAIR AND MAINTENANCE, CENTRALLY MANAGED STATEWIDE
FROM STATE INFRASTRUCTURE FUND 4,012,300

From the funds in Specific Appropriation 1935, $25,000 is provided for the repair of the boardwalk at William J. Rish State Park.

1936 NOT USED

1937 NOT USED

1938 FIXED CAPITAL OUTLAY
ASBESTOS REMOVAL, STATEWIDE
FROM STATE INFRASTRUCTURE FUND 1,040,400

1939 FIXED CAPITAL OUTLAY
ENERGY CONSERVATION, STATEWIDE
FROM ADMINISTRATIVE TRUST FUND 750,000

1940 FIXED CAPITAL OUTLAY
HANDICAPPED CODE COMPLIANCE PROJECTS STATEWIDE
FROM STATE INFRASTRUCTURE FUND 180,900

1941 FIXED CAPITAL OUTLAY
LIFE SAFETY CODE COMPLIANCE PROJECTS STATEWIDE
FROM STATE INFRASTRUCTURE FUND 3,500,000

1942 FIXED CAPITAL OUTLAY
DRAINAGE SYSTEMS MAINTENANCE AND REPAIR STATEWIDE
FROM STATE INFRASTRUCTURE FUND 500,000

1943 FIXED CAPITAL OUTLAY
PAVED SURFACE MAINTENANCE AND REPAIR STATEWIDE
FROM STATE INFRASTRUCTURE FUND 450,000

SECTION 2.1

SPECIFIC APPROPRIATION

1944 FIXED CAPITAL OUTLAY
INSTITUTIONAL/CAMPUS UTILITY SYSTEMS MAINTENANCE AND REPAIR, STATEWIDE
FROM STATE INFRASTRUCTURE FUND 1,964,100

1945 NOT USED

1946 FIXED CAPITAL OUTLAY
ROOF REPAIRS/REPLACEMENT STATEWIDE
FROM STATE INFRASTRUCTURE FUND 2,000,000

DEPUTY SECRETARY FOR OPERATIONS

OFFICE OF THE DEPUTY SECRETARY FOR OPERATIONS

1947 NOT USED

DISTRICT ADMINISTRATION

1948 NOT USED

1949 NOT USED

1950 NOT USED

1951 NOT USED

1951A FIXED CAPITAL OUTLAY
SERVICE CENTER - DISTRICT 6
FROM STATE INFRASTRUCTURE FUND 250,000

Funds in Specific Appropriation 1951A are provided for planning for an expansion of the Lee Davis Center.

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES

1952 NOT USED

1952A FIXED CAPITAL OUTLAY
UNION COUNTY SECURE JUVENILE RESIDENTIAL TREATMENT FACILITY - 25 BEDS - PLANNING
FROM STATE INFRASTRUCTURE FUND 130,000

MENTAL HEALTH - INSTITUTIONS

1953 NOT USED

1954 NOT USED

1955 FIXED CAPITAL OUTLAY
REPLACE STEAM AND POWER PLANT - FLORIDA STATE HOSPITAL
FROM STATE INFRASTRUCTURE FUND 50,000

SECTION 2.1

SPECIFIC APPROPRIATION

1956 FIXED CAPITAL OUTLAY
RENOVATE BUILDINGS 72 AND 1 - G. PIERCE WOOD MEMORIAL HOSPITAL
FROM STATE INFRASTRUCTURE FUND 1,020,000

1956A FIXED CAPITAL OUTLAY
SOUTH FLORIDA STATE HOSPITAL - MAJOR RENOVATIONS AND REPAIRS
FROM STATE INFRASTRUCTURE FUND 1,740,000

CHILDREN, YOUTH AND FAMILY SERVICES

1956B FIXED CAPITAL OUTLAY
NEW COURTROOM - DETENTION CENTER - DUVAL
FROM STATE INFRASTRUCTURE FUND 100,000

1957 NOT USED

1958 NOT USED

1959 NOT USED

1960 FIXED CAPITAL OUTLAY
REPLACE JUVENILE DETENTION CENTER - LEON
FROM STATE INFRASTRUCTURE FUND 2,244,600

1960A FIXED CAPITAL OUTLAY
CHARLES BRITT HALFWAY HOUSE CONSTRUCTION IN DISTRICT 5
FROM STATE INFRASTRUCTURE FUND 1,255,800

1960B FIXED CAPITAL OUTLAY
PALM BEACH - REPLACE HALFWAY HOUSE
FROM STATE INFRASTRUCTURE FUND 1,086,000

1961 FIXED CAPITAL OUTLAY
DINING/KITCHEN RENOVATION - ECKERD YOUTH DEVELOPMENT CENTER
FROM STATE INFRASTRUCTURE FUND 150,000

1961A FIXED CAPITAL OUTLAY
SERIOUS HABITUAL OFFENDER DRUG INVOLVED (SHODI) FACILITY
FROM STATE INFRASTRUCTURE FUND 1,000,000

1962 NOT USED

1963 FIXED CAPITAL OUTLAY
ADDITIONAL CLASSROOMS/DAYROOMS - STATEWIDE
FROM STATE INFRASTRUCTURE FUND 200,000

1964 FIXED CAPITAL OUTLAY
REPLACE - JUVENILE DETENTION CENTER - PINELLAS
FROM STATE INFRASTRUCTURE FUND 250,000

SECTION 2.1

SPECIFIC APPROPRIATION

DEVELOPMENTAL SERVICES - INSTITUTIONS

1964A FIXED CAPITAL OUTLAY
MEDICAL FACILITY - SUNLAND TRAINING CENTER - GAINESVILLE
FROM STATE INFRASTRUCTURE FUND 150,000

1965 NOT USED

1966 NOT USED

HEALTH SERVICES

1967 NOT USED

CHILDREN'S MEDICAL SERVICES

1968 NOT USED

1969 FIXED CAPITAL OUTLAY
CHILDREN'S MEDICAL SERVICES CLINIC - PENSACOLA
FROM STATE INFRASTRUCTURE FUND 100,000

1970 FIXED CAPITAL OUTLAY
FURNISHINGS AND EQUIPMENT - CHILDREN'S MEDICAL SERVICES - ALACHUA
FROM STATE INFRASTRUCTURE FUND 255,100

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF

FLORIDA HIGHWAY PATROL, DIVISION OF

1970A FIXED CAPITAL OUTLAY
FLORIDA HIGHWAY PATROL COMMUNICATIONS SHOP - PENSACOLA
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 135,000

1970B FIXED CAPITAL OUTLAY
RENOVATE OLD FLORIDA HIGHWAY PATROL STATION - DADE COUNTY
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 530,053

1970C FIXED CAPITAL OUTLAY
RENOVATE FLORIDA HIGHWAY PATROL STATION - DUVAL COUNTY
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 30,804

1970D FIXED CAPITAL OUTLAY
NEW FLORIDA HIGHWAY PATROL STATION - HILLSBOROUGH COUNTY
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 101,850

SECTION 2.1

SPECIFIC APPROPRIATION

1971 FIXED CAPITAL OUTLAY
NEW FLORIDA HIGHWAY PATROL STATION - FT. LAUDERDALE, BROWARD COUNTY
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 1,717,279

1971A FIXED CAPITAL OUTLAY
INTERIOR IMPROVEMENTS - FLORIDA HIGHWAY PATROL ACADEMY - LEON COUNTY
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 71,250

DRIVER LICENSES, DIVISION OF

1971B FIXED CAPITAL OUTLAY
INTERIOR IMPROVEMENTS, DRIVERS LICENSE OFFICES STATEWIDE
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 111,000

1971C FIXED CAPITAL OUTLAY
HILLSBOROUGH COUNTY DRIVER LICENSE OFFICE/FEASIBILITY AND PLANNING STUDY
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 90,000

1972 FIXED CAPITAL OUTLAY
DRIVER LICENSE ADDITION - LEE COUNTY
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 320,639

1972A FIXED CAPITAL OUTLAY
RENOVATE DRIVER LICENSES OFFICE - ALACHUA COUNTY
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 94,180

1972B FIXED CAPITAL OUTLAY
RENOVATE DRIVER LICENSES OFFICE - DESOTO COUNTY
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 27,320

1973 FIXED CAPITAL OUTLAY
MECHANICAL REPAIRS - DRIVER LICENSES OFFICES - STATEWIDE
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 66,000

1974 FIXED CAPITAL OUTLAY
ROOF REPAIRS - DRIVER LICENSES OFFICES - STATEWIDE
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 63,000

SECTION 2.1

SPECIFIC
APPROPRIATION

1975 FIXED CAPITAL OUTLAY
SECURITY SYSTEMS - DRIVER LICENSES OFFICES - STATEWIDE
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 43,500

1975A FIXED CAPITAL OUTLAY
NASSAU COUNTY DRIVER LICENSE/MOTOR VEHICLE OFFICE - PLANNING AND DESIGN
FROM MOTOR VEHICLE LICENSE REPLACEMENT TRUST FUND 100,000

INSURANCE, DEPARTMENT OF, AND TREASURER

OFFICE OF THE TREASURER AND DIVISION OF ADMINISTRATION

1975B FIXED CAPITAL OUTLAY
LARSON BUILDING RENOVATION
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 10,000,000

STATE FIRE MARSHAL, DIVISION OF

1976 FIXED CAPITAL OUTLAY
STATE FIRE MARSHALL LAB COMPLEX
FROM INSURANCE COMMISSIONER'S REGULATORY TRUST FUND 650,000

JUDICIAL BRANCH

DISTRICT COURTS OF APPEAL

1977 NOT USED

1978 NOT USED

1979 FIXED CAPITAL OUTLAY
COMPLETION OF THE THIRD DISTRICT COURT OF APPEAL BUILDING
FROM STATE INFRASTRUCTURE FUND 938,090

1979A FIXED CAPITAL OUTLAY
FIRST DISTRICT COURT OF APPEAL BASEMENT RENOVATION - PLANNING COSTS
FROM GENERAL REVENUE FUND 30,000

Funds in Specific Appropriation 1979A are contingent upon passage of substantive legislation increasing appellate filing fees in the district courts of appeal to at least $250.

SECTION 2.1

SPECIFIC
APPROPRIATION

LAW ENFORCEMENT, DEPARTMENT OF

CRIME LABORATORIES AND STAFF SERVICES, DIVISION OF

1979B FIXED CAPITAL OUTLAY
TAMPA REGIONAL LAW ENFORCEMENT OPERATING FACILITY
FROM STATE INFRASTRUCTURE FUND 175,000

MILITARY AFFAIRS, DEPARTMENT OF

GENERAL ACTIVITIES

1980 FIXED CAPITAL OUTLAY
UNDERGROUND TANK REPLACEMENTS, AGENCYWIDE
FROM STATE INFRASTRUCTURE FUND 117,600

1980A FIXED CAPITAL OUTLAY
EXTERIOR REPAIRS, PAINTING, AND WATERPROOFING AGENCYWIDE
FROM STATE INFRASTRUCTURE FUND 162,500

1981 FIXED CAPITAL OUTLAY
DEPARTMENT OF MILITARY AFFAIRS OPERATIONS BUILDING AND ARMORY - SAINT AUGUSTINE
FROM STATE INFRASTRUCTURE FUND 2,557,207

1981A FIXED CAPITAL OUTLAY
ROOF INSPECTION/REPAIRS - AGENCYWIDE
FROM STATE INFRASTRUCTURE FUND 215,000

1982 NOT USED

1982A FIXED CAPITAL OUTLAY
PLANNING - ARMED FORCES RESERVE CENTER - MIRAMAR
FROM STATE INFRASTRUCTURE FUND 104,675

1983 FIXED CAPITAL OUTLAY
PLANNING - ARMORY EXPANSION/REHABILITATION - JACKSONVILLE (CEDAR HILLS)
FROM STATE INFRASTRUCTURE FUND 125,823

1984 FIXED CAPITAL OUTLAY
PLANNING - NATIONAL GUARD ARMORY - PENSACOLA (ELLYSON)
FROM STATE INFRASTRUCTURE FUND 136,197

1984A FIXED CAPITAL OUTLAY
PLANNING - ARMORY EXPANSION/REHABILITATION - JACKSONVILLE (SNYDER)
FROM STATE INFRASTRUCTURE FUND 135,209

SECTION 2.1

SPECIFIC
APPROPRIATION

1984B FIXED CAPITAL OUTLAY
PLANNING - NATIONAL GUARD ARMORY (MASH) - TEMPLE TERRACE
FROM STATE INFRASTRUCTURE FUND 113,870

1985 NOT USED

1985A FIXED CAPITAL OUTLAY
MILITARY VEHICLE/PRIVATELY OWNED VEHICLE PARKING - JACKSONVILLE (CRAIG FIELD)
FROM STATE INFRASTRUCTURE FUND 26,750

1985B FIXED CAPITAL OUTLAY
MILITARY VEHICLE/PRIVATELY OWNED VEHICLE PARKING - DELAND
FROM STATE INFRASTRUCTURE FUND 26,750

1985C FIXED CAPITAL OUTLAY
MILITARY VEHICLE/PRIVATELY OWNED VEHICLE PARKING - FORT MYERS
FROM STATE INFRASTRUCTURE FUND 26,750

1985D FIXED CAPITAL OUTLAY
STATE MILITARY ACADEMY - CAMP BLANDING TRAINING SITE
FROM STATE INFRASTRUCTURE FUND 202,800

1985E FIXED CAPITAL OUTLAY
MILITARY VEHICLE/PRIVATELY OWNED VEHICLE PARKING - LAKE CITY
FROM STATE INFRASTRUCTURE FUND 26,750

1986 FIXED CAPITAL OUTLAY
KITCHEN EXPANSION/LIFE SAFETY CODE - LEESBURG
FROM STATE INFRASTRUCTURE FUND 159,350

1987 FIXED CAPITAL OUTLAY
STATE VEHICLE MAINTENANCE FACILITY - CAMP BLANDING TRAINING SITE
FROM STATE INFRASTRUCTURE FUND 459,075

1988 NOT USED

1988A FIXED CAPITAL OUTLAY
SIGNAL TRAINING SITES - CAMP BLANDING TRAINING SITE
FROM STATE INFRASTRUCTURE FUND 116,640

SECTION 2.1

SPECIFIC
APPROPRIATION

NATURAL RESOURCES, DEPARTMENT OF

MARINE RESOURCES, DIVISION OF

1989 NOT USED

1989A FIXED CAPITAL OUTLAY
FLORIDA MARINE RESEARCH INSTITUTE RENOVATIONS/REPAIRS
FROM STATE INFRASTRUCTURE FUND 100,000

LAW ENFORCEMENT, DIVISION OF

1989B FIXED CAPITAL OUTLAY
SOUTH FLORIDA MARINE MAINTENANCE BOAT RACK
FROM GRANTS AND DONATIONS TRUST FUND . . . 130,000

1989C FIXED CAPITAL OUTLAY
PORT EVERGLADES MARINE MAINTENANCE FACILITY CONSTRUCTION (BROWARD COUNTY)
FROM GRANTS AND DONATIONS TRUST FUND . . . 225,000

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

HISTORICAL RESOURCES, DIVISION OF

1990 FIXED CAPITAL OUTLAY
NEW FOOD SERVICE FACILITY
FROM STATE INFRASTRUCTURE FUND 167,475

1991 FIXED CAPITAL OUTLAY
ROOF REPAIRS/ASBESTOS SURVEY - THE GROVE
FROM STATE INFRASTRUCTURE FUND 39,340

HISTORIC PRESERVATION BOARDS

HISTORIC PENSACOLA PRESERVATION BOARD

1992 FIXED CAPITAL OUTLAY
RENOVATION/REPAIR - HISPANIC BUILDING
FROM STATE INFRASTRUCTURE FUND 56,000

1993 FIXED CAPITAL OUTLAY
RENOVATION/REPAIR - MCCULLOUGH BUILDING
FROM STATE INFRASTRUCTURE FUND 100,000

1994 FIXED CAPITAL OUTLAY
RENOVATE/REPAIR T. T. WENTWORTH STATE MUSEUM
FROM STATE INFRASTRUCTURE FUND 100,000

SECTION 2.1

SPECIFIC APPROPRIATION

HISTORIC ST. AUGUSTINE PRESERVATION BOARD

1995 FIXED CAPITAL OUTLAY
SAFETY AND ELECTRICAL UPGRADE - ARRIVAS HOUSE
FROM STATE INFRASTRUCTURE FUND 12,110

1996 FIXED CAPITAL OUTLAY
WATERPROOF EXTERIOR WALLS - FLORIDA HERITAGE HOUSE
FROM STATE INFRASTRUCTURE FUND 6,535

1997 FIXED CAPITAL OUTLAY
ENGINEERING STUDY OF BALCONIES - GOVERNMENT HOUSE
FROM STATE INFRASTRUCTURE FUND 6,055

1998 FIXED CAPITAL OUTLAY
ENGINEERING STUDY - HEATING, VENTILATION AND AIR CONDITIONING SYSTEM - GOVERNMENT HOUSE
FROM STATE INFRASTRUCTURE FUND 6,055

1999 FIXED CAPITAL OUTLAY
CLIMATE CONTROL - GOVERNMENT HOUSE
FROM STATE INFRASTRUCTURE FUND 4,875

HISTORIC TALLAHASSEE PRESERVATION BOARD

2000 NOT USED

2001 FIXED CAPITAL OUTLAY
REPAIRS - BROKAW MCDOUGALL HOUSE
FROM STATE INFRASTRUCTURE FUND 18,700

HISTORIC TAMPA/HILLSBOROUGH COUNTY PRESERVATION BOARD

2002 NOT USED

RINGLING MUSEUM OF ART, BOARD OF TRUSTEES OF THE JOHN AND MABLE

2003 FIXED CAPITAL OUTLAY
EMERGENCY REPAIRS
FROM STATE INFRASTRUCTURE FUND 1,000,000

2004 FIXED CAPITAL OUTLAY
ROOF RENOVATION/REPLACEMENT - CIRCUS GALLERY/ASOLO THEATRE
FROM STATE INFRASTRUCTURE FUND 24,025

2005 FIXED CAPITAL OUTLAY
LIGHT FIXTURE REPLACEMENT - CIRCUS GALLERY/MAINTENANCE BUILDING
FROM STATE INFRASTRUCTURE FUND 6,032

SECTION 2.1

SPECIFIC APPROPRIATION

2006 FIXED CAPITAL OUTLAY
FLOOR REPLACEMENT - ASOLO THEATRE
FROM STATE INFRASTRUCTURE FUND 21,671

STATE THEATER PROGRAM

2007 FIXED CAPITAL OUTLAY
RENOVATE COCONUT GROVE PLAYHOUSE
FROM STATE INFRASTRUCTURE FUND 420,000

VETERANS' AFFAIRS, DEPARTMENT OF

2008 NOT USED

TOTAL OF SECTION 2.1

FROM GENERAL REVENUE FUND	30,000	
FROM TRUST FUNDS		40,622,684
FROM STATE INFRASTRUCTURE FUND		106,451,161
TOTAL ALL FUNDS		147,103,845

SECTION 2.2 - AGENCY MANAGED CONSTRUCTION

The moneys contained herein are appropriated from the named funds to the state agencies indicated, as amounts for fixed capital outlay.

ADMINISTERED FUNDS

2009 NOT USED

SECTION 2.2

SPECIFIC
APPROPRIATION

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF, AND COMMISSIONER OF AGRICULTURE

OFFICE OF THE COMMISSIONER AND DIVISION OF ADMINISTRATION

2010 FIXED CAPITAL OUTLAY
ASBESTOS REMOVAL, STATEWIDE
FROM STATE INFRASTRUCTURE FUND 45,000

2011 NOT USED

2012 NOT USED

2013 NOT USED

2014 NOT USED

2015 NOT USED

2016 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - NON-POINT SOURCE POLLUTION
FROM STATE INFRASTRUCTURE FUND 4,750,000

Funds in Specific Appropriation 2016 may in addition to other purposes be utilized by the department to pay dairies ceasing operations or moving their operations outside the geographical border designated in the Department of Environmental Regulation Dairy Rule. Evidence of proper deed restrictions prohibiting any future concentrated livestock operations on the affected land must be provided to the Department of Agriculture and Consumer Services.

Funds in Specific Appropriation 2016 may be advanced in part or in total.

2016A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - LAKE COUNTY WATER QUALITY PROJECT
FROM GENERAL REVENUE FUND 36,000

2016B FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ST. LUCIE AND INDIAN RIVER WATER CONSERVATION PROJECT
FROM GENERAL REVENUE FUND 33,000

2017 NOT USED

SECTION 2.2

SPECIFIC
APPROPRIATION

2018 NOT USED

2019 NOT USED

MARKETING, DIVISION OF

2020 FIXED CAPITAL OUTLAY
REMOVAL OF UNDERGROUND STORAGE TANKS - STATE FARMER'S MARKETS - STATEWIDE
FROM MARKET IMPROVEMENTS WORKING CAPITAL TRUST FUND 25,000

2020A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - LAND ACQUISTION/CONSTRUCTION/REPAIRS - WASHINGTON COUNTY STATE FARMERS' MARKET
FROM STATE INFRASTRUCTURE FUND 200,000

2020B FIXED CAPITAL OUTLAY
GRANTS AND AIDS - CONSTRUCTION/PAVING - HENDRY COUNTY AGRICULTURE CENTER
FROM STATE INFRASTRUCTURE FUND 150,000

2020C FIXED CAPITAL OUTLAY
GRANTS AND AIDS - RENOVATION/CONSTRUCTION - SOUTHEASTERN LIVESTOCK PAVILION - MARION COUNTY
FROM STATE INFRASTRUCTURE FUND 250,000

2020D FIXED CAPITAL OUTLAY
GRANTS AND AIDS - BAKER COUNTY FAIR ASSOCIATION
FROM STATE INFRASTRUCTURE FUND 100,000

2020E FIXED CAPITAL OUTLAY
GRANTS AND AIDS - ADDITIONS/RENOVATIONS/NEW CONSTRUCTION - POLK COUNTY LIVESTOCK PAVILION
FROM STATE INFRASTRUCTURE FUND 600,000

2020F FIXED CAPITAL OUTLAY
GRANTS AND AIDS - RENOVATE LIVESTOCK PAVILION - LAFAYETTE
FROM STATE INFRASTRUCTURE FUND 100,000

2020G FIXED CAPITAL OUTLAY
GRANTS AND AIDS - AGRICULTURE MULTI-PURPOSE CENTER - NASSAU
FROM STATE INFRASTRUCTURE FUND 50,000

2020H FIXED CAPITAL OUTLAY
GRANTS AND AIDS - PLANNING/CONSTRUCTION AGRICULTURE BUILDING COLLIER
FROM STATE INFRASTRUCTURE FUND 150,000

SECTION 2.2

SPECIFIC APPROPRIATION

2020I FIXED CAPITAL OUTLAY
GRANTS AND AIDS - RENOVATE/EXPAND LUSK PAVILION - WAKULLA
FROM STATE INFRASTRUCTURE FUND 200,000

2020J FIXED CAPITAL OUTLAY
GRANTS AND AIDS - RENOVATE FAIR BUILDING - WALTON
FROM STATE INFRASTRUCTURE FUND 100,000

PLANT INDUSTRY, DIVISION OF

2021 NOT USED

FORESTRY, DIVISION OF

2021A FIXED CAPITAL OUTLAY
BLACKWATER ROAD MAINTENANCE
FROM INCIDENTAL TRUST FUND 500,000

2022 NOT USED

2023 NOT USED

2024 NOT USED

2025 NOT USED

2025A FIXED CAPITAL OUTLAY
FORESTRY WORK STATION - BAKER
FROM INCIDENTAL TRUST FUND 66,000

2026 NOT USED

2027 FIXED CAPITAL OUTLAY
FORESTRY LAND ACQUISITION - STATEWIDE
FROM INCIDENTAL TRUST FUND 70,000

From funds in Specific Appropriation 2027, up to $25,000 may be expended for surveys, appraisal services, title searches, deed registration, and other related costs leading to the purchase of Juniper Creek Property.

COMMERCE, DEPARTMENT OF

OFFICE OF THE SECRETARY AND ADMINISTRATIVE SERVICES

2028 FIXED CAPITAL OUTLAY
SPACEPORT
FROM STATE INFRASTRUCTURE FUND 1,900,000

Funds in Specific Appropriation 2028 are contingent on CS/SB 1469 or similar legislation becoming law.

SECTION 2.2

SPECIFIC APPROPRIATION

COMMUNITY AFFAIRS, DEPARTMENT OF

HOUSING FINANCE AGENCY

2029 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - STATE APARTMENT INCENTIVE LOAN PROGRAM
FROM STATE APARTMENT INCENTIVE LOAN TRUST FUND 9,750,000

2030 FIXED CAPITAL OUTLAY
TRANSFER TO STATE APARTMENT INCENTIVE LOAN TRUST FUND
FROM STATE INFRASTRUCTURE FUND 9,750,000

2031 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - HOMEOWNERSHIP ASSISTANCE PROGRAM
FROM FLORIDA HOMEOWNERSHIP ASSISTANCE TRUST FUND 1,000,000

2032 FIXED CAPITAL OUTLAY
TRANSFER TO HOMEOWNERSHIP ASSISTANCE TRUST FUND
FROM STATE INFRASTRUCTURE FUND 1,000,000

2032A FIXED CAPITAL OUTLAY
GRANTS AND AIDS - AFFORDABLE HOUSING DEMONSTRATION LOAN PROGRAM
FROM AFFORDABLE HOUSING TRUST FUND 1,000,000

From the funds provided in Specific Appropriation 2032A, at least $500,000 shall be used to fund single family housing projects for applicants which have successfully completed a project under the Affordable Housing Demonstration Loan Program.

CORRECTIONS, DEPARTMENT OF

ASSISTANT SECRETARY FOR HEALTH SERVICES

2033 NOT USED

2033A FIXED CAPITAL OUTLAY
NEW AND EXPANDED MEDICAL FACILITIES
FROM STATE INFRASTRUCTURE FUND 3,600,000

CORRECTIONAL EDUCATION SCHOOL AUTHORITY

2034 NOT USED

SECTION 2.2

SPECIFIC
APPROPRIATION

OFFICE OF THE ASSISTANT SECRETARY FOR OPERATIONS

MAJOR INSTITUTIONS

2034A FIXED CAPITAL OUTLAY
CORRECTION OF FIRE SAFETY DEFICIENCIES, STATEWIDE
FROM STATE INFRASTRUCTURE FUND 900,000

2034B FIXED CAPITAL OUTLAY
MAJOR REPAIRS, RENOVATIONS AND IMPROVEMENTS TO MAJOR INSTITUTIONS
FROM STATE INFRASTRUCTURE FUND 4,397,275

From the funds in Specific Appropriation 2034B, $100,000 from the State Infrastructure Fund shall be provided for construction of a road for Holmes Correctional Institution.

2035 FIXED CAPITAL OUTLAY
ADDITIONAL CAPACITY, EXISTING FACILITIES
FROM STATE INFRASTRUCTURE FUND 4,811,000

2036 FIXED CAPITAL OUTLAY
ADDITION OF RECEPTION UNITS, NEW OR EXISTING INSTITUTIONS
FROM STATE INFRASTRUCTURE FUND 2,200,000

2037 FIXED CAPITAL OUTLAY
PLANNING FOR NEW INSTITUTIONS
FROM STATE INFRASTRUCTURE FUND 500,000

2038 FIXED CAPITAL OUTLAY
NEW CORRECTIONAL FACILITIES - WORK CAMPS STATEWIDE
FROM STATE INFRASTRUCTURE FUND 10,150,000

2039 FIXED CAPITAL OUTLAY
COMPLETION OF QUICK CONSTRUCTION FACILITIES
FROM STATE INFRASTRUCTURE FUND 1,260,079

2039A FIXED CAPITAL OUTLAY
ACQUISITION OF CORRECTIONAL FACILITY
MARTIN COUNTY
FROM STATE INFRASTRUCTURE FUND 3,300,000

Funds provided in Specific Appropriation 2039A are to be used to purchase the Martin County Jail for use as a drug treatment facility in the Department of Corrections.

2040 NOT USED

SECTION 2.2

SPECIFIC
APPROPRIATION

2041 NOT USED

2042 FIXED CAPITAL OUTLAY
NEW QUICK CONSTRUCTION INSTITUTIONS WITH DORMITORY HOUSING
FROM STATE INFRASTRUCTURE FUND 34,000,000

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF EDUCATIONAL FACILITIES

2042A FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,900,000

The following community college projects are included in the funds provided in Specific Appropriation 2042A:

Miami-Dade CC/Purchase of AT&T Building..... 1,900,000

2042B FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 6,970,000

The following state university system projects are included in the funds provided in Specific Appropriation 2042B.

SUS/Lab school constr., remod/renov/maint/and equipment..... 1,000,000
UF/Biotechnology Centr planning..... 600,000
FIU/Comm Ed.Conference Center Planning..... 1,500,000
FAU/Davie Campus (s,p,c,e)..... 2,000,000
FIU/Holocaust Center..... 70,000
UF/College of Dentistry Bldg. completion and equipment..... 600,000
UNF/Athletic facilities..... 200,000
FIU/Remod/furn/equip for theater..... 1,000,000

Funds provided to FIU for the Holocaust Center are for a facility to be used by the Holocaust Documentation and Education Center at the North Miami Campus of FIU in accordance with the agreement between the Center and the University and matched with $30,000 from private sources.

Funds in Specific Appropriation 2042B for the UF Bio-Tech Center are to match a federal appropriation to plan this facility. A subsequent state

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appropriation for construction of this facility is contingent upon the receipt of federal matching funds for the project's construction phase.

2042C FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 1,942,000

Funds in Specific Appropriation 2042C are for the following projects:

WPBT Channel 2
construction and equip..... 1,942,000

2042D FIXED CAPITAL OUTLAY
PUBLIC SCHOOL PROJECTS
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 5,689,000

The following public school projects are included in the funds provided in Specific Appropriation 2042D:

Polk County/Ridge Vo Tech Center..... 700,000
Broward County/Hollywood Central/
Elementary School Model..... 500,000
Osceola County/Vo Tech Center..... 600,000
Lake County/Vo Tech Center..... 500,000
Sumter County/Bushnell and Wildwood
High Schools..... 150,000
Columbia County/Columbia County
High School..... 1,400,000
Bradford County/Bradford Co.
High School..... 400,000
Volusia County/magnet school..... 500,000
Broward County/
Handicapped Students (p)..... 40,000
Washington County/Vernon Elementary
School..... 199,000
Union County/roof repair..... 700,000

2042E FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM FACILITY
ENHANCEMENT CHALLENGE GRANT PROGRAM
FROM EDUCATIONAL ENHANCEMENT TRUST FUND . 7,636,050

The following university projects are included in the funds provided in Specific Appropriation 2042E in accordance with the provisions of s. 240.2601, F.S.

UF--Vet Medicine Teaching Hospital
expansion Phase II..... 1,750,000
UF--Floyd Hall Renovation..... 2,021,100
UF--Library East - Renovation/
Restoration..... 1,900,000
UF--IFAS - Lake Alfred - Citrus
Research and Education Center..... 237,500
USF-Sarasota Caples Project

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Completion..... 450,000
USF-Center for Economic Education..... 237,500
USF-Eye Institute Completion..... 360,000
USF-Psychiatric Hospital Completion..... 400,000
UWF-Performing Arts Completion..... 279,950

PUBLIC SCHOOLS, DIVISION OF

2043 FIXED CAPITAL OUTLAY
K-12 - VOCATIONAL EDUCATION ENERGY
PROJECTS
FROM EDUCATIONAL AIDS TRUST FUND 9,287,496

COMMUNITY COLLEGES, DIVISION OF

2044 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE ENERGY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 108,094

UNIVERSITIES, DIVISION OF

EDUCATIONAL AND GENERAL ACTIVITIES

2045 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM ENERGY PROJECTS
FROM INCIDENTAL TRUST FUND 750,664

GAME AND FRESH WATER FISH COMMISSION, FLORIDA

OFFICE OF THE EXECUTIVE DIRECTOR AND DIVISION OF ADMINISTRATIVE SERVICES

2046 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM LAND ACQUISITION TRUST FUND 750,000

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

2047 NOT USED

JUDICIAL BRANCH

DISTRICT COURTS OF APPEAL

2048 NOT USED

2049 NOT USED

2050 NOT USED

2051 NOT USED

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LABOR AND EMPLOYMENT SECURITY, DEPARTMENT OF

OFFICES OF THE SECRETARY AND ADMINISTRATIVE SERVICES

2052 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM ADMINISTRATIVE TRUST FUND 93,777

2053 FIXED CAPITAL OUTLAY
REPAIRS TO REED ACT BUILDINGS
FROM REVOLVING TRUST FUND 54,000

NATURAL RESOURCES, DEPARTMENT OF

STATE LANDS, DIVISION OF

2054 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM CONSERVATION AND RECREATION LANDS TRUST FUND 45,000,000

2055 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM STATE INFRASTRUCTURE FUND 13,956,949

2055A FIXED CAPITAL OUTLAY
ACQUISITION OF MARJORIE STONEMAN HOME - DADE
FROM STATE INFRASTRUCTURE FUND 75,000

MARINE RESOURCES, DIVISION OF

2056 FIXED CAPITAL OUTLAY
ACQUISITION/RENOVATION SHARK INSTITUTE/SEA WORLD
FROM STATE INFRASTRUCTURE FUND 739,000

BEACHES AND SHORES, DIVISION OF

2057 NOT USED

2057A FIXED CAPITAL OUTLAY
INLET SAND TRANSFER - FT. PIERCE INLET, ST. LUCIE COUNTY
FROM BEACH MANAGEMENT TRUST FUND 400,000

2057B FIXED CAPITAL OUTLAY
INLET SAND TRANSFER PROJECTS, STATEWIDE
FROM STATE INFRASTRUCTURE FUND 1,000,000

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2057C FIXED CAPITAL OUTLAY
INLET SAND TRANSFER - GORDON PASS, COLLIER COUNTY
FROM BEACH MANAGEMENT TRUST FUND 64,687

2057D FIXED CAPITAL OUTLAY
BEACH RESTORATION - CORAL COVE, PALM BEACH
FROM STATE INFRASTRUCTURE FUND 352,500

2057E FIXED CAPITAL OUTLAY
BEACH RESTORATION - JUPITER/CARLIN, PALM BEACH
FROM STATE INFRASTRUCTURE FUND 872,437

2057F FIXED CAPITAL OUTLAY
BEACH RESTORATION - SAND KEY PHASE II, INDIAN ROCKS
FROM STATE INFRASTRUCTURE FUND 1,466,046

2057G FIXED CAPITAL OUTLAY
BEACH RENOURISHMENT - BAL HARBOUR, DADE
FROM STATE INFRASTRUCTURE FUND 1,725,250

2057H FIXED CAPITAL OUTLAY
BEACH RENOURISHMENT - HOLLYWOOD/HALLENDALE, BROWARD
FROM STATE INFRASTRUCTURE FUND 4,800,000

2057I FIXED CAPITAL OUTLAY
BEACH RENOURISHMENT - JACKSONVILLE, DUVAL COUNTY
FROM STATE INFRASTRUCTURE FUND 600,000

2057J FIXED CAPITAL OUTLAY
DUNE RECONSTRUCTION/PROTECTION - CORAL COVE, PALM BEACH
FROM BEACH MANAGEMENT TRUST FUND 114,750

2057K FIXED CAPITAL OUTLAY
DUNE RECONSTRUCTION/PROTECTION - JACKSONVILLE BEACH, DUVAL
FROM BEACH MANAGEMENT TRUST FUND 96,096

2057L FIXED CAPITAL OUTLAY
DUNE RECONSTRUCTION/PROTECTION - SAND KEY, PINELLAS
FROM BEACH MANAGEMENT TRUST FUND 600,000

2057M FIXED CAPITAL OUTLAY
DUNE RECONSTRUCTION/PROTECTION - ST. PETERSBURG, PINELLAS
FROM BEACH MANAGEMENT TRUST FUND 145,000

2058 NOT USED

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2058A FIXED CAPITAL OUTLAY
JACKSONVILLE BEACH - DUNE WALKOVERS
FROM STATE INFRASTRUCTURE FUND 49,000

2058B FIXED CAPITAL OUTLAY
NASSAU COUNTY - DUNE WALKOVERS
FROM STATE INFRASTRUCTURE FUND 50,000

2058C FIXED CAPITAL OUTLAY
FERNANDINA BEACH - DUNE WALKOVERS
FROM STATE INFRASTRUCTURE FUND 50,000

2058D FIXED CAPITAL OUTLAY
COLLIER COUNTY BEACH ENVIRONMENTAL STUDY
FROM STATE INFRASTRUCTURE FUND 225,000

2058E FIXED CAPITAL OUTLAY
REDINGTON BEACH AND REDINGTON SHORES - DUNE WALKOVERS
FROM STATE INFRASTRUCTURE FUND 375,000

2058F FIXED CAPITAL OUTLAY
CALADESI ISLAND BEACH RENOURISHMENT
FROM LAND ACQUISITION TRUST FUND 200,000

2058G FIXED CAPITAL OUTLAY
SUNNY ISLES BEACH/PARKING
FROM BEACH MANAGEMENT TRUST FUND 1,762,500

2058H FIXED CAPITAL OUTLAY
HONEYMOON ISLAND ENVIRONMENTAL/SAND SOURCE STUDY
FROM LAND ACQUISITION TRUST FUND 150,000

RESOURCE MANAGEMENT, DIVISION OF

2059 FIXED CAPITAL OUTLAY
SPOIL SITE ACQUISITIONS AND IMPROVEMENTS (LUMP SUM - 376.11 FS)
FROM PORT TRUST FUND 3,676,701

2060 FIXED CAPITAL OUTLAY
NON-MANDATORY LAND RECLAMATION PROJECTS
FROM NON-MANDATORY LAND RECLAMATION TRUST FUND 7,250,000

Funds in Specific Appropriation 2060 shall be used for the reclamation and acquisition of nonmandatory lands in accordance with the provisions of Chapter 378, Part I, F.S.

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RECREATION AND PARKS, DIVISION OF

2061 FIXED CAPITAL OUTLAY
ACQUISITION OF RAILROAD RIGHTS OF WAY
FROM LAND ACQUISITION TRUST FUND 1,000,000

2062 FIXED CAPITAL OUTLAY
PARK DEVELOPMENT
FROM LAND ACQUISITION TRUST FUND 5,500,000

2062A FIXED CAPITAL OUTLAY
DEBARY HALL RENOVATIONS
FROM GENERAL REVENUE FUND 250,000

2063 FIXED CAPITAL OUTLAY
LAND ACQUISITION
FROM LAND ACQUISITION TRUST FUND 1,000,000

2064 FIXED CAPITAL OUTLAY
SALTWATER ACCESS IMPROVEMENTS, WALLOP-BREAUX FEDERAL ASSISTANCE PROGRAM, STATEWIDE
FROM LAND ACQUISITION TRUST FUND 200,000

2065 FIXED CAPITAL OUTLAY
LAND ACQUISITION, ENVIRONMENTALLY ENDANGERED, UNIQUE/ IRREPLACEABLE LANDS, STATEWIDE
FROM CONSERVATION AND RECREATION LANDS BOND PROJECT TRUST FUND 2,411,452

2065A FIXED CAPITAL OUTLAY
SAVE OUR COAST ACQUISITION PROGRAM
FROM SAVE OUR COAST PROJECT TRUST FUND . . 11,695,143

2065B FIXED CAPITAL OUTLAY
TOLL BOOTH/HONEYMOON ISLAND
FROM LAND ACQUISITION TRUST FUND 25,000

2065C FIXED CAPITAL OUTLAY
HAWTHORNE/GAINESVILLE RAILROAD TO TRAILS
FROM STATE INFRASTRUCTURE FUND 200,000

2066 FIXED CAPITAL OUTLAY
GRANTS AND DONATIONS SPENDING AUTHORITY
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000

2067 FIXED CAPITAL OUTLAY
FACILITY REPAIR NEEDS - STATEWIDE
FROM LAND ACQUISITION TRUST FUND 1,000,000

2068 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM LAND ACQUISITION TRUST FUND 33,766,716

Funds in Specific Appropriation 2068 include Fiscal

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Year 1989-90 debt service on all current "Save Our Coast" and Conservation and Recreational Lands Bonds, which may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies due to a change in the interest rate, timing of issuance, or other circumstances, there is hereby appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service as required by s. 375.051, Florida Statutes.

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

HISTORICAL RESOURCES, DIVISION OF

2069 NOT USED

LIBRARY AND INFORMATION SERVICES, DIVISION OF

2070 NOT USED

CULTURAL AFFAIRS, DIVISION OF

2071 NOT USED

TRANSPORTATION, DEPARTMENT OF

CENTRALIZED MOBILE EQUIPMENT AND WAREHOUSE OPERATIONS

2072 FIXED CAPITAL OUTLAY
SIGN SHOP WAREHOUSE ADDITION (DISTRICT TWO) - LAKE CITY
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 153,520

TECHNICAL POLICY AND ENGINEERING SERVICES

2072A FIXED CAPITAL OUTLAY
ASBESTOS REMOVAL, STATEWIDE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,200,000

DISTRICT ADMINISTRATION

2073 FIXED CAPITAL OUTLAY
HANDICAPPED FACILITIES AND ASBESTOS REMOVAL - DISTRICT OFFICE - DELAND (DISTRICT FIVE)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 225,000

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APPROPRIATION

2074 FIXED CAPITAL OUTLAY
SAFETY COMPLIANCE - SIXTH DISTRICT OFFICE BUILDING
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 50,000

2075 FIXED CAPITAL OUTLAY
PARKING LOT - DISTRICT OFFICE - CHIPLEY (DISTRICT THREE)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 60,000

2076 FIXED CAPITAL OUTLAY
ADDITION, DISTRICT OFFICE DELAND
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 268,000

DISTRICT OPERATIONS

2077 FIXED CAPITAL OUTLAY
EXHAUST SYSTEM - MAINTENANCE SHOP - TAMPA (DISTRICT SEVEN)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,500

2078 FIXED CAPITAL OUTLAY
REPAVE PARKING LOT - CONSTRUCTION OFFICE - PALATKA (DISTRICT TWO)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 8,000

2079 FIXED CAPITAL OUTLAY
PAVING AND DRAINAGE - BARTOW MAINTENANCE YARD (DISTRICT ONE)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 242,365

2080 FIXED CAPITAL OUTLAY
REPLACE LIGHTS - JACKSONVILLE OFFICE (DISTRICT TWO)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,080

2081 FIXED CAPITAL OUTLAY
MAINTENANCE EXTERIOR DOOR REPLACEMENTS AND ADDITIONS (DISTRICT TWO) - JACKSONVILLE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 36,000

2082 FIXED CAPITAL OUTLAY
INTERIOR RENOVATIONS - CONSTRUCTION OFFICE - PALATKA (DISTRICT TWO)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 6,500

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2083 FIXED CAPITAL OUTLAY
HEATING, VENTILATION AND AIR CONDITIONING REPLACEMENTS AND MODIFICATIONS - LAKE CITY (DISTRICT TWO)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 60,000

2084 FIXED CAPITAL OUTLAY
CONSTRUCTION - PLUMBING AND SANITARY SEWER - PALATKA (DISTRICT TWO)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 22,000

2085 FIXED CAPITAL OUTLAY
MAINTENANCE AND CONSTRUCTION - SANITARY SEWER - LAKE CITY (DISTRICT TWO)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 106,000

2086 FIXED CAPITAL OUTLAY
REROOFING - DISTRICTWIDE - DELAND (DISTRICT FIVE)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 25,000

2087 FIXED CAPITAL OUTLAY
REROOFING - DISTRICTWIDE - LAKE CITY (DISTRICT TWO)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 245,700

2088 FIXED CAPITAL OUTLAY
TEMPLE TERRACE CONSTRUCTION OFFICE
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 124,425

2089 FIXED CAPITAL OUTLAY
MAINTENANCE HAZARDOUS MATERIALS STORAGE - FORT LAUDERDALE (DISTRICT FOUR)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 120,000

2090 FIXED CAPITAL OUTLAY
MAINTENANCE HAZARDOUS MATERIAL STORAGE - WEST PALM BEACH (DISTRICT FOUR)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 120,000

2091 FIXED CAPITAL OUTLAY
MAINTENANCE HAZARDOUS MATERIAL STORAGE - FORT PIERCE (DISTRICT FOUR)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 120,000

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2092 FIXED CAPITAL OUTLAY
MAINTENANCE HAZARDOUS MATERIALS STORAGE - LAKE CITY (DISTRICT TWO)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 27,500

2093 FIXED CAPITAL OUTLAY
ADDITION AND REMODELING - MAINTENANCE ADMINISTRATION OFFICE - TAMPA (DISTRICT SEVEN)
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 199,140

2094 FIXED CAPITAL OUTLAY
MAINTENANCE TRADES SHOP - BARTOW
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 324,000

TOTAL OF SECTION 2.2

FROM GENERAL REVENUE FUND	319,000	
FROM TRUST FUNDS		169,423,856
FROM STATE INFRASTRUCTURE FUND		110,999,536
TOTAL ALL FUNDS		280,742,392

SECTION 2.3 - PUBLIC EDUCATION CAPITAL OUTLAY

The moneys contained herein are appropriated from the named funds to the Department of Education, as amounts for fixed capital outlay to be expended for each specified phase from funds accruing under section 9(a)(2), Article XII of the State Constitution, as amended. The scope of each project shall be planned in such a way as to provide that the amounts specified shall not be exceeded, or any excess in cost shall be funded by funds other than those appropriated herein. The provisions of s. 216.301(3)(a), F.S., shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund.

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION

OFFICE OF EDUCATIONAL FACILITIES

The Legislature hereby finds and determines that the items and sums designated in this section shall constitute authorized capital outlay projects within

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the meaning and as required by section 9(a)(2), Article XII of the State Constitution, as amended, and any other law. In accordance therewith, the moneys in the following items are authorized to be expended for the enumerated authorized capital outlay projects.

The sum designated for each specific allocation for a project is the maximum sum to be expended for each specified phase from funds accruing under section 9(a)(2), Article XII of the State Constitution, as amended. The scope of each project shall be planned in such a way as to provide that the amounts specified shall not be exceeded, or any excess in cost shall be funded by funds other than those appropriated herein. The provisions of section 216.301(3)(a), Florida Statutes, shall apply to capital outlay funds appropriated to the Public Education Capital Outlay and Debt Service Trust Fund for the 1989-90 appropriation.

2094A FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM CAPITAL
IMPROVEMENT FEE PROJECTS
FROM CAPITAL IMPROVEMENTS FEE TRUST FUND . 19,450,000

The following projects for the State University System are included in the funds appropriated in Specific Appropriation 2094A:

FAU - University Center Fire Code Correction and Expansion	270,000
Campus Radio Station/Media Ctr Bldg	150,000
Emergency Telephones	51,100
Union-Kitchen Hood Replacement	55,000
Running Track & Swimming Pool Deck	356,000
Additional Walkway & Student Parking Lot Lighting	145,000
Fleming Hall Plaza	111,359
FIU - University House Remod & Addition	1,420,000
Student Health Services Center	851,532
Recreational Improvements	268,481
FSU - University Union Asbestos and Fire Code Corrections	277,000
Union Pool Fire Code and Asbestos Corrections, Repairs/Improve	330,000
Student Health Center Fire Code and Asbestos Corrections	252,500
Various Student Centers L/S Corrections and Renovations	626,000
Seminole Reservation Repairs/Improve	350,000
Child Care Center Asbestos Correction	37,500
Circus Facilities Improvement	31,500
CPE Buildings Renovation	40,570
Multi-Purpose Gymnasium Completion	750,000
Dorm abestos Loan-Smith/Landis/Salley	605,000

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UCF - Fieldhouse and Track	3,209,500
Asbestos and Fire Code Correction (Student Related Facilities)	255,983
Asbestos and Fire Code Corrections Loan (Student Dormitories)	557,343
Completion of Additional Space in the Student Union Project	1,171,263
UF - Reitz Union Fire Code and Asbestos Corrections	1,905,460
Reitz Union Addition/Remodeling/Ren	300,000
UNF - Theatre Improvements	55,480
Cafeteria Addition	470,000
Recreation Projects/Improvements	512,445
Baseball Field Lighting	90,000
Clubhouse for Housing	69,000
USF - University Center Asbestos Corrections and Renovation	897,792
Student Health Center Completion	1,500,000
St. Pete Multi-Purpose Bldg. Complete	314,000
Sarasota Fitness Center Site Improve	130,000
Sarasota Recreation Projects	143,000
Ft. Myers Fitness Center Expansion	125,264
UWF - Health/Safety and Other Current Housing Renovation Projects	184,060
Replacement of HVAC System (Old Dormitories)	272,000
Asbestos Removal (Old Dormitories)	247,000
Recreation/Athletic Facility Improve	61,868

2095 NOT USED

2096 NOT USED

2097 FIXED CAPITAL OUTLAY
MAINTENANCE, REPAIR, RENOVATION, AND REMODELING
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 63,400,000

Funds provided in Specific Appropriation 2097 shall be allocated in accordance with s. 235.435(1), Florida Statutes.

Public Schools	51,603,162
Community Colleges	4,579,382
State University System	7,217,456

2098 FIXED CAPITAL OUTLAY
SURVEY RECOMMENDED NEEDS - PUBLIC SCHOOLS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 170,100,096

Funds provided in Specific Appropriation 2098 shall be allocated in accordance with s. 235.435(3), Florida Statutes.

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Included in Specific Appropriation 2098 is the sum of $5,196,635 for repayment of loans collectively owed by 9 school districts. These repayment funds shall be used to fund this Specific Appropriation.

2099 FIXED CAPITAL OUTLAY
COMMUNITY COLLEGE PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 102,157,594

Included in Specific Appropriation 2099 is the sum of $494,239 for repayment of a loan owed by one community college. These repayment funds shall be used to fund other projects in this Specific Appropriation.

The following community college projects are included in the funds provided in Specific Appropriation 2099.

Brevard- Palm Bay Center (e)	2,475,000
Renovate Underground Pipes-Cocoa	583,247
Broward- Renovate HVAC Collegewide	405,112
Gymnasium-South (p)	270,000
Downtown campus remodeling	999,000
Central Florida - Vocational Bldg. (c.e.)	500,000
Safety to Life; Asbestos-Ocala	349,132
Lecanto-Joint Use (p)	100,000
Site Acquisition-Ocala	20,000
Chipola - Upgrade Paving	195,069
Daytona Beach - Admin/Student Services Building Main (c,e)	8,000,000
UCF Joint Use-Classrm Bldg. Main (c.e.)	1,000,000
Gen. Renovations-Main	275,000
Site Acquisition-Main	864,641
Edison - Renovate Underground Pipes-Ft. Myers	1,057,640
Collier Center-Naples (p)	742,249
Florida 3 Jacksonville- Renovate/Remodel Science Labs-North	268,000
Student Center, North Campus (c,e)	670,808
Florida Keys - Welding Lab (c,e)	445,994
Student Services Bldg. Partial (c,e)	980,000
Renovate Spalling Walls;Energy Management System	80,775
Gulf Coast - General Purpose Bldg. (c.e.)	2,420,453
Renovate/Rem Science Bldg. A	220,000
Renovate/Rem Business Bldg.-Rooms 200-202	137,169
Add and Replace Equipment	200,174
Site Acquisition	700,000
Hillsborough - Brandon Center,Phase 1 (c,e)	3,139,874
General Renovations/Remodel, Comm System Collegewide	337,443

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SPECIFIC
APPROPRIATION

Renovate/Remodel District Offices-GK	3,015,599
Tech Bldg.-DM, Phase II (p,c)	5,647,959
Ren Comm Syst., HVAC-Dale Mabry	315,501
Indian River-Classroom Bldg.-VB (c,e)	100,000
Classroom Bldg.-St. Lucie (p)	240,342
Renov/Remod Vocational Bldg.-Ft. Pierce	828,281
Parking-750 Spaces-Ft. Pierce	600,000
Lake City - Correctional Train Facility-Olustee (c,e)	2,004,393
Renov/Remod Bldgs. 9,14, & Storage	163,194
Lake Sumter - Remodel/Renovate Bldgs. 3,6,9-11	431,833
Renov/Remod Roofs-Bldgs. 3,5,9 & 10	602,929
Manatee - General Ren/Remodel-Bradenton.	292,097
Renov/Remod Campuswide-Bradenton Partial	163,366
Miami-Dade - Instructional Bldg.-Medical Center Partial (c,e)	5,245,000
Instructional Bldg. -South (c.e)	1,673,300
Homestead Center, Phase I (c,e)	700,000
General Renovations/Remodeling Collegewide Partial	3,902,940
Renovate/Remodel Classrooms, Labs, Offices-North,South	1,282,144
Acquire NCNB Bldg.& Land-Wolfson Ctr.	5,900,000
Acquire Land-Wolfson Center, Phase III	3,000,000
North Florida - General Renovations/Rem.	134,480
Okaloosa-Walton - Renovate/Replace Roofs	159,788
Palm Beach - Acad. Lab Bldg, South (c,e)	1,609,833
Renovate/Remodel Gym-Central	520,186
Renovate/Remodel Dental Health-Central	132,499
Renovate/Remodel Cafeteria-Central	1,011,870
Student Services Bldg.-South (p)	732,000
Office & Svcs Facility-South (p)	523,639
Pasco-Hernando- Physical Education Bldg. West (c,e)	600,000
Renovate Communications System; Emergency Lights-West	133,113
Pensacola - Gen Renovations/Remodel, Main partial	3,792,840
Science Tech Bldg. (e)	500,000
Agriculture Bldg. Milton (p)	120,000
Athletic Fac/Field Improvements	225,000
Polk - Renovate HVAC, Ph II-Winter Haven Jt.-use USF	231,031
St. Johns River - Renovate/Replace Roofs Palatka	3,825,208
St. Petersburg - General Renovations/ Remodeling Campus/Allstate	181,200
Santa Fe - Renovate Elect Dist System	5,740,000
Renov/Remod Bldg. 208, Room T	245,651
Performing Arts Center (c,e)	50,822
Seminole - Renovate Energy Systems	8,430,000
Student Center (c,e)	600,000
South Florida - General Renovations/Rem-Paving Partial	370,000
	148,746

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Tallahassee - Classroom/Lab Bldg. (c,e).	960,000
Land Acquisition and site improvement	945,000
Safety, Handicapped, Ext. Lights.....	115,080
Valencia - Vocational classroom Bldg.- East (c,e).....	4,150,733
Remodel/Renovate Bldg. 100-McCoy.....	132,000
Renovate/Remodel West Campus Modules 3 & 5.....	1,571,217
Phys Ed Bldg. E (p).....	370,000
Student Supp. Fac.- East (p).....	350,000

2100 FIXED CAPITAL OUTLAY
STATE UNIVERSITY SYSTEM PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 81,783,217

The following projects in the State University System are included in the funds appropriated in Specific Appropriation 2100.

FAMU - Student Union Renovation (e)...	260,500
Lee Hall Remodeling (c).....	2,739,096
Boiler Replace & Utility Study (p,c)	1,000,000
Jackson-Davis Hall Renovation (p)...	150,000
School of Bus/Ind (p).....	250,000
Sci/Research Lab Bldg. (p).....	600,000
FAU - Social Science Bldg.(e).....	700,000
Science Center Renovation (c).....	2,937,200
Education Bldg. (p).....	446,674
FAU/FIU Broward-Univ Tower II (p)...	672,800
Utilities Expansion & Improvements(c)	2,698,400
FIU - Remodel Physical Science (c)....	1,768,000
Business Bldg. (c).....	6,768,000
Library Addition (p).....	500,000
Conflict Resolution Center (p,c,e)..	1,200,000
Hospitality Center Completion and Equipment.....	338,000
FSU - Utilities Improvement (p,c).....	1,000,000
Laboratory Animal Res Bldg (c,e)....	1,706,957
Dodd Hall Ren & Expansion (c).....	5,825,000
Academic Center (p).....	3,250,000
UCF - Remodel Human & Fine Arts (p)...	84,000
Remodel Chemistry Bldg (c,e).....	1,095,000
Daytona Beach Res Ctr (c).....	400,000
Daytona Beach Jt Use Bldg (c).....	1,000,000
Remodel Administration Bldg. (p)....	100,000
CEBA III Eng Research Center (p)....	600,000
Campus access/parking.....	1,700,000
UF - Vet Med Teach Hosp Expan (p,c)...	4,000,000
Utility Improvement (p,c).....	2,950,000
Bryan Hall Ren (c).....	3,610,000
IFAS Belle Glade Research Station (p,c).....	3,626,000
UNF - Teaching/Gymnasium (p).....	400,000
Campus access.....	1,300,000
USF - Public Health Bldg. (e).....	750,000

SECTION 2.3

SPECIFIC
APPROPRIATION

Communications & Info Sci Bldg.(c)..	9,200,000
Polk Jt.-use (c).....	1,078,905
New College Land Acquistion.....	550,000
UWF - Classroom/Lab/Office Bldg.(c)...	6,255,437
Campus Recreational Facility (p,c)..	250,000
SUS - Deferred Maintenance.....	5,000,000
Remodeling, Renovation, Maintenance Repair, Site Improvement, Asbestos Corrections, and Fire Code Corrections.....	3,023,248

From the funds in Specific Appropriation 2100 for the Daytona Beach and Polk Joint Use Buildings, the Board of Regents shall delegate the authority for constructing and equipping the facilities to the respective College Board of Trustees.

2101 FIXED CAPITAL OUTLAY
COMMUNITY EDUCATION FACILITIES
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 14,250,000

Funds provided in Specific Appropriation 2101 shall be allocated for projects which shall comply with s.235.196, Florida Statutes.

Broward - City of Ft. Lauderdale Reg. Arts and Sci Complex (p,c,e)..	11,950,000
Broward CC/ Broward County Library North Campus (p).....	900,000
FAU/Palm Beach School Board/ Boca Raton Gumbo Limbo Nature Ctr. (p,c,e).....	1,400,000

2102 FIXED CAPITAL OUTLAY
SPECIAL FACILITY CONSTRUCTION ACCOUNT
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 37,256,584

Funds provided in Specific Appropriation 2102 shall be allocated pursuant to s. 235.435(2), Florida Statutes, as follows:

Holmes School Board.....	11,176,985
Jefferson School Board.....	4,407,445
Nassau School Board.....	11,392,323
Okeechobee School Board.....	7,910,767
Suwannee School Board.....	1,500,000
Wakulla School Board.....	869,064

2103 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND
DEBT SERVICE TRUST FUND 199,437,282

SECTION 2.3

SPECIFIC APPROPRIATION

FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 56,520,733

2104 FIXED CAPITAL OUTLAY
GRANTS AND AIDS - SCHOOL DISTRICT AND COMMUNITY COLLEGE
FROM SCHOOL DISTRICT AND COMMUNITY COLLEGE DISTRICT CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 17,710,784

2105 FIXED CAPITAL OUTLAY
FLORIDA SCHOOL FOR THE DEAF AND BLIND - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 4,030,812

Funds provided in Specific Appropriation 2105 are for the following projects:

Campus Safety related projects.....	664,388
Capital Asset Management projects.....	2,829,262
On-going Renovations - Buildings & Emergency Improvements.....	525,990
Additions/Remodeling.....	11,172

2106 FIXED CAPITAL OUTLAY
DIVISION OF BLIND SERVICES - CAPITAL PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 391,850
FROM TRAINING AND OPERATING TRUST FUND . . 50,000
FROM U.S. TRUST FUND 100,000

Funds provided in Specific Appropriation 2106 are for the following projects:

Daytona Beach - Florida Regional Library Rehabilitation Center; Tampa - New Greenhouse and Classroom/Ren. and Rem.....	391,850
Interstate Vending Pavilions.....	150,000

2107 NOT USED

2108 FIXED CAPITAL OUTLAY
JOINT-USE FACILITIES PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 10,195,887

Funds provided in Specific Appropriation 2108 shall be used for joint-use facilities pursuant to s. 235.195, Florida Statutes.

Daytona Beach CC/UCF (c,e).....	2,000,000
Polk CC/USF (p,c).....	4,945,887
Okaloosa-Walton/UWF (p,c).....	3,000,000
Palm Beach/FAU Magnet School (p).....	250,000

SECTION 2.3

SPECIFIC APPROPRIATION

2108A FIXED CAPITAL OUTLAY
PUBLIC BROADCASTING PROJECTS
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 2,609,319

Funds provided in Specific Appropriation 2108A shall be used as follows:

WMFE-TV&FM Orlando (s,c).....	2,500,000
WUWF-FM Pensacola (p).....	109,319

2108B FIXED CAPITAL OUTLAY
UNIVERSITY OF CENTRAL FLORIDA/SOLAR ENERGY CENTER
FROM PUBLIC EDUCATION CAPITAL OUTLAY AND DEBT SERVICE TRUST FUND 3,400,000

The funds in Specific Appropriation 2108B are contingent upon the reversion of $3,400,000 on July 1, 1989 of the FY 1988-89 appropriation for this project. This appropriation is contingent upon receipt of federal funds for construction and moving related expenses. The total of state and federal funds received for construction is the maximum and complete appropriation for construction of the center.

TOTAL OF SECTION 2.3

FROM TRUST FUNDS 782,844,158

TOTAL ALL FUNDS 782,844,158

SECTION 2.4 - PUBLIC FACILITIES BONDING PROGRAM

The moneys contained herein are appropriated from the named funds to the Department of General Services, Division of Construction, pursuant to the Florida Building and Facilities Act, ss. 255.501-255.525, Florida Statutes.

SECTION 2.4

SPECIFIC
APPROPRIATION

GENERAL SERVICES, DEPARTMENT OF

FACILITIES MANAGEMENT, DIVISION OF

2108C FIXED CAPITAL OUTLAY
INFRASTRUCTURE CONSTRUCTION - SATELLITE CENTER - LEON COUNTY
FROM STATE INFRASTRUCTURE FUND 2,000,000

2109 NOT USED

2109A FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER MONROE COUNTY
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,849,517

Funds in Specific Appropriation 2109A include $2,999,517 for transfer to the Department of General Services by Monroe County prior to contract award, and the balance of an $850,000 appropriation included in Section 8, Chapter 86-170, Laws of Florida.

2110 FIXED CAPITAL OUTLAY
RECORDS STORAGE FACILITY - DEPARTMENT OF STATE LEON COUNTY
FROM PUBLIC FACILITIES FINANCING TRUST FUND 6,795,339
FROM STATE INFRASTRUCTURE FUND 250,777

2111 FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER - LARGO
FROM PUBLIC FACILITIES FINANCING TRUST FUND 17,286,069
FROM STATE INFRASTRUCTURE FUND 1,386,016

2112 FIXED CAPITAL OUTLAY
REGIONAL SERVICE CENTER LEE COUNTY
FROM PUBLIC FACILITIES FINANCING TRUST FUND 30,575,990
FROM STATE INFRASTRUCTURE FUND 1,140,047

2113 FIXED CAPITAL OUTLAY
WEST PALM BEACH REGIONAL SERVICE CENTER
FROM STATE INFRASTRUCTURE FUND 3,497,734

2113A FIXED CAPITAL OUTLAY
FLETCHER BUILDING GROUND FLOOR RENOVATION
FROM STATE INFRASTRUCTURE FUND 2,862,300

2114 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM FLORIDA FACILITIES POOL CLEARING TRUST FUND 7,814,640

SECTION 2.4

SPECIFIC
APPROPRIATION

2114A FIXED CAPITAL OUTLAY
DEBT SERVICE 87-88 BONDS
FROM STATE INFRASTRUCTURE FUND 7,456,477

2114B FIXED CAPITAL OUTLAY
DEBT SERVICE 89-90 BONDS
FROM STATE INFRASTRUCTURE FUND 9,213,200

TOTAL OF SECTION 2.4

FROM TRUST FUNDS 66,321,555

FROM STATE INFRASTRUCTURE FUND 27,806,551

TOTAL ALL FUNDS 94,128,106

SECTION 2.5 - ENERGY GRANTS

The moneys contained herein are appropriated from the named funds to the Energy Office in the Executive Office of the Governor for expenditure on energy conservation programs and fixed capital outlay projects, in cooperation with the Departments of Corrections, Education, Health and Rehabilitative Services, Transportation, and the Board of Regents.

GOVERNOR, EXECUTIVE OFFICE OF THE

GENERAL OFFICE

2115 FIXED CAPITAL OUTLAY
ENERGY EFFICIENCY PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 10,500,000

Funds in Specific Appropriation 2115 are provided for Energy Efficiency Projects in the following amounts:

Homebuilder Education and Training Workshops - Florida Solar Energy Center	$ 100,000
Elementary Energy Education Program Florida Federation of Women's Clubs	700,000
Florida Solar Users Technology Assistance and Training - Florida Solar Energy Industries Association	200,000
Photovoltaic System Design Applications - Florida Solar Energy Center	75,000
Energy Conservation in Water/	

SECTION 2.5

SPECIFIC APPROPRIATION

Wastewater System	100,000
Energy Conservation in Hotel/ Motel Operations - University of Florida - IFAS	200,000
School Energy Engineer Program	40,000
Vo-Tech Energy Education	100,000
Publication of Cogeneration Assistance Manual	30,000
Public Energy Awareness Program	140,000
Energy Education/Technical Assistance - University of Florida - IFAS/Extension Service	400,000
Restaurant Industry Energy Efficiency Program - University of Florida - IFAS	75,000
Preventive Maintenance Training - State Buildings	200,000
Urban Transportation Planning Workshops	100,000
Trawl Efficiency Devices for Shrimping - Study	50,000
Innovative Solar Technical Demonstration Projects	575,000
Automated Preventive Maintenance Scheduling State Buildings	95,000
Third Party Financing - Energy Conservation Demonstration Project	100,000
Infrared Scanning Demonstration Project - Steam and Electrical Systems	40,000
Energy Efficient Industrial Processes/Equipment Demonstration Project	200,000
Glades/Union Correctional Institutions Energy Conservation Program	20,000
Local Government Engineer Program - Gainesville, Lakeland, Bradenton, Ft. Lauderdale, Cocoa, Rockledge, and Melbourne	300,000
Agricultural Energy Conservation Projects	550,000
School Bus Routing Demonstration Project	150,000
Florida Fix-Low Income Weatherization Projects	2,000,000
Solar Energy in Schools Workshops - Florida Solar Energy Center	100,000
Commercial Building Design Assistance Center - Florida Solar Energy Center	75,000
Heatpipes Energy Efficiency Demonstration Project - Florida Solar Energy Center	75,000

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SPECIFIC APPROPRIATION

	Commercial/Industrial Energy Management Technical Assistance - Small Business Development Centers	250,000
	Monitor Building Codes for Energy Efficiency Construction Trends - Building Inspection Training	150,000
	Energy Efficiency Assessment of Heat Recovery Water Heaters	60,000
	Energy Efficient Manufactured Housing - Study	65,000
	Air Infiltration - Duct Construction Demonstration Project - City of Lakeland	70,000
	Evaluation and Monitoring of Energy Conservation Program	95,000
	Biomass and Water Technologies Improvement Program - University of Florida	20,000
	Business Energy Loan Project	3,000,000
2116	FIXED CAPITAL OUTLAY STATE UNIVERSITY SYSTEM ENERGY PROJECTS FROM GRANTS AND DONATIONS TRUST FUND . . .	750,664
2117	FIXED CAPITAL OUTLAY INDEPENDENT COLLEGE AND UNIVERSITY ENERGY PROJECTS FROM GRANTS AND DONATIONS TRUST FUND . . .	938,161
2118	FIXED CAPITAL OUTLAY COMMUNITY COLLEGE ENERGY PROJECTS FROM GRANTS AND DONATIONS TRUST FUND . . .	108,094
2119	FIXED CAPITAL OUTLAY K-12 - VOCATIONAL EDUCATION ENERGY PROJECTS FROM GRANTS AND DONATIONS TRUST FUND . . .	9,287,496
2120	FIXED CAPITAL OUTLAY HEALTH AND REHABILITATIVE SERVICES/CRIMINAL JUSTICE HOSPITAL ENERGY PROJECTS FROM GRANTS AND DONATIONS TRUST FUND . . .	641,456
2120A	FIXED CAPITAL OUTLAY ENERGY AUDITS FOR SCHOOLS AND HOSPITALS FROM GRANTS AND DONATIONS TRUST FUND . . .	150,585
2121	FIXED CAPITAL OUTLAY NON PROFIT HOSPITAL ENERGY PROJECTS FROM GRANTS AND DONATIONS TRUST FUND . . .	10,123,544

Included in Specific Appropriations 2116, 2117, 2118, 2119, 2120, 2120A, and 2121 are funds for Energy Conservation Programs in the following

SECTION 2.5

SPECIFIC APPROPRIATION

schools and hospitals:

University of Florida-Physical Plant Division (Alachua)	$ 364,522
University of Florida-IFAS (Alachua)	47,181
Baker County School District (Baker)	255,900
Bay County School Board (Bay)	377,096
Florida Institute of Technology (Brevard)	24,243
Holmes Regional Healthcare System, Incorporated (Brevard)	848,819
Broward County School Board (Broward)	995,515
Memorial Hospital-South Broward Hospital District (Broward)	1,115,890
Calhoun Hospital (Calhoun)	77,005
School Board of Citrus County (Citrus)	59,176
Citrus Memorial Hospital (Citrus)	369,501
Clay County School District (Clay)	155,866
Collier County Public Schools (Collier)	1,200,000
Naples Community Hospital/ Board of Trustees (Collier)	12,958
South Miami Hospital (Dade)	498,644
University of Miami (Dade)	269,663
Mount Sinai Medical Center of Greater Miami, Incorporated (Dade)	87,232
North Shore Medical, Incorporated (Dade)	915,426
Cedars Medical Center (Dade)	249,041
Dade County School Board (Dade)	309,471
Florida International University (Dade)	227,785
Hialeah Hospital (Dade)	44,733
Pan American Hospital (Dade)	286,072
Jackson Memorial Hospital (Dade)	908,560
St. Thomas University (Dade)	74,994
Desoto County School Board (Desoto)	382,026
Florida Community College at Jacksonville (Duval)	108,094
Jacksonville University (Duval)	134,960
University of West Florida (Escambia)	26,851
Escambia County School Board (Escambia)	93,783
Hardee County School Board (Hardee)	14,250
School Board of Hernando County (Hernando)	106
Lykes Memorial Hospital (Hernando)	66,271
Centro Asturiano Hospital, Incorporated (Hillsborough)	5,216
St. Joseph's Hospital (Hillsborough)	966,790
Hillsborough County School Board (Hillsborough)	416,620
South Florida Baptist Hospital (Hillsborough)	123,044
Tampa General Hospital (Hillsborough)	691,980
Lake County School Board (Lake)	188,236
School Board of Lee County (Lee)	321,339
HRS-Florida State Hospital (Lee)	370,681
Tallahassee Memorial Regional Medical Center (Leon)	384,966
Leon County School Board (Leon)	509,695
Levy County School Board (Levy)	11,728
Madison County Memorial Hospital (Madison)	44,834
Manatee Memorial Hospital (Manatee)	313,234
Manatee County School Board (Manatee)	1,059,381
Mariner Hospital (Monroe)	73,818
Okeechobee County School Board (Okeechobee)	148,732
Temple Baptist School (Orange)	34,443
Orange County Public Schools (Orange)	1,199,758
Orlando General Hospital (Orange)	86,805
Rollins College (Orange)	129,966
University of Central Florida - Physical Plant (Orange)	84,325
College of Boca Raton (Palm Beach)	181,073
School Board of Palm Beach County (Palm Beach)	646,042
St. Vincent Depaul Regional Seminary (Palm Beach)	39,843
John F. Kennedy Medical Center (Palm Beach)	641,907
Pasco County School Board (Pasco)	162,039
St. Leo College (Pasco)	72,872
Bayfront Medical Center (Pinellas)	173,480
Pinellas County School Board (Pinellas)	93,112
Mease Health Care (Pinellas)	270,775
John B. Stetson University - College of Law (Pinellas)	280,210
Polk County School Board (Polk)	260,688
Polk General Hospital (Polk)	135,381
Winter Haven General Hospital, FAC and Planning (Polk)	326,273
Lake Wales Hospital Association, Incorporated (Polk)	190,186
Sarasota County School Board (Sarasota)	82,459
Sarasota Memorial Hospital (Sarasota)	485,478
Volusia County School Board (Volusia)	40,372

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SPECIFIC
APPROPRIATION

2122 FIXED CAPITAL OUTLAY
TRANSPORTATION ENERGY CONSERVATION PROJECTS
FROM GRANTS AND DONATIONS TRUST FUND . . . 3,500,000

Funds in Specific Appropriation 2122 are provided for Transportation Energy Conservation Projects in the following amounts:

Traffic Control Systems Design Department of Transportation.....	$ 600,000
Intersections Timing Control System-Department of Transportation.....	600,000
Extended Signal Retiming Project Department of Transportation.....	700,000
Tampa Bay Commuter Services Project-Department of Transportation/University of South Florida.....	200,000
Capitol Center Commuter Assistance Project-Department of Transportation/Florida State University.....	50,000
Commuter Alternatives Handbook Project-Department of Transportation.....	400,000
Bicycle Plan Implementation in Brevard County, Orlando, Jacksonville-Department of Transportation.....	60,000
Develop and Implement Local Pedestrian Plans-Department of Transportation.....	390,000
Transportation for Disadvantaged Project-Department of Transportation.....	250,000
Gold Coast Commuter Project-Department of Transportation.....	250,000

2123 FIXED CAPITAL OUTLAY
WEATHERIZATION PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 4,000,000

TOTAL OF SECTION 2.5

FROM TRUST FUNDS 40,000,000

TOTAL ALL FUNDS 40,000,000

SECTION 2.6

SPECIFIC
APPROPRIATION

SECTION 2.6 - DEPARTMENT OF TRANSPORTATION WORK PROGRAM

The moneys contained herein are appropriated from the named funds to the Department of Transportation to fund the 5-year work program developed pursuant to the provisions of ss. 339.135 and 339.155, F.S. These funds shall be certified forward pursuant to the provisions of s. 339.135(8)(c), F.S.

TRANSPORTATION, DEPARTMENT OF

Funds in Specific Appropriations 2124 through 2151 show the total commitment level to be entered into by the Department during the 1989-90 fiscal year in accordance with s. 216.311, F.S.

PROGRAM DEVELOPMENT AND SUPPORT

2124 NOT USED

2125 NOT USED

2126 NOT USED

TECHNICAL POLICY AND ENGINEERING SERVICES

2126A FIXED CAPITAL OUTLAY
BRIDGE DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND 1,728,000

STATE OPERATIONS ADMINISTRATION

2127 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY ACQUISITION CONSULTANTS
FROM FLORIDA TURNPIKE TRUST FUND 29,649,000

2127A FIXED CAPITAL OUTLAY
RIGHT-OF-WAY OTHER PERSONAL SERVICES FEES
FROM FLORIDA TURNPIKE TRUST FUND 30,000

2128 FIXED CAPITAL OUTLAY
TURNPIKE CONSULTANTS
FROM FLORIDA TURNPIKE TRUST FUND 42,756,750

2129 FIXED CAPITAL OUTLAY
TURNPIKE RIGHT-OF-WAY LAND ACQUISITION
FROM FLORIDA TURNPIKE TRUST FUND 95,810,000

2130 FIXED CAPITAL OUTLAY
TURNPIKE CONSTRUCTION
FROM FLORIDA TURNPIKE TRUST FUND 202,158,390

2131 FIXED CAPITAL OUTLAY
TURNPIKE CONSTRUCTION INSPECTION CONSULTANT
FROM FLORIDA TURNPIKE TRUST FUND 10,077,905

Funds in Specific Appropriations 2127 through 2131,

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from the Florida Turnpike Trust Fund, shall be from the cash flow of the Florida Turnpike and the proceeds of the $220 million bond sale authorized in 1987. Additional funds are provided contingent on legislation becoming law which authorizes bonding of toll revenues to expand and improve the Florida Turnpike.

DISTRICT PLANNING AND PUBLIC TRANSIT

2132 FIXED CAPITAL OUTLAY
TRANSPORTATION ENERGY CONSERVATION PROJECTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 3,500,000

2133 NOT USED

2134 NOT USED

DISTRICT PRODUCTION

2135 FIXED CAPITAL OUTLAY
INTERSTATE DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,528,145

2136 FIXED CAPITAL OUTLAY
OTHER FEDERAL AID, DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 10,137,711

2137 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY ACQUISITION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,000,000
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 10,596,080

2138 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY LAND ACQUISITION
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 14,605,845
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 212,246,710

2139 FIXED CAPITAL OUTLAY
RIGHT-OF-WAY OTHER PERSONAL SERVICES FEES
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 1,291,792
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 21,292,242

2139A FIXED CAPITAL OUTLAY
STATE 100% DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 7,061,648

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SPECIFIC
APPROPRIATION

2139B FIXED CAPITAL OUTLAY
TRAFFIC OPERATIONS DESIGN CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 200,001

DISTRICT OPERATIONS

2140 FIXED CAPITAL OUTLAY
CONSTRUCTION INSPECTION CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 15,212,437

2141 FIXED CAPITAL OUTLAY
OTHER FEDERAL AID, ROAD CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 120,138,734

2142 FIXED CAPITAL OUTLAY
OTHER FEDERAL AID, TRAFFIC OPERATIONS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 17,281,420

2143 FIXED CAPITAL OUTLAY
INTERSTATE ROAD CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 103,953,842

2144 FIXED CAPITAL OUTLAY
INTERSTATE RESURFACING/REHABILITATION CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 20,504,821

2145 FIXED CAPITAL OUTLAY
OTHER FEDERAL AID, BRIDGE CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 112,743,489

2146 FIXED CAPITAL OUTLAY
OTHER FEDERAL AID, RESURFACING CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 21,538,304

2147 FIXED CAPITAL OUTLAY
STATE 100% BRIDGE CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 591,129
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 22,993,186

SECTION 2.6

SPECIFIC
APPROPRIATION

2147A FIXED CAPITAL OUTLAY
STATE 100% RESURFACING CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,133,021

2148 FIXED CAPITAL OUTLAY
STATE 100% ROAD CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 40,206,595

2149 FIXED CAPITAL OUTLAY
TRAFFIC OPERATIONS CONSTRUCTION CONTRACTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 4,835,030

2149A FIXED CAPITAL OUTLAY
TRAFFIC SYSTEMS DEVELOPMENT CONSULTANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 600,000

2150 FIXED CAPITAL OUTLAY
TRANSFER TO DEPARTMENT OF COMMERCE FOR ECONOMIC DEVELOPMENT TRANSPORTATION PROJECTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 5,000,000

Funds in Specific Appropriation 2150 from the State Transportation (Primary) Trust Fund to the Department of Commerce shall be transferred upon the request of the Department of Commerce with such requests timed as closely as possible to actual grant award needs. However, when necessary for cash management purposes, the Department of Transportation may limit such transfers to a cumulative amount of 25 percent of the approved budget during each of the first three quarters of the fiscal year.

Funds in Specific Appropriation 2150 are contingent on HB 1679 or similar legislation becoming law, which provides for additional procedures and requirements for determining project eligibility.

2151 FIXED CAPITAL OUTLAY
DEBT SERVICE
FROM RIGHT-OF-WAY ACQUISITION AND BRIDGE CONSTRUCTION TRUST FUND 50,000,000

Funds in Specific Appropriation 2151 represent the estimated debt service on all right-of-way land acquisition and bridge construction bonds authorized by s. 17, Article VII of the State Constitution. If any of the funds in Appropriation 2151 are not required for the debt service on bonds during fiscal

SECTION 2.6

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year 1989-90, such funds may be expended for right-of-way land acquisition or bridge construction pursuant to s. 215.605(2), F.S.

(a) The funds appropriated in Specific Appropriations 2124 through 2151 from the Right-of-Way Acquisition and Bridge Construction Trust Fund shall not be used for purchase of any right-of-way which is to be used for construction of any transportation facility contained in the tentative or adopted 5-year transportation plan for 1989-90. Notwithstanding any other law to the contrary, none of the funds appropriated in Specific Appropriations 2124 through 2151 from the Right-of-Way Acquisition Trust Fund shall be used for bridge construction in excess of those amounts specifically appropriated therein.

(b) 1. The department is directed to revise the 5-year transportation plan to include the advanced purchase of right-of-way for transportation facilities which are not included in the tentative 1989-90 5-year transportation plan. The funds for such purchases shall be taken from the Right-of-Way Acquisition and Bridge Trust Fund.

2. In the event the funds available for the department are insufficient to completely fund the 5-year transportation plan pursuant to Specific Appropriations 2124 through 2151 with the qualifications contained in paragraph (a) and this paragraph, the department shall adopt a 5-year transportation plan that places any reductions in expenditures in the fourth quarter of fiscal year 1989-90. The adopted 5-year transportation plan shall not reduce or divert to other use any of the funds for advanced purchase of right-of-way and bridge construction described in paragraph (a). In adopting a 5-year transportation plan based upon Specific Appropriations 2124 through 2151 with the qualifications contained in paragraph (a) and this paragraph, the department shall not alter or revise any project in or portion of the tentative 5-year transportation plan for 1989-90 contained in the first three quarters of fiscal year 1989-90.

(c) The Transportation Commission shall report to the Governor, President of the Senate and Speaker of the House of Representatives no later than September 15, 1989 on the impact of the provisions of paragraphs (a) and (b) which report shall include:

1. An analysis of the variance between the dollars and specific projects to be committed in the 1988-89 fiscal year and the dollars and specific projects under the adopted 5-year transportation plan for 1989-90 based upon Specific Appropriations 2124 through 2151 with the qualifications contained in paragraphs (a) and (b);

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2. An analysis of the impact of paragraphs (a) and (b) on the tentative 5-year transportation plan for 1989-90.

3. An analysis of the alternatives available to the Legislature and Governor for dealing with the impact of paragraphs (a) and (b) with respect to:

a. The amount of additional revenue that would be required to fully fund the tentative transportation plan for 1989-90;

b. The amount of additional revenue that would be required to fully fund years two through five of the 5-year transportation plan for 1988-89 that was adopted by section 7 of chapter 88-555, Laws of Florida: and,

c. The amount of projected savings to be realized between 1995 and 2000 from the advance acquisition of right-of-way purchased with funds in the Right-of-Way Acquisition and Bridge Construction Trust Fund in 1989-90 pursuant to paragraphs (a) and (b), due to inflation in the costs of such right-of-way, which would be foregone should the Legislature subsequently authorize the use of funds from the Right-of-Way Acquisition and Bridge Construction Trust Fund for acquisition of right-of-way as proposed by the department in the tentative 5-year transportation plan for 1989-90 which was submitted to the Legislature.

d. An analysis of potential revenue sources sufficient to fund the amounts determined pursuant to subparagraphs 3.a and 3.b.

4. A recommendation together with an explanation of the rationale for the recommendation, of which alternative of dealing with the provisions of paragraphs (a) and (b) it recommends as being in the best interest of the state.

(d) From the funds appropriated to the department for administration in Specific Appropriations 1795 through 1876, there is appropriated to the Florida Transportation Commission the amount of $250,000 to be used solely and exclusively to prepare the report required in paragraph (c).

(e) In accordance with paragraph (a) - (d), from funds in Specific Appropriation 2138 and 2139, $145,600,000 and $25,400,000 from the Right-of-Way Acquisition and Bridge Construction Trust Fund, respectively, shall be funded from the proceeds of bond sales or from cash balances in the Trust Fund.

(f) Nothing in any of the proviso language following Specific Appropriation 2151 shall be construed to authorize the issuance of bonds for advanced right-of-way acquisition and bridge construction pursuant to s. 17, Article VII of the State Constitution and s. 215.605, Florida Statutes until the department submits to the legislature a

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specific plan for the advanced purchase of right-of-way and bridge construction in accordance with paragraph (b)1., which is approved by the legislature. Said plan shall be submitted no later than September 15, 1989.

TOTAL OF SECTION 2.6

FROM TRUST FUNDS	1207,402,227
TOTAL ALL FUNDS	1207,402,227

SECTION 2.7 - GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NON-PROFIT ORGANIZATIONS

The moneys contained herein are appropriated from the named funds to the state agencies indicated, as amounts for capital outlay grants to local units of government and non-profit organizations. The Specific Appropriations contained herein are subject to the requirements outlined in s. 216.301(1), F.S.

COMMERCE, DEPARTMENT OF

ECONOMIC DEVELOPMENT, DIVISION OF

2152	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS ECONOMIC DEVELOPMENT TRANSPORTATION PROJECTS FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND	5,000,000
2152A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - ECONOMIC DEVELOPMENT PROJECTS FROM STATE INFRASTRUCTURE FUND	4,075,000

Funds in Specific Appropriation 2152A are included for economic development projects in the amounts indicated. These funds may be advanced in part or in total.

Hialeah Community Improvements...$	400,000
Aquatic Complex (Broward).....	2,000,000
Miami Sports and Exhibition Facility.....	300,000
Little Havana Development Authority.....	75,000
Acquisition of Property for Mini-Park in Latin Quarter....	300,000
Amateur Athletic Facilities.....	1,000,000

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COMMUNITY AFFAIRS, DEPARTMENT OF

RESOURCE PLANNING AND MANAGEMENT, DIVISION OF

2152B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPECIAL CATEGORIES - ALI-BABA TRIANGLE SAFE NEIGHBORHOOD IMPROVEMENTS - DADE
FROM GENERAL REVENUE FUND 233,375
FROM STATE INFRASTRUCTURE FUND 2,119,769

Funds in Specific Appropriation 2152B are contingent on CS/HB 1737 or similiar legislation becoming law.

EMERGENCY MANAGEMENT, DIVISION OF

2152C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
EMERGENCY PREPAREDNESS BUILDINGS AND EQUIPMENT - VERNON/ WAUSAU
FROM STATE INFRASTRUCTURE FUND 200,000

2152D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MUNICIPAL BUILDING CONSTRUCTION - JACOB
FROM STATE INFRASTRUCTURE FUND 89,000

2152E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
COTTONDALE COMMUNITY CENTER AND PARKING LOT - JACKSON
FROM STATE INFRASTRUCTURE FUND 307,625

HOUSING AND COMMUNITY DEVELOPMENT, DIVISION OF

2152F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
COMMUNITY RESOURCE CENTERS/DADE
FROM GENERAL REVENUE FUND 400,000

2152G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPECIAL CATEGORIES - MERCY DRIVE COMMUNITY CENTER BUILDING - ORLANDO
FROM STATE INFRASTRUCTURE FUND 60,000

Funds in Specific Appropriation 2152G are contingent upon an equivalent local match of $60,000.

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2152H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - WATER PROJECTS
FROM STATE INFRASTRUCTURE FUND 725,000

Funds in Specific Appropriation 2152H are provided for water projects in the following amounts. These funds may be advanced in part or in total.

City of Pahokee Water Tower Repairs	$ 115,000
City of Pahokee Drinking Water/Pipeline Extension	150,000
City of Holt-Replacement of Water Pipe under Interstate	110,000
City of Parker Land/Water Financial Assistance	100,000
Town of Medley-Land Purchase for Water Management	50,000
City of Moore Haven Water Line	200,000

Funds provided in Specific Appropriation 2152H for the City of Moore Haven Water Line are contingent upon reversion of $200,000 of the $500,000 provided in the FY 1988-89 General Appropriations Act for this purpose. Should less than $200,000 revert, the FY 1989-90 appropriation shall be reduced by the incremental difference, which may be placed in reserve by the Executive Office of the Governor.

2152I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CONSOLIDATED COMMUNICATIONS SYSTEM/ALACHUA
FROM GENERAL REVENUE FUND 600,000

2152J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
NORTH MIAMI FOUNDATION
FROM GENERAL REVENUE FUND 14,000

2152K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CHALLENGER CENTER MISSION SITE/TAMPA
FROM GENERAL REVENUE FUND 300,000

2152L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
AREA MULTI-USE TRAINING AND EDUCATIONAL FACILITY - CENTURY
FROM STATE INFRASTRUCTURE FUND 250,000

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2153 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANTS
FROM COMMUNITY DEVELOPMENT BLOCK GRANT TRUST FUND 35,137,622

Funds from Specific Appropriation 2153 shall be divided and distributed among the statutorily established program categories as follows: Housing--40 percent; Economic Development--10 percent; Neighborhood Revitalization--40 percent; Commercial Revitalization--10 percent. Funds not distributable due to an insufficient number of fundable applications in the Housing, Neighborhood Revitalization, or Commercial Revitalization program categories shall be transferred to the program category having the largest dollar volume of requests for grants.

2153A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOUSING COOPERATIVE PILOT
FROM STATE INFRASTRUCTURE FUND 400,000

2153B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - LOW INCOME DEMONSTRATION PROJECT - PALATKA
FROM STATE INFRASTRUCTURE FUND 50,000

2154 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRANSFER TO HOUSING PREDEVELOPMENT TRUST FUND
FROM STATE INFRASTRUCTURE FUND 500,000

2155 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - HOUSING PREDEVELOPMENT ASSISTANCE
FROM HOUSING PREDEVELOPMENT TRUST FUND . . 2,500,000

2155A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SPECIAL CATEGORIES - GRANTS AND AIDS - TRANSFER TO NEIGHBORHOOD HOUSING SERVICES TRUST FUND
FROM STATE INFRASTRUCTURE FUND 500,000

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2155B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SPECIAL CATEGORIES - GRANTS AND AIDS - NEIGHBORHOOD HOUSING SERVICES
FROM NEIGHBORHOOD HOUSING SERVICES TRUST FUND 500,000

2156 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - ELDERLY HOUSING REHABILITATION PROGRAM
FROM GRANTS AND DONATIONS TRUST FUND . . . 1,000,000

2157 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRANSFER TO GRANTS AND DONATIONS TRUST FUND FOR ELDERLY HOUSING REHABILITATION PROGRAM
FROM STATE INFRASTRUCTURE FUND 1,000,000

Funds in Specific Appropriation 2156 and 2157 are to be used for a program for the rehabilitation of owner-occupied dwelling units of low-income elderly persons. To this extent, these funds are contingent upon CS/SB 732 or similar legislation becoming law. Should such legislation not become law, the funds in Specific Appropriation 2156 and 2157 shall be utilized to provide additional funding in the State Apartment Incentive Loan program in the Department of Community Affairs.

2157A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CITY OF GULF BREEZE REIMBURSEMENT - SEAWALL REPAIRS
FROM STATE INFRASTRUCTURE FUND 42,000

2157B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
HOLMES COUNTY INFRASTRUCTURE IMPROVEMENTS
FROM STATE INFRASTRUCTURE FUND 80,000

2157C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
RECREATIONAL COMMUNITY CENTER BUILDING - JACKSON
FROM STATE INFRASTRUCTURE FUND 100,000

2157D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPECIAL CATEGORIES - RENOVATE AND RESTORE JAMES E. SCOTT COMMUNITY ASSOCIATION - MIAMI
FROM STATE INFRASTRUCTURE FUND 50,000

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CORRECTIONS, DEPARTMENT OF

OFFICE OF THE ASSISTANT SECRETARY FOR PROGRAMS

2157E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SUBSTANCE ABUSE FACILITY
FROM STATE INFRASTRUCTURE FUND 1,400,000

Funds appropriated in Specific Appropriation 2157E shall be allocated to ACT Corporation for the construction of a 100-bed residential substance abuse treatment facility.

ENVIRONMENTAL REGULATION, DEPARTMENT OF

2158 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS -
FROM WATER MANAGEMENT LANDS TRUST FUND . . 48,894,460

From funds provided in Specific Appropriation 2158, for the St. Johns River Water Management District, the sum of $497,681 shall be allocated to the East Central Florida Marine Resources Council.

From funds provided in Specific Appropriation 2158 for the South Florida Water Management District, the sum of $575,000 shall be used to contract with the Game and Fresh Water Fish Commission for a muck removal project on East Lake Tohopekaliga.

2159 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - WASTEWATER TREATMENT FACILITIES CONSTRUCTION
FROM SEWAGE TREATMENT LOAN TRUST FUND . . 59,000,000
FROM STATE INFRASTRUCTURE FUND 12,000,000

2160 NOT USED

2161 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SURFACE WATER IMPROVEMENTS PROJECTS
FROM SURFACE WATER IMPROVEMENT AND MANAGEMENT TRUST FUND 15,000,000

Funds in Specific Appropriation 2161 shall be disbursed by the department in a manner that is consistent with the Surface Water Improvement and Management Act of 1987. Funds shall be expended based on the priority lists established pursuant to s. 373.453, Florida Statutes, and shall be distributed to the water management districts on the following basis: 50% of the appropriation to be

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divided equally among the five water management districts providing $1,500,000 to each. The remaining 50% shall be distributed to the water management districts based upon determinations made by the department.

2162 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - TRANSFER TO SURFACE WATER IMPROVEMENT AND MANAGEMENT TRUST FUND
FROM STATE INFRASTRUCTURE FUND 15,000,000

2163 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - STORMWATER PROJECTS
FROM STATE INFRASTRUCTURE FUND 8,650,000

A portion of the funds in Specific Appropriation 2163 are hereby appropriated for the following construction projects:

Carrabelle Sewage Treatment Plant Extension.....	$ 200,000
Sewage Treatment Plant - Town of Century.....	3,000,000
Cedar Key Sewer System.....	2,500,000
Crescent City Water and Sewage Assistance.....	500,000
City of Hialeah Sewer and Drainage Project.....	450,000

From funds provided in Specific Appropriation 2163, the sum of $2,000,000 is appropriated for stormwater projects contingent upon CS/SB 484 or similar legislation becoming law.

2164 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SOLID WASTE MANAGEMENT
FROM SOLID WASTE MANAGEMENT TRUST FUND . . 30,275,000

2165 NOT USED

2165A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - CLOSE LAND FILL/UNION COUNTY
FROM WATER QUALITY ASSURANCE TRUST FUND . 300,000

2165B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - CONSTRUCT TRI COUNTY LAND FILL/UNION COUNTY
FROM WATER QUALITY ASSURANCE TRUST FUND . 2,000,000

Funds in Specific Appropriations 2165A and 2165B are

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contingent upon final designation of Union County as site of the state hazardous waste disposal facility as recommended by the Environmental Regulatory Commission.

HEALTH AND REHABILITATIVE SERVICES, DEPARTMENT OF

DEPUTY SECRETARY FOR OPERATIONS

DISTRICT ADMINISTRATION

2165C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BETTY AND ALEX SCHOENBAUM HUMAN SERVICES CENTER - SARASOTA COUNTY
FROM GENERAL REVENUE FUND 70,000

ECONOMIC SERVICES

2165D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PLANNING FOR HOMELESS SHELTER - MELBOURNE
FROM GENERAL REVENUE FUND 50,000

AGING AND ADULT SERVICES

2165E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CITY OF CAPE CORAL SENIOR CENTER
FROM GENERAL REVENUE FUND 125,000

2165F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CITY OF GREENVILLE SENIOR CITIZENS' CENTER
FROM GENERAL REVENUE FUND 50,000

2165G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CONGREGATE CAFETERIA FACILITY FOR SPECIAL DIETARY PROGRAMS BROWARD COUNTY
FROM GENERAL REVENUE FUND 330,000

Of the funds in Specific Appropriation 2165G, $300,000 is provided for the construction of a congregate cafeteria facility for a special dietary program for the David Posnack Jewish Community Center. These funds are contingent upon the center providing the organization, Cure AIDS Now, with 100 meals per day at a cost to Cure AIDS Now of no more than $1.50 per meal for AIDS victims. The remaining $30,000 shall be used to purchase a van for Cure AIDS Now.

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2165H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SENIOR SOCIETY PLANNING COUNCIL MEAL CENTER - LEON COUNTY
FROM GENERAL REVENUE FUND 400,000

2165I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PATHWAYS PROJECT FOR ALZHEIMER VICTIMS
FROM GENERAL REVENUE FUND 150,000

Funds in Specific Appropriation 2165I are provided for a detailed site analysis of infrastructure needs and site capacity to be completed on a schedule determined by the department.

2165J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MT. SINAI HOSPITAL - ALZHEIMER
FROM GENERAL REVENUE FUND 250,000

Funds in Specific Appropriation 2165J are provided to Mount Sinai Hospital for the planning of an Alzheimer's Research Center and are contingent upon the receipt of federal or local matching dollars for the development of the center.

2165K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SENIOR CENTER - SUNRISE
FROM GENERAL REVENUE FUND 500,000

2165L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SPACE COAST ASSOCIATION - PHYSICALLY HANDICAPPED FACILITY - CONSTRUCTION
FROM GENERAL REVENUE FUND 100,000

2165M GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SENIOR CENTER - CHARLOTTE COUNTY
FROM GENERAL REVENUE FUND 125,000

2165N GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SOUTH BROWARD HOSPITAL DISTRICT SENIOR DAY CARE
FROM GENERAL REVENUE FUND 200,000

Funds in Specific Appropriation 2165N are provided for a Senior Day Care Center in Hallandale.

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2165O GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
OSCEOLA SENIOR RESOURCE CENTER ADULT DAY CARE
FROM GENERAL REVENUE FUND 35,000

2165P GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SUNRISE OF PASCO COUNTY, INC. DOMESTIC VIOLENCE SHELTER
FROM GENERAL REVENUE FUND 50,000

2165Q GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MILDRED PEPPER SENIOR CENTER - SWEETWATER, DADE COUNTY
FROM GENERAL REVENUE FUND 200,000

2165R GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DOMESTIC VIOLENCE SHELTER FOR THE SPRING - HILLSBOROUGH COUNTY
FROM GENERAL REVENUE FUND 100,000

2165S GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LITTLE HAVANA NUTRITION CENTER CONSTRUCTION
FROM GENERAL REVENUE FUND 300,000

2165T GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SENIOR FRIENDSHIP CENTER - SARASOTA COUNTY
FROM GENERAL REVENUE FUND 100,000

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH SERVICES

2165U GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
COMPREHENSIVE ALCOHOLISM REHABILITATION PROGRAMS, INC. - NEW TREATMENT FACILITY
FROM GENERAL REVENUE FUND 150,000

2165V GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LEE COUNTY MENTAL HEALTH CENTER
FROM GENERAL REVENUE FUND 250,000

2165W GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MIAMI MENTAL HEALTH CENTER SUBSTANCE ABUSE UNIT
FROM GENERAL REVENUE FUND 125,000

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2165X GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SOUTH BROWARD HOSPITAL OUTPATIENT FACILITY FOR SUBSTANCE ABUSE
FROM GENERAL REVENUE FUND 450,000

2165Y GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
OUTREACH ADOLESCENT DRUG REHABILITATION - LEE COUNTY
FROM GENERAL REVENUE FUND 750,000

2165Z GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LAND ACQUISITION - OPERATION P.A.R. FOR COCAINE BABY HOUSE - PINELLAS COUNTY
FROM GENERAL REVENUE FUND 70,000

2165AA GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MARION/CITRUS COMMUNITY MENTAL HEALTH CENTER
FROM GENERAL REVENUE FUND 475,000

2165AB GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SUNCOAST COMMUNITY MENTAL HEALTH CENTER - PINELLAS COUNTY
FROM GENERAL REVENUE FUND 250,000

2165AC GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BROWARD COUNTY SUBSTANCE ABUSE RESIDENTIAL AND DETOX
FROM GENERAL REVENUE FUND 850,000

2165AD GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BRIDGE HOUSE SUBSTANCE ABUSE PROGRAM - ALACHUA COUNTY
FROM GENERAL REVENUE FUND 120,000

2165AE GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
P.A.D. DRUG ABUSE PROGRAM-POLK COUNTY
FROM GENERAL REVENUE FUND 50,000

2165AF GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRANSITIONAL HOUSING FOR COCAINE BABIES - BROWARD COUNTY
FROM GENERAL REVENUE FUND 350,000

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2165AG GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
STEWART SUBSTANCE ABUSE TREATMENT CENTER - VOLUSIA COUNTY
FROM GENERAL REVENUE FUND 684,289

2165AH GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
INDIAN RIVER COMMUNITY MENTAL HEALTH CENTER GROUP HOMES
FROM GENERAL REVENUE FUND 50,000

2165AI GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
NORTHWEST DADE MENTAL HEALTH CENTER - CHILDREN/ADOLESCENT OUTPATIENT CENTER
FROM GENERAL REVENUE FUND 50,000

2165AJ GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
INDIAN RIVER COMMUNITY MENTAL HEALTH CENTER 16-BED ADULT RESIDENTIAL TREATMENT SYSTEM (ARTS) GROUP HOME
FROM GENERAL REVENUE FUND 400,000

2165AK GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FAMILY HEALTH CENTER - DADE COUNTY
FROM GENERAL REVENUE FUND 70,000

2165AL GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
HELP CENTER PROJECT - JACKSONVILLE
FROM GENERAL REVENUE FUND 200,000

2165AM GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
HILLSBOROUGH COUNTY CRISIS STABILIZATION UNIT RENOVATIONS
FROM GENERAL REVENUE FUND 200,000

2165AN GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
HUMAN DEVELOPMENT CENTER OF PASCO COUNTY - CHILDREN'S MENTAL HEALTH FACILITY
FROM GENERAL REVENUE FUND 175,000

2165AO GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LOCK TOWNS COMMUNTY MENTAL HEALTH CENTER
FROM GENERAL REVENUE FUND 200,000

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2165AP GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
VILLA MAXINE - COMPLETE RENOVATION - MIAMI MENTAL HEALTH CENTER
FROM GENERAL REVENUE FUND 100,000

2165AQ GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MIAMI MENTAL HEALTH CENTER - COMPUTER SYSTEM
FROM GENERAL REVENUE FUND 30,000

2165AR GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
THERAPEUTIC GROUP HOME FOR EMOTIONALLY DISTURBED BOYS - CONSTRUCTION OF FACILITY - DANIEL MEMORIAL, INC.
FROM GENERAL REVENUE FUND 50,000

2165AS GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SUNCOAST CENTER FOR COMMUNITY MENTAL HEALTH - EQUIPMENT
FROM GENERAL REVENUE FUND 50,000

2165AT GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
RIVER REGION/PLANNING FOR SUBSTANCE ABUSE
FROM GENERAL REVENUE FUND 50,000

CHILDREN, YOUTH AND FAMILY SERVICES

2165AU GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
FLORIDA KEYS CHILDREN'S SHELTER
FROM GENERAL REVENUE FUND 98,176

2165AV GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PINELLAS MARINE INSTITUTE
FROM GENERAL REVENUE FUND 200,000

2165AW GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MIAMI BRIDGE RUNAWAY SHELTER
FROM GENERAL REVENUE FUND 450,000

2165AX GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SOMEPLACE ELSE RUNAWAY SHELTER - LEON COUNTY
FROM GENERAL REVENUE FUND 100,000

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2165AY GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
ALLAPATTAH COMMUNITY ACTION CHILD CARE - DISTRICT 11
FROM GENERAL REVENUE FUND 30,000

2165AZ GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
ALLAPATTAH - WYNWOOD CHILD CARE FACILITY CONSTRUCTION
FROM GENERAL REVENUE FUND 30,000

2165BA GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
EMERGENCY SHELTER - ORANGE COUNTY
FROM GENERAL REVENUE FUND 250,000

2165BB GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
JEFFERSON COUNTY DAY CARE, INC
FROM GENERAL REVENUE FUND 10,000

2165BC GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
JEWISH COMMUNITY CENTER OF PALM BEACH, INC. HANDICAPPED CHILDREN'S CENTER
FROM GENERAL REVENUE FUND 250,000

2165BD GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
JUVENILE ASSESSMENT CENTER - BROWARD COUNTY
FROM GENERAL REVENUE FUND 175,000

2165BE GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
KIDS IN DISTRESS - BROWARD COUNTY
FROM GENERAL REVENUE FUND 500,000

2165BF GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DAY CARE CENTER RENOVATION - HIALEAH HOSPITAL
FROM GENERAL REVENUE FUND 100,000

2165BG GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
STATUS OFFENDER FACILITIES
FROM GENERAL REVENUE FUND 2,100,000

From funds in Specific Appropriation 2165BG, the department shall contract with the Florida Network of Youth and Family Services for the construction of residential facilities for the provision of intensive counseling and aftercare, follow-up, and case management services to children-in-need-of-services. Such grant shall provide for the construction of such facilities, on a pro rata, per bed basis, in the following locations: Ft. Lauderdale-24 beds; South Dade County-24 beds; Daytona Beach-24 beds; Ocala-10 beds; Pensacola-12 beds; Gainesville-16 beds; and Duval County-12 beds.

SECTION 2.7

SPECIFIC
APPROPRIATION

DEVELOPMENTAL SERVICES

2165BH GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LEON ASSOCIATION FOR RETARDED CITIZENS LAKE HOUSE REPLACEMENT
FROM GENERAL REVENUE FUND 100,000

2165BI GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
OKALOOSA ASSOCIATION FOR RETARDED CITIZENS SHELTERED WORKSHOP
FROM GENERAL REVENUE FUND 250,000

2165BJ GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LAKE COUNTY ASSOCIATION FOR RETARDED CITIZENS
FROM GENERAL REVENUE FUND 150,000

2165BK GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
JACKSON COUNTY ASSOCIATION FOR RETARDED CITIZENS
FROM GENERAL REVENUE FUND 15,000

2165BL GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
J. CLIFFORD MCDONALD CENTER, INC. GROUP HOMES
FROM GENERAL REVENUE FUND 75,000

2165BM GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DADE COUNTY ASSOCIATION FOR RETARDED CITIZENS
FROM GENERAL REVENUE FUND 50,000

Funds in Specific Appropriation 2165BM are provided for ARC construction in Hialeah.

2165BN GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CITY OF HIALEAH SPECIAL POPULATION CENTER
FROM GENERAL REVENUE FUND 400,000

SECTION 2.7

SPECIFIC APPROPRIATION

2165BO GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRI-COUNTY ASSOCIATION FOR RETARDED CITIZENS
FROM GENERAL REVENUE FUND 150,000

HEALTH SERVICES

2165BP GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CONNOR'S NURSERY FOR HIV-INFECTED BABIES - PALM BEACH COUNTY
FROM GENERAL REVENUE FUND 100,000

2165BQ GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GILCHRIST COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 50,000

2165BR GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LAFAYETTE COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 50,000

2165BS GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MARTIN COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 300,000

2165BT GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PASCO COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 275,000

2165BU GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
POLK COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 6,000,000

2165BV GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LIBERTY CITY PUBLIC HEALTH UNIT
FROM GENERAL REVENUE FUND 200,000

2165BW GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
ORANGE COUNTY INDIGENT CARE FACILITY
FROM GENERAL REVENUE FUND 200,000

2165BX GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
OKEECHOBEE COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 2,200,000

SECTION 2.7

SPECIFIC APPROPRIATION

2165BY GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
ALPHA TEENAGE PREGNANCY HOME - HILLSBOROUGH COUNTY
FROM GENERAL REVENUE FUND 20,000

2165BZ GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MARION COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 500,000

2165CA GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BROWARD COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 300,000

From Specific Appropriation 2165CA, the department shall review and select a site location in North Broward County from all proposals submitted for consideration by October 1, 1989.

2165CB GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
PALM BEACH COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 1,800,000

2165CC GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SOUTHEAST COLLEGE OF OSTEOPATHIC MEDICINE BIRTHING CENTER
FROM STATE INFRASTRUCTURE FUND 650,000

2165CD GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
SOUTHWEST FLORIDA HEALTH CENTER RENOVATION
FROM GENERAL REVENUE FUND 300,000

2165CE GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
JACKSON MEMORIAL HOSPITAL TRAUMA CENTER
FROM GENERAL REVENUE FUND 3,500,000

2165CF GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
EXPANSION OF HEALTH CARE FACILITIES - JACKSONVILLE
FROM GENERAL REVENUE FUND 400,000

From funds in Specific Appropriation 2165CF, $300,000 shall go to University Hospital and $100,000 shall be used to plan a health care clinic in Jacksonville.

SECTION 2.7

SPECIFIC
APPROPRIATION

2165CG GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRI-COUNTY BIRTHING CENTER - MADISON COUNTY
FROM GENERAL REVENUE FUND 100,000

2165CH GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DADE COUNTY PUBLIC HEALTH UNIT
FROM GENERAL REVENUE FUND 400,000

Funds in Specific Appropriation 2165CH are to be used by the department for costs associated with planning and design of the decentralization of the public health unit and the location of the public health units in the Little Havana and Overtown areas including, but not limited to, all architectural and engineering fees, permits, and preliminary site preparation.

2165CI GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
DIXIE COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 390,000

2165CJ GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
HERNANDO COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 500,000

2165CK GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
BAY COUNTY PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 70,000

2165CL GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
LEON COUNTY SATELLITE PUBLIC HEALTH UNIT
FROM STATE INFRASTRUCTURE FUND 1,500,000

2165CM GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TAMPA GENERAL MATERNAL AND CHILD HEALTH PROGRAM
FROM STATE INFRASTRUCTURE FUND 1,000,000

From the funds in Specific Appropriation 2165CM, the Tampa General Hospital shall renovate an existing facility for a prototype maternal and child health program designed to lower the frequency of high-risk pregnancy and number of children at high risk; and shall develop a plan for extending this program statewide.

SECTION 2.7

SPECIFIC
APPROPRIATION

CHILDREN'S MEDICAL SERVICES

2165CN GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MIAMI CHILDREN'S HOSPITAL RESEARCH BUILDING RENOVATION
FROM GENERAL REVENUE FUND 100,000

2165CO GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
INFANTS/TODDLERS STEP-DOWN PROGRAM - JACKSON MEMORIAL HOSPITAL
FROM GENERAL REVENUE FUND 100,000

LAW ENFORCEMENT, DEPARTMENT OF

CRIMINAL JUSTICE STANDARDS AND TRAINING, DIVISION OF

2166 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CRIMINAL JUSTICE TRAINING SCHOOLS
FROM CRIMINAL JUSTICE TRAINING TRUST FUND 544,879

NATURAL RESOURCES, DEPARTMENT OF

STATE LANDS, DIVISION OF

2167 NOT USED

2167A GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - GEOGRAPHIC INFORMATION SYSTEM/PALM BEACH COUNTY
FROM STATE INFRASTRUCTURE FUND 450,000

2167B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - RESTORATION OF CORNERS - MARION COUNTY
FROM STATE INFRASTRUCTURE FUND 450,000

2167C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
CHARLOTTE HARBOR ENVIRONMENTAL CENTER - CITY OF PUNTA GORDA
FROM STATE INFRASTRUCTURE FUND 150,000

2167D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - RESTOR/CORNERS/VOLUSIA
FROM STATE INFRASTRUCTURE FUND 300,000

SECTION 2.7

SPECIFIC APPROPRIATION

MARINE RESOURCES, DIVISION OF

2168	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS BOATING RELATED ACTIVITIES FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		220,000
2169	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS ARTIFICIAL FISHING REEF CONSTRUCTION PROGRAM FROM GENERAL REVENUE FUND	100,000	
	FROM MARINE BIOLOGICAL RESEARCH TRUST FUND		400,000
2169A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - ARTIFICIAL FISH REEFS CONSTRUCTION/ SUWANNEE RIVER FROM MARINE RESOURCES CONSERVATION TRUST FUND		300,000
2169B	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - ARTIFICIAL REEFS/PORT ORANGE FROM MARINE RESOURCES CONSERVATION TRUST FUND		50,000

RESOURCE MANAGEMENT, DIVISION OF

2169C	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - POLK COUNTY REGIONAL DRAINAGE PROJECT FROM NON-MANDATORY LAND RECLAMATION TRUST FUND		2,600,000

Funds in Specific Appropriation 2169C are to provide construction funds to Polk County for the purpose of reclaiming/restoring the natural drainage system of Banana Lake's eastern headwater basin.

2169D	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - CARRABELLE PORT AUTHORITY FROM STATE INFRASTRUCTURE FUND		15,000

SECTION 2.7

SPECIFIC APPROPRIATION

RECREATION AND PARKS, DIVISION OF

2170	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS FEDERAL LAND AND WATER CONSERVATION FUND GRANTS FROM FEDERAL LAND AND WATER CONSERVATION TRUST FUND		5,000,000
2171	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS FLORIDA RECREATION DEVELOPMENT ASSISTANCE GRANTS FROM LAND ACQUISITION TRUST FUND		3,450,000
2172	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS BOATING RELATED ACTIVITIES FROM MOTORBOAT REVOLVING TRUST FUND . . .		3,954,799
2172A	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - SPECIAL CATEGORIES - LOCAL RECREATIONAL DEVELOPMENT PROJECTS FROM LAND ACQUISITION TRUST FUND		6,420,400
	FROM STATE INFRASTRUCTURE FUND		2,478,000

Funds in Specific Appropriation 2172A, are included for local park projects in the following amounts and locations. These funds may be advanced in part or in total.

Comprehensive Alternative Recreation Pilot (Dade) LATF...	$ 100,000
Snake Creek Canal Improvements (Dade) LATF.....	100,000
Highland Oaks Park Improvements (Dade) LATF.....	100,000
Greynolds Park Improvements (Dade) LATF.....	300,000
Dunbar Recreation Complex Improvements (Lee) LATF.....	300,000
PO/SD Chamber Park Development (Volusia) LATF.....	30,000
All Children's Park Improvements (Volusia) LATF.....	20,000
Arcola Park Improvements (Dade) LATF.....	125,000
Tropical Park Children's Playground (Dade) LATF.....	30,000
West Dade Library Mini Park (Dade) LATF.....	200,000
Tamiami Park Arena (Dade) LATF...	125,000
Tamiami Park Improvements (Dade) LATF.....	125,000
Richmond Park Improvements (Dade)	

SECTION 2.7

SPECIFIC
APPROPRIATION

LATF	16,000
Blakely Park - Homestead (Dade) LATF	15,000
Wilderness Park Development (Hillsborough) LATF	400,000
Poe Springs Improvements (Alachua) LATF	200,000
Phase II Rotary Park - Merritt Island (Brevard) LATF	100,000
Palm Bay Regional Park Development (Brevard) LATF	300,000
Improvements to Enchanted Forest Park North Miami (Dade) LATF	52,000
City of Tamarac/Multi Purpose Center (Broward) SIF	250,000
Discovery Center/Shark Exhibition (Broward) LATF	11,000
Miami Beach Disabled Veterans and Handicapped Wheelway (Dade) SIF	150,000
Milton Riverwalk Redevelopment (Santa Rosa) LATF	125,000
Magnolia School Recreation Park (Santa Rosa) LATF	25,000
U.S.O. Building (Duval) SIF	100,000
Carol City Park Improvements (Dade) LATF	50,000
Recreation Improvements - City of Opa Locka Parks (Dade) LATF	50,000
Bunche Park Improvements (Dade) LATF	70,000
Land O'Lakes Recreation Community Center (Pasco) SIF	300,000
Suwannee County Recreational Complex Development (Suwannee) LATF	25,000
Baseball and Softball Field Improvements (Columbia) LATF	25,000
San Felasco Improvements (Alachua) LATF	50,000
M.K. Rawlings Improvements (Alachua) LATF	50,000
Children's Home Community Recreation Center Improvements - Laurel Hill (Okaloosa) SIF	50,000
Gilmore Park Improvements - Chipley (Washington) LATF	50,000
Mossy Head Park - Walton Co (Walton) LATF	38,000
Citywide Youth/Recreation Center - Miami (Dade) SIF	100,000
West Cocoa Recreation Center Improvements (Brevard) SIF	100,000
Gibson Recreation Center Improvements (Brevard) SIF	300,000
Florida City Recreation Prog (Monroe) LATF	20,000

SECTION 2.7

SPECIFIC
APPROPRIATION

Bill Butler Park Improvements (Monroe) LATF	30,000
Nelson English Field Improvements (Monroe) LATF	25,000
Kendall Indian Hammocks Park Improvements (Dade) LATF	400,000
Sneads Park Improvements (Jackson) LATF	20,000
Recreational Improvement - Apalachicola Park (Franklin) LATF	25,000
Quincy Park Improvements (Gadsden) LATF	10,000
Grand Ridge Park Improvements (Jackson) LATF	20,000
S.B. Atkins Park Improvements (Blountstown) (Calhoun) LATF	10,000
Chipola Park Improvements (Jackson) LATF	400,000
Park Development - Dead Man's Curve (Gulf) LATF	20,000
City Park - Port St. Joe (Gulf) LATF	20,000
Parque Antonio Maceo (Dade) LATF	300,000
Mceloroy Park (Volusia) LATF	26,000
Rat Island Park (Volusia) LATF	93,000
Carver Hill Memorial Rec Ctr (Okaloosa) SIF	25,000
Salinas Park Development - Gulf (Gulf) LATF	25,000
Brevard County Zoo Land Acquisition (Brevard) SIF	500,000
Williams Park Improvements (Dade) LATF	400,000
Micanopy Park Development (Alachua) LATF	86,400
Gilchrist Co Community Center/ Rehab Expan (Gilchrist) SIF	150,000
Fanning Springs Roadside Park (Levy) LATF	150,000
Kitty Stuart Park Development (Pinellas) LATF	65,000
Aviary At Flamingo Gardens (Broward) LATF	38,000
Lake Talquin Recreational Sites Improv (Gadsden) LATF	225,000
Woodville Park Development/N. FT. Lauderdale (Broward) LATF	150,000
Wickline Community Center Flagler Beach (Flagler) SIF	50,000
Boat Launch Facility Dames Point Bridge (Duval) LATF	45,000
Boat Launch Facilities - Jacksonville (Duval) LATF	150,000
Cooper City Regional Park (Broward) LATF	50,000
Flamingo Road Park Cooper City	

SECTION 2.7

SPECIFIC APPROPRIATION

(Broward) LATF	100,000
Seawalk Jacksonville Beach (Duval) LATF	100,000
Ft. Lauderdale Aquarium (Broward) SIF	350,000
County Park - New Smyrna Beach (Volusia) LATF	100,000
Dixie Majors - Avon Park (Highlands) LATF	10,000
Silver River Museum (Marion) SIF	100,000
Bayview Park Bandstand Improvements (Monroe) SIF	18,000
Deering Environmental Center (Dade) SIF	35,000

2172B GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPECIAL CATEGORIES - RAILS TO TRAILS/ PINELLAS COUNTY/49TH STREET TO 38TH AVENUE
FROM STATE INFRASTRUCTURE FUND 550,000

STATE, DEPARTMENT OF, AND SECRETARY OF STATE

HISTORICAL RESOURCES, DIVISION OF

2172C GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPECIAL CATEGORIES - ACQUISITION, RESTORATION OF HISTORIC PROPERTIES
FROM STATE INFRASTRUCTURE FUND 10,266,788

Funds in Specific Appropriation 2172C, are included for the following local historic preservation projects and shall be released by the Department of State upon completion of the application requirements in s. 267.0617(3), Florida Statutes. These funds may be advanced in part or in total.

Flagler College (St. Johns)	$ 414,712
Polk County Courthouse (Polk)	375,000
Hotel Jacaranda (Highlands)	300,000
Stranahan House (Broward)	100,400
Burroughs Home (Lee)	220,000
Gusman Center (Dade)	100,000
Coral Gables Fountains (Dade)	40,000
Tampa Theater (Hillsborough)	115,000
Wiggins Store (Manatee)	91,850
Calusa Indians (Lee)	245,532
Santa Catalina Mission (Nassau)	86,000
Deering Estate (Dade)	700,000
Tampa Bay Hotel (Hillsborough)	655,000
Knott House (Leon)	476,500
Old School Square (Palm Beach)	492,872
Seaboard Railroad Station (Palm Beach)	250,000

SECTION 2.7

SPECIFIC APPROPRIATION

Key West City Hall (Monroe)	145,530
Pensacola City Jail (Escambia)	150,000
Deland Stone Street (Volusia)	300,000
Baker House (Pasco)	50,000
El Retiro (Polk)	175,092
Boynton Woman's Club (Palm Beach)	165,000
Key West Lighthouse (Monroe)	222,000
Martin County Courthouse (Martin)	200,000
Arcadia Mill Site (Santa Rosa)	165,000
Bonnet House (Broward)	378,500
Old Homestead Town Hall Restoration (Dade)	249,000
Friday Morning Musicale Building Renovations (Hillsborough)	20,000
Restoration of Hurt Building (Dade)	236,000
Restoration of Opa-Locka Train Station (Dade)	200,000
Restoration of Old Zephyhills Railroad Depot (Pasco)	230,000
Restoration of Historic Villages in Overtown (Dade)	100,000
Addition to Dunedin Historical Museum (Pinellas)	50,000
Chensegut Manor House Restoration (Hernando)	100,000
Old Altha School Restoration (Calhoun)	200,000
B.F. Lee Administration Building Preservation-Edward Waters College (Duval)	500,000
Black School Renovation (Clay)	125,000
Town of Eatonville Historic Survey and Planning (Orange)	17,800
Lafayette County Courthouse Renovation/Restoration (Lafayette)	250,000
East Hall Renovations (Marion)	100,000
Spring Hall Fountain	25,000
Old Stanton Literary Center (Duval)	1,000,000
Walton County Courthouse (Walton)	250,000

LIBRARY AND INFORMATION SERVICES, DIVISION OF

2172D GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - LIBRARY CONSTRUCTION GRANTS
FROM LIBRARY CONSTRUCTION TRUST FUND . . . 878,839

2172E GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - OLDSMAR LIBRARY CONSTRUCTION
FROM STATE INFRASTRUCTURE FUND 100,000

SECTION 2.7

SPECIFIC APPROPRIATION

2172F GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - CITY OF SOUTH BAY LIBRARY CONSTRUCTION
FROM STATE INFRASTRUCTURE FUND 100,000

2172G GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - COLUMBIA COUNTY LIBRARY CONSTRUCTION
FROM STATE INFRASTRUCTURE FUND 200,000

2172H GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - GILCHRIST COUNTY LIBRARY ACQUISITION
FROM STATE INFRASTRUCTURE FUND 45,000

2172I GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - LAFAYETTE COUNTY LIBRARY CONSTRUCTION
FROM STATE INFRASTRUCTURE FUND 50,000

2172J GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - CITY OF PALATKA - LIBRARY/REPAIRS
FROM STATE INFRASTRUCTURE FUND 66,000

2172K GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - VERNON - LIBRARY CONSTRUCTION
FROM STATE INFRASTRUCTURE FUND 207,250

2172L GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - JACKSON COUNTY LIBRARY CONSTRUCTION
FROM STATE INFRASTRUCTURE FUND 200,000

2172M GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - LEON COUNTY LIBRARY CONSTRUCTION
FROM STATE INFRASTRUCTURE FUND 200,000

Funds in Specific Appropriation 2172D, 2172E, 2172F, 2172G, 2172L, and 2172M are to be expended for library construction projects that are in compliance with s. 257.191, Florida Statutes, and s. 163.002 through .005, .007 through .010, Florida Administrative Code.

SECTION 2.7

SPECIFIC APPROPRIATION

CULTURAL AFFAIRS, DIVISION OF

2172N GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
GRANTS AND AIDS - SPECIAL CATEGORIES - CULTURAL FACILITIES DEVELOPMENT PROGRAM
FROM STATE INFRASTRUCTURE FUND 11,308,500

Funds in Specific Appropriation 2172N, are provided for the named cultural facility projects and shall be released by the Department of State upon completion of the application requirements in s. 265.701(3), Florida Statutes. These funds may be advanced in part or in total.

Gusman Center for the Performing Arts Expansion & Renovation (Dade)	$ 600,000
The Performing Arts Center New Construction (Broward)	750,000
Polk Museum of Art Equipment Acquisition (Polk)	50,000
Tampa Museum of Art Renovation (Hillsborough)	206,000
Naples/Marco Philharmonic Center for the Arts (Collier)	2,000,000
Caldwell Theatre Company Expansion (Palm Beach)	203,000
Pensacola Cultural Center Renovation (Escambia)	400,000
Ormond Beach Civic Center Conversion and Renovation (Volusia)	300,000
The Bakehouse Art Complex Renovation (Dade)	150,000
Kaleidoscope Theatre Expansion and Renovation (Bay)	75,000
Visual Arts Center New Construction (Charlotte)	200,000
Imogene Theatre Renovation (Santa Rosa)	50,000
The Raymond F. Kravis Center for the Performing Arts New Construction (Palm Beach)	750,000
Martin Theatre Renovation (Bay)	275,000
Pompano Beach Amphitheater New Construction (Broward)	250,000
Norton Gallery of Art Renovation (Palm Beach)	200,000
Tallahassee Junior Museum Renovation (Leon)	80,000
Young Actor's Theatre Facility Completion (Leon)	12,500
Ritz Theatre Renovation & Acquisition (Hillsborough)	125,000
The South Florida Art Center	

SECTION 2.7

SPECIFIC
APPROPRIATION

Acquisition (Dade)	200,000
Pensacola Museum of Art (Escambia)	165,000
The Morikami Museum New Construction (Palm Beach)	300,000
Chiefland High School Renovation (Levy)	75,000
Orlando Museum of Art Expansion and Renovation (Orange)	250,000
The Discovery Center for Science and Technology New Construction (Broward)	100,000
Museum of Science and Space Transit Planetarium, Expansion (Dade)	100,000
Lincoln Theatre Acquisition and Renovation, New World Symphony (Dade)	700,000
Model City Cultural Arts Center Renovation (Dade)	75,000
Hernando High School Performing Arts Center New Construction (Hernando)	400,000
Cocoa Village Playhouse Renovation (Brevard)	13,000
Florida Studio Theatre Renovation (Sarasota)	100,000
The Dade County Auditorium Renovation (Dade)	195,000
Atlantic Center for the Arts Expansion (Volusia)	200,000
Polk County Historical Museum and Genealogical Library Renovation (Polk)	50,000
Miami City Ballet Equipment Aquisition (Dade)	54,000
Island Players Theatre Renovation (Manatee)	15,000
New Pirate Playhouse Theatre New Construction (Lee)	75,000
Friday Morning Musical Building Renovation (Hillsborough)	10,000
Old School Square Theatre Expansion (Palm Beach)	130,000
Chipola Regional Arts Center Renovation (Jackson)	150,000
Suwannee County Historical Commission Museum Park Complex Final Phase (Suwannee)	20,000
Henegar Cultural Center Renovation	250,000
Renovation of Manuel Artime Center (Dade)	125,000
Black Heritage Museum (Dade)	50,000
Broward Art Guild (Broward)	100,000
Bay of Pigs Museum (Dade)	50,000
Central Florida Society for Afro-American Heritage (Orange)	50,000
Historic Cultural Art Museum-Eatonville (Orange)	50,000
Slough Museum Arts and Science (Volusia)	300,000
Miami Youth Museum (Dade)	60,000
Miami Shores Theatre Improvements (Dade)	100,000
Children's Museum of Tampa (Hillsborough)	100,000
Majorca Theatre (Dade)	20,000

SECTION 2.7

TRANSPORTATION, DEPARTMENT OF

PROGRAM DEVELOPMENT AND SUPPORT

2172O	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS GRANTS AND AIDS - SOLID WASTE MANAGEMENT FROM SOLID WASTE MANAGEMENT TRUST FUND . .	250,000

Funds in Specific Appropriation 2172O shall be used by the department for grants to local governments and non-profit organizations and may be advanced in part or in total.

2172P	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS MASS TRANSIT MATCH GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	225,000

DISTRICT PLANNING AND PUBLIC TRANSIT

2172Q	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS AVIATION MATCH GRANTS FROM STATE TRANSPORTATION (PRIMARY) TRUST FUND	40,877,000
	FROM WORKING CAPITAL FUND	10,000,000

From funds in Specific Appropriation 2172Q, $5,000,000 from the State Transportation (Primary) Trust Fund and $10,000,000 from the Working Capital Fund shall be advanced in part or in total as a loan to the Orlando International Airport contingent on the requirements provided for in SB 1501.

2172R	GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS PUBLIC TRANSIT OPERATIONS ASSISTANCE FROM PUBLIC TRANSIT OPERATION ASSISTANCE GRANT TRUST FUND	5,000,000

Funds in Specific Appropriation 2172R shall be distributed according to the provisions of CS/HB 387 & 1255. If CS/HB 387 & 1255 or similar legislation

SECTION 2.7

SPECIFIC
APPROPRIATION

does not become law, the department shall provide funds in this appropriation to public agencies providing public transit services, funds to defray transit operating costs directly related to bus operation, excluding those funds expended for salaries and wages. The department shall distribute these funds based upon the passenger miles carried by that public transit provider as reported in the Urban Mass Transportation Administration Section 15 Report for the most recent federal fiscal year. Funding allocated to any one provider shall not exceed an amount equal to one-third of a local transportation system's operating costs directly related to bus operation, excluding those funds expended for salaries and wages. Further, funding provided to any single county under this section shall not exceed 39 percent of the funds available statewide or exceed the amount provided to any transit system from local revenue sources. Funds allocated to a public transit provider may not be used to supplant local tax revenues historically committed to transit operating assistance, nor shall such funds be used to increase the net assets of an eligible public transit provider.

2172S GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
MASS TRANSIT MATCH GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 16,653,610

2172T GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
TRANSPORT PLANNING GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 2,985,000

DISTRICT OPERATIONS

2172U GRANTS AND AIDS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS
HWY BEAUTIFICATION GRANTS
FROM STATE TRANSPORTATION (PRIMARY)
TRUST FUND 500,000

Funds in Specific Appropriation 2172U require an equal match from non-state funds by the program participants and the grant program shall be administered by the Florida Highway Beautification Council in accordance with s. 339.2405, Florida Statutes.

SECTION 2.7

SPECIFIC
APPROPRIATION

TOTAL OF SECTION 2.7

FROM GENERAL REVENUE FUND	21,884,840	
FROM TRUST FUNDS		289,916,609
FROM WORKING CAPITAL FUND		10,000,000
FROM STATE INFRASTRUCTURE FUND		90,319,932
TOTAL ALL FUNDS		412,121,381

SECTION 2.8. Pursuant to s. 240.295, F.S., the Board of Regents is hereby authorized to construct the following facilities, but may not use either PECO funds or sponsored research grant overhead funds for constructing such facilities, which will require general revenue funds for operation:

(1) University of Florida - Institute of Food and Agricultural Sciences Fisheries and Aquaculture Laboratory.

(2) University of Florida - Institute of Food and Agricultural Sciences Relocation of Greenhouses from Gainesville to three Off-Campus Research Center locations.

(3) University of Florida - Institute of Food and Agricultural Sciences Biosafety Level 2 Plant Research Containment Facility.

(4) University of Florida - Institute of Food and Agricultural Sciences Remodel Existing Facility for Horticulture Crops Improvement.

(5) University of West Florida - Greenhouse for Wetlands Research.

(6) Florida International University - Greenhouse/Growth Chambers for Biological Science Research.

SECTION 2.9. The unexpended balance of the following project, which will revert if not encumbered by June 30, 1990, is hereby appropriated for its original purpose:

1. Section 1(1)(o), Chapter 84-542, Laws of Florida - Palm Beach Junior College

SPECIFIC
APPROPRIATION

SECTION 2.10. No funds appropriated in this act may be used to pay any judgment, including any interest thereon, relating to or arising out of the Citrus Canker Eradication Program.

SECTION 3. Any Section of this act, or any Specific Appropriation herein contained, if found to be invalid or vetoed by the Governor without overriding action of the Legislature shall in no way affect other Sections or Specific Appropriations contained in this act.

SECTION 4. This act shall take effect July 1, 1989, or upon becoming law, whichever occurs later; however, if this act becomes law after July 1, 1989, then it shall operate retroactively to July 1, 1989.

TOTAL THIS GENERAL APPROPRIATION ACT POSITIONS	130,619	
FROM GENERAL REVENUE FUND	10267,793,169	
FROM TRUST FUNDS		12389,731,879
FROM WORKING CAPITAL FUND		17,824,168
FROM STATE INFRASTRUCTURE FUND		508,092,801
TOTAL ALL FUNDS		23183,442,017

SECTION TOTALS (FOR INFORMATION ONLY)

CONFERENCE 1989-90
($ IN MILLIONS)

	GENERAL REVENUE	LOTTERY	INFRAST	PECO	OTHER TRUST	ALL FUNDS	POSITIONS
SECTION 1 - OPERATIONS							
OPERATING BUDGET	5,433.9	506.9	163.2		6,461.3	12,565.3	130,619
AID TO LOCAL GOVERNMENTS	4,819.5	495.8	9.3		2,329.2	7,653.8	
SECTION 1 TOTAL	10,253.4	1,002.7	172.5		8,790.5	20,219.1	130,619
SECTION 2 - FIXED CAPITAL OUTLAY							
2.1 - DGS MANAGED CONSTRUCTION			106.5		40.6	147.1	
2.2 - AGY MANAGED CONSTRUCTION	.3	24.1	111.0		145.3	280.7	
2.3 - PUBLIC EDUC CAPITAL OUTLAY				689.0	93.8	782.8	
2.4 - PUBLIC FACIL BONDING PROG.			27.8		66.3	94.1	
2.5 - ENERGY GRANTS					40.0	40.0	
2.6 - DOT WORK PROGRAM					1,207.4	1,207.4	
2.7 - AID/LOC GOVT/NONPROFIT ORG	31.9		90.3		289.9	412.1	
SECTION 2 TOTAL	32.2	24.1	335.6	689.0	1,883.4	2,964.3	
ALL SECTIONS	10,285.6	1,026.8	508.1	689.0	10,673.9	23,183.4	130,619

NOTE: AMOUNTS ACROSS AND DOWN MAY NOT EQUAL DUE TO ROUNDING

DEPARTMENT TOTALS (FOR INFORMATION ONLY)

CONFERENCE 1989-90
($ IN MILLIONS)

	GENERAL REVENUE	LOTTERY	INFRAST	PECO	OTHER TRUST	ALL FUNDS	POSITIONS
SECTION 1 - OPERATIONS							
ADMINISTERED FUNDS.....	103.4	11.3			24.4	139.1	
ADMINISTRATION, DEPT OF.....	12.5				766.6	779.1	565
AGRIC/CONSUMER SVCS/COMMR.....	81.0				62.8	143.8	3,767
BANKING/FINANCE/COMPTROLLR.....	29.9				24.2	54.2	866
BUSINESS REGULATION, DEPT.....					80.5	80.5	766
CITRUS, DEPT OF.....					76.2	76.2	157
COMMERCE, DEPARTMENT OF.....	24.1				3.0	27.1	292
COMMUNITY AFFAIRS,DEPT OF.....	16.5		7.8		75.8	100.1	389
CORRECTIONS, DEPT OF.....	716.3				22.7	739.0	20,494
EDUCATION, DEPT OF/COM ED.....	5,862.1	991.4	150.0		988.4	7,991.9	24,561
ENVIRONMENTAL REG, DEPT OF.....	32.8		14.6		87.8	135.2	1,312
GAME/FRESH WTR FISH COM/FL.....	19.5				26.4	45.9	909
GENERAL SERVICES, DEPT OF.....	13.7		.1		99.0	112.7	1,282
GOVERNOR, EXECUTIVE OFFICE.....	12.5				7.2	19.7	292
HEALTH & REHAB SVCS, DEPT.....	2,476.7				3,086.7	5,563.4	35,187
HIWAY SAFETY/MTR VEH, DEPT.....	143.9				90.7	234.5	5,070
INSURANCE, DEPT/TREASURER.....	.3				122.7	123.0	1,260
JUDICIAL BRANCH.....	352.5				18.8	371.3	8,182
LABOR & EMPLOY SEC, DEPT.....	20.9				762.5	783.4	4,838
LAW ENFORCEMENT, DEPT OF.....	61.3				30.1	91.4	1,349
LEGAL AFFAIRS/ATTY GENERAL.....	16.6				7.8	24.4	455
LEGISLATIVE BRANCH.....	116.0				5.7	121.7	
LOTTERY, DEPARTMENT OF THE.....					114.4	114.4	834
MILITARY AFFAIRS, DEPT OF.....	6.8				4.5	11.3	262
NAT CONF/COMM/UNIF ST LAWS.....							

NOTE: AMOUNTS ACROSS AND DOWN MAY NOT EQUAL DUE TO ROUNDING

DEPARTMENT TOTALS (FOR INFORMATION ONLY)

CONFERENCE 1989-90
($ IN MILLIONS)

	GENERAL REVENUE	LOTTERY	INFRAST	PECO	OTHER TRUST	ALL FUNDS	POSITIONS
SECTION 1 - OPERATIONS							
NATURAL RESOURCES, DEPT OF.....	35.6				96.3	131.9	2,457
PAROLE COMMISSION.....	5.1					5.1	132
PROFESSIONAL REG, DEPT OF.....	.3				42.6	42.9	703
PUBLIC SERVICE COMMISSION.....					19.2	19.2	376
REVENUE, DEPARTMENT OF.....	49.4				1,453.5	1,502.9	2,246
STATE DEPT OF/SEC OF STATE.....	40.6				28.2	68.8	829
TRANSPORTATION, DEPT OF.....					561.5	561.5	10,644
VETERANS' AFFAIRS, DEPT OF.....	3.1				.5	3.6	143
TOTAL: SECTION 1.....	10,253.4	1,002.7	172.5		8,790.5	20,219.1	130,619
SECTION 2 - FIXED CAPITAL OUTLAY							
AGRIC/CONSUMER SVCS/COMMR.....	.1		11.7		4.8	16.6	
COMMERCE, DEPARTMENT OF.....			6.0		5.0	11.0	
COMMUNITY AFFAIRS,DEPT OF.....	1.5		17.2		50.9	69.7	
CORRECTIONS, DEPT OF.....			131.2		.9	132.1	
EDUCATION, DEPT OF/COM ED.....		24.1	.2	689.0	104.0	817.3	
ENVIRONMENTAL REG, DEPT OF.....			35.7		155.5	191.1	
GAME/FRESH WTR FISH COM/FL.....			2.0		1.8	3.8	
GENERAL SERVICES, DEPT OF.....			30.8		85.6	116.4	
GOVERNOR, EXECUTIVE OFFICE.....					40.0	40.0	
HEALTH & REHAB SVCS, DEPT.....	20.2		39.2		.8	60.2	
HIWAY SAFETY/MTR VEH, DEPT.....					3.5	3.5	
INSURANCE, DEPT/TREASURER.....					10.7	10.7	

NOTE: AMOUNTS ACROSS AND DOWN MAY NOT EQUAL DUE TO ROUNDING

DEPARTMENT TOTALS (FOR INFORMATION ONLY)

CONFERENCE 1989-90
($ IN MILLIONS)

	GENERAL REVENUE	LOTTERY	INFRAST	PECO	OTHER TRUST	ALL FUNDS	POSITIONS
SECTION 2 - FIXED CAPITAL OUTLAY							
JUDICIAL BRANCH			.9			1.0	
LABOR & EMPLOY SEC, DEPT					.1	.1	
LAW ENFORCEMENT, DEPT OF			.2		.5	.7	
MILITARY AFFAIRS, DEPT OF			4.7			4.7	
NATURAL RESOURCES, DEPT OF	.4		31.0		139.8	171.2	
STATE DEPT OF/SEC OF STATE			24.7		.9	25.6	
TRANSPORTATION, DEPT OF	10.0				1,278.7	1,288.7	
TOTAL: SECTION 2	32.2	24.1	335.6	689.0	1,883.4	2,964.3	
ALL SECTIONS							
ADMINISTERED FUNDS	103.4	11.3			24.4	139.1	
ADMINISTRATION, DEPT OF	12.5				766.6	779.1	565
AGRIC/CONSUMER SVCS/COMMR	81.0		11.7		67.7	160.4	3,767
BANKING/FINANCE/COMPTROLLR	29.9				24.2	54.2	866
BUSINESS REGULATION, DEPT					80.5	80.5	766
CITRUS, DEPT OF					76.2	76.2	157
COMMERCE, DEPARTMENT OF	24.1		6.0		8.0	38.0	292
COMMUNITY AFFAIRS,DEPT OF	18.1		25.0		126.7	169.8	389
CORRECTIONS, DEPT OF	716.3		131.2		23.6	871.1	20,494
EDUCATION, DEPT OF/COM ED	5,862.1	1,015.5	150.2	689.0	1,092.4	8,809.2	24,561
ENVIRONMENTAL REG, DEPT OF	32.8		50.3		243.2	326.3	1,312
GAME/FRESH WTR FISH COM/FL	19.5		2.0		28.2	49.7	909
GENERAL SERVICES, DEPT OF	13.7		30.9		184.5	229.1	1,282

NOTE: AMOUNTS ACROSS AND DOWN MAY NOT EQUAL DUE TO ROUNDING

DEPARTMENT TOTALS (FOR INFORMATION ONLY)

CONFERENCE 1989-90
($ IN MILLIONS)

	GENERAL REVENUE	LOTTERY	INFRAST	PECO	OTHER TRUST	ALL FUNDS	POSITIONS
ALL SECTIONS							
GOVERNOR, EXECUTIVE OFFICE.....	12.5				47.2	59.7	292
HEALTH & REHAB SVCS, DEPT.....	2,497.0		39.2		3,087.4	5,623.6	35,187
HIWAY SAFETY/MTR VEH, DEPT.....	143.9				94.2	238.0	5,070
INSURANCE, DEPT/TREASURER.....	.3				133.4	133.7	1,260
JUDICIAL BRANCH.....	352.5		.9		18.8	372.2	8,182
LABOR & EMPLOY SEC, DEPT.....	20.9				762.6	783.5	4,838
LAW ENFORCEMENT, DEPT OF.....	61.3		.2		30.7	92.1	1,349
LEGAL AFFAIRS/ATTY GENERAL.....	16.6				7.8	24.4	455
LEGISLATIVE BRANCH.....	116.0				5.7	121.7	
LOTTERY, DEPARTMENT OF THE.....					114.4	114.4	834
MILITARY AFFAIRS, DEPT OF.....	6.8		4.7		4.5	16.0	262
NAT CONF/COMM/UNIF ST LAWS.....							
NATURAL RESOURCES, DEPT OF.....	35.9		31.0		236.1	303.1	2,457
PAROLE COMMISSION.....	5.1					5.1	132
PROFESSIONAL REG, DEPT OF.....	.3				42.6	42.9	703
PUBLIC SERVICE COMMISSION.....					19.2	19.2	376
REVENUE, DEPARTMENT OF.....	49.4				1,453.5	1,502.9	2,246
STATE DEPT OF/SEC OF STATE.....	40.6		24.7		29.0	94.4	829
TRANSPORTATION, DEPT OF.....	10.0				1,840.1	1,850.1	10,644
VETERANS' AFFAIRS, DEPT OF.....	3.1				.5	3.6	143
TOTAL: ALL SECTIONS.....	10,285.6	1,026.8	508.1	689.0	10,673.9	23,183.4	130,619

NOTE: AMOUNTS ACROSS AND DOWN MAY NOT EQUAL DUE TO ROUNDING

Conference Committee Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1989, and ending June 30, 1990, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of state government; providing an effective date.

On motion by Senator Margolis, the Conference Committee Report was adopted and SB 1500 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Thurman
Casas	Gordon	McPherson	Walker
Childers, D.	Grant	Meek	Weinstein
Childers, W. D.	Grizzle	Myers	Weinstock
Crenshaw	Jennings	Peterson	Woodson-Howard
Davis	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Stuart

By direction of the President the following Conference Committee report was read:

CONFERENCE COMMITTEE REPORT ON SB 1501

The Honorable Robert B. Crawford
President of the Senate

The Honorable Tom Gustafson
Speaker, House of Representatives

Dear Sirs:

Your Conference Committee on the disagreeing votes of the two Houses on the House amendments to Senate Bill 1501, same being:

> An act relating to implementing the fiscal year 1989-1990 General Appropriations Act; providing legislative intent; authorizing expenditure of funds by Guardian Ad Litem Program in certain dissolution proceedings; requiring state attorneys and public defenders to submit a report of certain expenditures; prohibiting the Department of Professional Regulation from expending funds for the lease, possession, or acquisition of specified space for office or other use; extending authorization to transfer certain funds within the Department of State; specifying use of such funds for review and appropriate action on gun permits and concealed weapons or firearms licenses; abolishing the trust funds of certain agencies and providing for transfer of moneys therein; reviving specified trust funds scheduled for repeal; authorizing the Board of Trustees of Lake-Sumter Community College to receive a gift of property in Sumter County; authorizing the Board of Regents to construct housing projects at the University of Florida, Florida State University, Florida A & M University, and the University of Central Florida, which may be partially financed from revenue bonds; providing an extension of the reversion date on a project at Palm Beach Junior College; prescribing alternative uses for such funds in certain circumstances; continuing the operation of certain bus services between Hillsborough and Pinellas Counties; providing a retroactive effective date and an expiration date.

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

1. That the House recede from its amendments 1 and 2.

2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

s/Gwen Margolis
Chairman
s/Malcolm E. Beard
s/Tom C. Brown
W. D. Childers
s/Helen Gordon Davis
Winston W. Gardner
s/Jack D. Gordon
s/John Grant
Mary R. Grizzle
s/Toni Jennings
s/Bob Johnson
s/George G. Kirkpatrick
Tom McPherson
s/William G. Myers
s/Curtis Peterson
s/James A. Scott
s/George Stuart
s/Pat Thomas
s/Sherry D. Walker

Managers on the part of the Senate

s/T. K. Wetherell
Vice Chairman
s/Michael I. Abrams
s/Elaine Bloom
s/Corrine Brown
s/James C. Burke
s/Charles T. Canady
s/William Clark
s/Mario Diaz-Balart
s/Mary Figg
s/Michael Friedman
s/Mary Ellen Hawkins
s/Bolley L. Johnson
s/Nilo Juri
s/Everett A. Kelly
s/Ray Liberti
s/Frederick Lippman
s/Joseph R. Mackey
s/Sam Mitchell
s/Luis C. Morse
s/Luis E. Rojas
s/Debby P. Sanderson
s/Ron Saunders
Managers on the part of the House of Representatives

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

Section 1. It is the intent of the Legislature that the implementing and administering provisions of this act apply to the General Appropriations Act for fiscal year 1989-1990.

Section 2. With funds provided in Specific Appropriations 1142, 1143, 1167, and 1168 of the General Appropriations Act, the State of Florida Guardian Ad Litem Program may represent, at the discretion of the court, children whose parents are party to a dissolution of marriage action when custody of the children is in issue and when the court determines that the best interests of the children would be protected in the action by a guardian ad litem.

Section 3. Each state attorney and public defender shall, not later than October 1, 1989, submit a report to the legislative appropriations committees showing the amount of state funds expended during fiscal year 1988-1989 for the items enumerated in section 27.34 or section 27.54, Florida Statutes. The Comptroller shall prescribe the report format.

Section 4. The Department of Professional Regulation is prohibited from expending funds from any specific appropriation, from any trust fund, or from any other source for the lease, possession, or acquisition of any space for office or any other use in Innovation Park in Tallahassee, notwithstanding any leasehold or contractual provision to the contrary.

Section 5. The authorization to transfer funds within the Department of State from the Division of Corporations Trust Fund to the Division of Licensing Trust Fund as provided in section 58(2) of chapter 87-247, Laws of Florida, is hereby extended to June 30, 1990, notwithstanding the provisions of section 215.18, Florida Statutes, and the authorized use of such funds shall be for review and appropriate action on existing gun permits and concealed weapons or firearms licenses and to create a system to reexamine each file upon renewal application.

Section 6. Pursuant to the provisions of section 215.94, Florida Statutes, the Executive Office of the Governor, as functional owner of the Planning and Budgeting Subsystem, and the Department of Banking and Finance, as functional owner of the State Automated Management Accounting Subsystem shall review all components for each subsystem of the Department of Transportation's accounting and budgeting system. After review, each functional owner shall make a determination as to the reliability of the subsystems in place and, if necessary, design and implement accounting, budgeting, and systems changes necessary to ensure compliance with section 215.91, Florida Statutes. Prior to the design and implementation of any subsystem, the functional owners shall notify the Auditor General as required by section 215.94(8), Florida Statutes, as to the design, capabilities, and plan for implementation, and the Auditor General shall determine that the proposed changes, if properly installed and implemented, provide reasonable assurances that the Executive Office of the Governor and the Legislature are provided timely and accurate information for decisionmaking purposes.

Section 7. Appropriations contained in section 2.6 of the General Appropriations Act shall be considered fixed capital outlay and may be transferred to other categories within said section 2.6 pursuant to the provisions of section 216.292(2), Florida Statutes.

Section 8. (1) The following trust funds of the departments specified in this subsection that are scheduled to be abolished on October 1, 1989, pursuant to the provisions of section 215.3205(1)(e), Florida Statutes, and that are not abolished by any other act of the Legislature are hereby abolished:

(a) Within the Executive Office of the Governor:

1. The Farmworker's Housing Trust Fund, fund number 3100-31-20-2-230001.

2. The Coastal Zone Management Trust Fund, fund number 3100-31-20-2-096001.

3. The Health Care Cost Containment Trust Fund, fund number 3100-31-20-2-373001.

4. The International Registration Clearing Trust Fund, fund number 3100-31-20-2-410001.

5. The Advance Technology Commercialization Trust Fund, fund number 3100-31-20-2-721001.

(b) Within the Judicial Branch and Justice Administrative Commission:

1. The Block Grant Matching Trust Fund under the Justice Administrative Commission, fund number 2100-21-71-2-060001.

2. The Prosecution Management Information System Trust Fund, fund number 2100-21-71-2-060003.

3. The Child Support Trust Fund under the state attorney for the 2nd Judicial Circuit, fund number 2100-21-71-2-084001.

4. The Child Support Trust Fund under the state attorney for the 3rd Judicial Circuit, fund number 2100-21-71-2-084002.

5. The Child Support Trust Fund under the state attorney for the 4th Judicial Circuit, fund number 2100-21-71-2-084003.

6. The Child Support Trust Fund under the state attorney for the 5th Judicial Circuit, fund number 2100-21-71-2-084004.

7. The Child Support Trust Fund under the state attorney for the 7th Judicial Circuit, fund number 2100-21-71-2-084005.

8. The Child Support Trust Fund under the state attorney for the 8th Judicial Circuit, fund number 2100-21-71-2-084006.

9. The Child Support Trust Fund under the state attorney for the 9th Judicial Circuit, fund number 2100-21-71-2-084007.

10. The Child Support Trust Fund under the state attorney for the 15th Judicial Circuit, fund number 2100-21-71-2-084009.

11. The Child Support Trust Fund under the state attorney for the 16th Judicial Circuit, fund number 2100-21-71-2-084010.

12. The Child Support Trust Fund under the state attorney for the 19th Judicial Circuit, fund number 2100-21-71-2-084012.

13. The Child Support Trust Fund under the state attorney for the 20th Judicial Circuit, fund number 2100-12-71-2-084013.

14. The Child Support Trust Fund under the state attorney for the 6th Judicial Circuit, fund number 2100-21-71-2-084014.

15. The Child Support Trust Fund under the state attorney for the 18th Judicial Circuit, fund number 2100-21-71-2-084015.

16. The Child Support Trust Fund under the state attorney for the 10th Judicial Circuit, fund number 2100-21-71-2-084016.

17. The Child Support Trust Fund under the state attorney for the 13th Judicial Circuit, fund number 2100-21-71-2-084017.

18. The Child Support Trust Fund under the state attorney for the 14th Judicial Circuit, fund number 2100-21-71-2-084018.

19. The Child Support Trust Fund under the state attorney for the 1st Judicial Circuit, fund number 2100-21-71-2-084019.

20. The Child Support Trust Fund under the state attorney for the 12th Judicial Circuit, fund number 2100-21-71-2-084020.

21. The Consumer Frauds Trust Fund under the state attorney for the 9th Judicial Circuit, fund number 2100-21-71-2-127002.

22. The Consumer Frauds Trust Fund under the state attorney for the 20th Judicial Circuit, fund number 2100-21-71-2-127004.

23. The Consumer Frauds Trust Fund under the state attorney for the 6th Judicial Circuit, fund number 2100-21-71-2-127005.

24. The DUI Prosecution Program Trust Fund under the 7th Judicial Circuit, fund number 2100-21-71-2-170001.

25. The DUI Prosecution Program Trust Fund under the 11th Judicial Circuit, fund number 2100-21-71-2-170002.

26. The Grants Trust Fund under the public defender for the 15th Judicial Circuit, fund number 2100-21-71-2-339023.

27. The Grants Trust Fund under the public defender for the 16th Judicial Circuit, fund number 2100-21-71-2-339024.

28. The Replacement Trust Fund under the Justice Administrative Commission, fund number 2100-21-30-2-580100.

29. The Court Education Trust Fund under the Justice Administrative Commission, fund number 2100-21-71-2-146001.

30. The Supreme Court Trust Fund under the Justice Administrative Commission, fund number 2100-21-71-2-172001.

31. The Supreme Court Grant Trust Fund under the Justice Administrative Commission, fund number 2100-21-71-2-339001.

32. The Administered Grants Trust Fund under the Justice Administrative Commission, fund number 2100-21-71-2-339025.

33. The 17th Judicial Circuit Replacement Trust Fund under the Justice Administrative Commission, fund number 2100-21-30-2-580024.

34. The 4th District Court of Appeal Replacement Trust Fund under the Justice Administrative Commission, fund number 2100-21-30-2-580035.

35. The Supreme Court Working Capital Trust Fund under the Justice Administrative Commission, fund number 2100-21-71-2-792001.

36. The Block Grant Matching Trust Fund under the State Courts System, fund number 2200-22-71-2-060001.

37. The Block Grant Matching Trust Fund under the State Courts System, fund number 2200-22-71-2-060007.

38. The Supreme Court Grant Trust Fund under the State Courts System, fund number 2200-22-71-2-339001.

39. The Administered Grants Trust Fund under the State Courts System, fund number 2200-22-20-2-339025.

40. The Administered Grants Trust Fund under the State Courts System, fund number 2200-22-71-2-339025.

41. The Replacement Trust Fund under the State Courts System, fund number 2200-22-30-2-580080.

(c) Within the Legislative Branch:

1. The Solid Waste Management Trust Fund, fund number 1100-11-20-2-40001.

2. The Grants and Donations Trust Fund under the House of Representatives, fund number 1100-11-71-2-339083.

3. The Grants and Donations Trust Fund, fund number 1100-11-20-2-339092.

4. The Replacement Trust Fund, fund number 1100-11-30-2-580081.

5. The Grants and Donations Trust Fund under the Auditor General, fund number 1195-11-20-2-339087.

6. The Grants and Donations Trust Fund under the Auditor General, fund number 1195-11-20-2-532001.

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

(2) In any case where the title of a trust fund designated to be abolished pursuant to this section may be stated inaccurately in subsection (1), the Comptroller shall be guided by the fund number of the trust fund.

(3) All trust funds of the Executive Office of the Governor, the Judicial Branch, the Legislative Branch, the Commission on Ethics, the Justice Administrative Commission, and the Commissioners for the Promotion of Uniformity of Legislation in the United States and all other trust funds which are scheduled to be abolished on October 1, 1989, pursuant to the provisions of section 215.3205(1)(e), Florida Statutes, and which are not abolished by this act or by any other act of the Legislature shall not be abolished on the scheduled date but are hereby continued.

Section 9. The Board of Trustees of Lake-Sumter Community College is authorized to receive a gift of property in Sumter County appropriate to their needs.

Section 10. Pursuant to section 240.295, Florida Statutes, the Board of Regents is hereby authorized to construct a hazardous waste facility at the University of Florida from sponsored research overhead funds that will not require general revenue funds for operation.

Section 11. The Board of Regents of the State University System is hereby authorized to construct the following approved projects which are to be financed from bonds issued pursuant to s. 11(e), Art. VII of the State Constitution:

(1) University of Florida Single Student Apartment Facility, which may be partially financed from revenue bonds in an amount not to exceed $7,500,000.

(2) Florida State University Renovations and Improvements to Dormitories, which may be partially financed from revenue bonds in an amount not to exceed $3,500,000.

(3) Florida A & M University Single Student Apartment Facility, which may be partially financed from revenue bonds in an amount not to exceed $7,400,000.

(4) University of Central Florida Student Housing Facility, which may be partially financed from revenue bonds in an amount not to exceed $8,300,000.

Section 12. The Department of Health and Rehabilitative Services is hereby authorized to enter into a sublease, for a nominal fee, with the Miami Jewish Home and Hospital for the Aged Pathways, for state land at South Florida State Hospital for an evaluation and treatment center for victims of Alzheimer's disease and related disorders.

Section 13. Pursuant to section 240.327, Florida Statutes, Miami-Dade Community College is hereby authorized to acquire property through the expenditure of non-PECO funds available to the college.

Section 14. Notwithstanding the provisions of section 332.007(3)(c), Florida Statutes, the Department of Transportation is authorized to advance funds as a loan to the Orlando International Airport in an amount that exceeds 25 percent of the total Airport Project funds. The loan shall not require a local match.

Section 15. The district director for the Fort Myers Urban Office of the Department of Transportation shall have the responsibility for developing the 5-year Transportation Plan for Charlotte, Collier, DeSoto, Glades, Hendry, and Lee Counties. The Fort Myers Urban Office shall also have responsibility for providing policy, direction, local government coordination, and planning for those counties.

Section 16. Notwithstanding the provisions of section 215.605, Florida Statutes, the Division of Bond Finance of the Department of General Services shall not issue state bonds to finance right-of-way land acquisition and bridge construction during the 1989-1990 fiscal year, unless the requirements of the General Appropriations Act are met.

Section 17. Notwithstanding the provisions of section 341.031(7), Florida Statutes, the Department of Transportation is authorized to continue for an additional 2 years, the Gandy Express Bus Service operating between Hillsborough and Pinellas Counties as a Transit Corridor Project.

Section 18. Any funds appropriated to the Department of Health and Rehabilitative Services for the purpose of providing price level increases to contract service providers shall be allocated only for price level increases.

Section 19. The Capital Collateral Representative shall file motions seeking compensation and reimbursement for representation and expenses pursuant to 18 U.S.C. s. 3006A when providing representation to indigent persons in the federal courts. All payments received pursuant to 18 U.S.C. s. 3006A shall be deposited into the Capital Collateral Representative Trust Fund.

Section 20. The provisions of sections 235.435(1)(c)2. and 236.25(2)(b) and (d), Florida Statutes, to the contrary notwithstanding, school districts are not required to comply with the maintenance of effort requirements for the 1989-1990 school year.

Section 21. Except as otherwise provided herein, this act shall take effect July 1, 1989, or in the event this act fails to become a law until after said date, it shall operate retroactively thereto. This act shall expire and be void and inoperative on July 1, 1990.

Conference Committee Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to implementing the fiscal year 1989-1990 General Appropriations Act; providing legislative intent; authorizing expenditure of funds by Guardian Ad Litem Program in certain dissolution proceedings; requiring state attorneys and public defenders to submit a report of certain expenditures; prohibiting the Department of Professional Regulation from expending funds for the lease, possession, or acquisition of specified space for office or other use; extending authorization to transfer certain funds within the Department of State; specifying use of such funds for review and appropriate action on gun permits and concealed weapons or firearms licenses; requiring review by the Executive Office of the Governor and the Department of Banking and Finance of the Department of Transportation accounting and budgeting system; authorizing certain transfer of appropriations in excess of specified limitations; abolishing the trust funds of certain agencies and providing for transfer of moneys therein; reviving specified trust funds scheduled for repeal; authorizing the Board of Trustees of Lake-Sumter Community College to receive a gift of property in Sumter County; authorizing the Board of Regents to construct a hazardous waste facility at the University of Florida from specified funds; authorizing the Board of Regents to construct housing projects at the University of Florida, Florida State University, Florida A & M University, and the University of Central Florida, which may be partially financed from revenue bonds; authorizing the Department of Health and Rehabilitative Services to sublease land at South Florida State Hospital for certain purposes; authorizing Miami-Dade Community College to use non-PECO funds to acquire property; authorizing the Department of Transportation to advance funds as a loan to the Orlando International Airport; providing responsibility of the Fort Myers Urban Office of the Department of Transportation for transportation planning and policy for specified counties; providing that the Division of Bond Finance of the Department of General Services shall not issue state bonds for right-of-way land acquisition and bridge construction during fiscal year 1989-1990; restrictions on appropriations to the Department of Health and Rehabilitative Services for price level increases; requiring the Capital Collateral Representative to seek reimbursement; allowing school districts to not comply with maintenance of effort requirements; providing a retroactive effective date and an expiration date.

On motion by Senator Margolis, the Conference Committee Report was adopted and SB 1501 passed as recommended and was certified to the House together with the Conference Committee Report. The vote on passage was:

Yeas—39

Mr. President	Beard	Bruner	Childers, D.
Bankhead	Brown	Casas	Childers, W. D.

Crenshaw	Grant	Margolis	Stuart
Davis	Grizzle	Meek	Thomas
Deratany	Jennings	Myers	Thurman
Dudley	Johnson	Peterson	Walker
Forman	Kirkpatrick	Plummer	Weinstein
Gardner	Kiser	Ros-Lehtinen	Weinstock
Girardeau	Langley	Scott	Woodson-Howard
Gordon	Malchon	Souto	

Nays—None

SPECIAL ORDER, continued

On motions by Senator Johnson, by two-thirds vote—

CS for HB 1346—A bill to be entitled An act relating to interception of wire, oral, or electronic communications; amending s. 934.02, F.S.; revising definitions relating to interception of wire, oral, or electronic communications; amending s. 934.03, F.S.; authorizing certain persons to provide technical assistance under specified circumstances to persons authorized to intercept communications; prohibiting the disclosure of such interception; amending s. 934.06, F.S.; providing an exception to the prohibition of use as evidence of intercepted wire or oral communications; amending s. 934.07, F.S.; providing for the Statewide Prosecutor to authorize an application for approval of the interception of communications; authorizing the interception of communications for violations of certain additional crimes; amending s. 934.08, F.S.; authorizing the disclosure of intercepted communications to attorneys representing the State of Florida or its political subdivisions; providing for use of intercepted communications in certain proceedings and investigations; providing that certain intercepted communications are not privileged; providing for the disclosure and use of intercepted communications other than those specified in an order; amending s. 934.09, F.S.; authorizing a court to order the use of a mobile interception device; providing for obligations of communication service providers and costs related thereto; specifying time limits for communication interception; authorizing a judge's successor to enter orders relative to authorized interceptions; providing for emergency interception of communications; providing for exceptions to the description of the location of intercepted communications; providing time limitations for certain intercept orders; amending ss. 934.10 and 934.27, F.S.; providing additional defenses to certain civil or criminal actions; providing a limitation period for certain civil actions; amending s. 934.33, F.S.; limiting requirements for authorization for a pen register or trap and trace device; amending s. 934.34, F.S.; providing obligations for service providers of electronic communication services; creating s. 934.41, F.S.; providing an alternative penalty for violation of ch. 934, F.S.; creating s. 934.42, F.S.; providing for authorization for mobile tracking devices; creating s. 934.43, F.S.; providing penalties for disclosure of subpoenas, orders, or authorizations for intercepted communications; amending ss. 934.04, 934.21, 934.23, and 934.31, F.S.; providing technical amendments; providing an effective date.

—a companion measure, was substituted for CS for SB 182 and by two-thirds vote read the second time by title. On motion by Senator Johnson, by two-thirds vote CS for HB 1346 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Jennings	Ros-Lehtinen
Bankhead	Deratany	Johnson	Scott
Beard	Dudley	Kiser	Souto
Brown	Forman	Langley	Thomas
Bruner	Gardner	Malchon	Thurman
Casas	Girardeau	Margolis	Walker
Childers, D.	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Myers	Weinstock
Crenshaw	Grizzle	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Stuart

Reconsideration

The motion by Senator Margolis that the Senate reconsider the vote by which—

CS for SB 654—A bill to be entitled An act relating to the Ringling Museum of Art; amending ss. 265.26, 265.261, F.S.; increasing the membership of the Board of Trustees of the John and Mable Ringling Museum of Art; revising membership requirements of the board of trustees; providing an advisory council to the board of trustees; providing duties of the advisory council; continuing the exemption of certain records of the direct-support organization from the public records law; providing for future legislative review of such exemption pursuant to the Open Government Sunset Review Act; providing an effective date.

—passed as amended this day was taken up and adopted.

On motion by Senator Margolis, CS for SB 654 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dudley	Kiser	Thomas
Bankhead	Forman	Langley	Thurman
Beard	Gardner	Malchon	Walker
Brown	Girardeau	Margolis	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	
Deratany	Kirkpatrick	Souto	

Nays—None

Vote after roll call:

Yea—Stuart

Motions

On motion by Senator Langley, the House was requested to return CS for SB 1252.

On motion by Senator Scott, by two-thirds vote SB 255 was placed on the special order calendar.

On motion by Senator Weinstein, the House was requested to return CS for SB 175.

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, 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 as amended CS for CS for HB 1362 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for HB 1362—A bill to be entitled An act relating to elections; amending s. 97.041, F.S.; revising qualifications for the preregistration of persons under 18 years of age to vote; amending s. 97.091, F.S.; providing for registration of persons temporarily residing outside the county at the main office of the supervisor of elections; prohibiting such registrants from voting in municipal elections; amending s. 98.051, F.S.; revising the time when the registration books close for an election; amending s. 98.111, F.S.; providing for disability information on voter registration forms; amending s. 99.012, F.S.; providing restrictions on persons qualifying for public office; providing exceptions; providing definitions; providing for removal of a person's name from the ballot for his failure to comply with the restrictions; amending s. 99.061, F.S.; revising qualifying dates; amending s. 99.092, F.S.; providing for an election assessment of candidates; creating s. 99.093, F.S.; providing for an election assessment of municipal candidates; amending s. 99.095, F.S.; to conform; amending ss. 99.0955 and 99.096, F.S.; conforming certain dates for obtaining and filing ballot petition forms with respect to independent and minor party candidates; amending ss. 100.061 and 100.091, F.S.; changing the dates of the first and second primary elections; amending s. 100.111, F.S.; revising provisions relating to vacancies in office; amending ss. 101.141, 101.151, and 101.252, F.S.; providing technical changes to conform the date of the election of state and county executive committee members; deleting the reference to public service commissioner on the primary and general election ballots; amending s. 101.161, F.S.; revising

the length of the referendum ballot statement; amending s. 101.5609, F.S.; authorizing certain alternative procedures relating to recording the issuance of absentee ballots; amending s. 101.62, F.S.; providing for mailing of first primary, second primary, and general election ballots to absent qualified electors overseas, including advance absentee ballots for the second primary and general election; providing procedure for voting such ballots; providing a definition; amending s. 101.64, F.S., relating to the voter's certificate on absentee ballots; creating ss. 101.731, 101.732, and 101.733, F.S., and amending s. 101.74, F.S.; creating the Florida Elections Emergency Declaration Act; providing definitions; expanding authority of the Governor to suspend or delay elections in emergency circumstances; providing for requests by the Secretary of State or a supervisor of elections for such suspension or delay; authorizing the Secretary of State to reschedule elections not held due to an emergency; providing time and notice requirements; requiring the Division of Elections of the Department of State to develop an elections emergency contingency plan; specifying scope and concerns; providing for an advisory council; providing for coordination of such plan with municipal clerks and supervisors of elections and emergency management officials; requiring approval of such contingency plan by the Governor; providing for review; amending s. 101.75, F.S.; conforming language; providing additional circumstances for change of dates of municipal elections; providing for review and repeal; amending s. 102.031, F.S.; prohibiting solicitation of voters within a specified distance of a polling place; providing exceptions; providing certain restrictions on access to polling rooms; modifying the definition of the term "solicit" and provisions relating to solicitation of voters at polling places and providing a penalty with respect thereto; amending s. 102.151, F.S.; removing the requirement to file certificate of election results with the clerk of the circuit court; amending ss. 103.022 and 103.091, F.S.; revising qualifying dates; conforming certain language; amending s. 103.121, F.S.; conforming certain language; 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; creating s. 104.361, F.S.; providing criminal penalties for disrupting the orderly conduct of an election; amending s. 105.031, F.S.; providing an election assessment for judicial candidates; modifying qualifying procedures for candidates for county court judge; amending s. 105.035, F.S., relating to the alternative method of qualifying, to conform; amending s. 105.08, F.S.; providing for certain campaign contribution and expense reports for specified judicial candidates for retention; amending s. 106.011, F.S.; amending and providing definitions; amending s. 106.021, F.S.; requiring candidates for other than statewide offices to file a copy of certain information relating to their campaign treasurers with the supervisor of elections of their county of residence; amending s. 106.025, F.S.; eliminating the notice of intent for campaign fund raisers; providing for reimbursement of expenditures for such fund raisers; amending s. 106.03, F.S.; changing the time for a political committee to file a statement of organization; eliminating a filing exemption; providing for notification of registration or rejection; providing rulemaking authority; creating s. 106.033, F.S.; requiring a public official to form a political committee in order to solicit or accept contributions for use to support or oppose or make contributions to candidates; requiring reports of contributions and expenditures; providing limits on contributions; prohibiting acceptance of contributions during specified period; providing a penalty; creating s. 106.035, F.S.; providing reporting requirements for political committees; providing for incomplete reports; providing for fines and limitations thereon and waivers thereof; requiring promulgation of rules on certain waivers; providing a penalty; providing an exception; amending s. 106.04, F.S.; providing that a committee of continuous existence need not file a copy of its charter or bylaws with its annual report under certain conditions; requiring committees of continuous existence to register as political committees before making independent expenditures; prescribing limits on contributions by committees of continuous existence; providing for fines and limitations thereon and waivers thereof with respect to reporting requirements of committees of continuous existence; requiring promulgation of rules on certain waivers; providing a penalty; amending s. 106.05, F.S.; providing for deposits by payroll deduction for political committees; excluding Saturdays from the calculation of time limits for deposit of campaign funds; amending s. 106.06, F.S.; providing technical changes with respect to campaign records; amending s. 106.07, F.S.; providing requirements for the filing of campaign reports with respect to candidates; modifying provisions relating to when such reports must be made, for which there are penalties; providing exceptions; requiring the return of certain contributions; requiring certain loans to be reported; providing for fines and limitations thereon and waivers thereof; requiring promulgation of rules on certain waivers; providing a penalty; amending s. 106.08, F.S., relating to limitations on campaign contributions; providing that candidates for Governor and Lieutenant Governor are considered a single candidate; revising the time period for receipt of certain contributions, for which there are penalties; providing for the return of certain contributions; prohibiting contributions received by political committees within a specified time period from being obligated or spent until after the election; providing that a candidate may purchase tickets, admission to events, or advertisements from religious, civic, or charitable groups; providing penalties; creating s. 106.102, F.S.; prohibiting a political party, or person acting on behalf thereof, from accepting a contribution to be expended to support or oppose, or be contributed to, a particular legislative candidate, from maintaining accounts, funds, or records of contributions segregated for use in support of or opposition to a particular legislative candidate, or from making contributions to certain political committees in excess of specified limits; providing a penalty; amending s. 106.11, F.S.; requiring campaign checks to contain the address of the candidate; restricting how certain former candidates or unopposed candidates may expend campaign funds; amending s. 106.125, F.S.; extending the use of credit cards to all candidates and political committees; excluding political advertising from credit card purchases; amending s. 106.14, F.S., relating to deposit and payment for utilities; eliminating certain penalties; amending s. 106.141, F.S., relating to disposition of surplus funds by candidates; requiring a report; providing that candidates for Governor and Lieutenant Governor are separate candidates for purposes of the office account; eliminating the requirement that the Secretary of State provide for tax identification numbers to certain officeholders; providing fines for certain late reports; providing penalties; amending s. 106.143, F.S.; revising requirements relating to political advertisements, for which there are penalties; requiring political advertisements for partisan offices to state the candidate's party affiliation or status as an independent candidate; amending s. 106.144, F.S.; providing that certain groups and organizations which intend to oppose a candidate or issue by means of political advertisement must file a statement containing specified information; providing a penalty; amending ss. 106.16 and 106.19, F.S.; providing technical changes; eliminating certain penalties; amending s. 106.24, F.S.; revising the number of members of the Florida Elections Commission constituting a quorum; requiring a majority vote of a quorum for action; allowing a single commissioner or a panel of three commissioners to hold hearings; establishing the Elections Commission Trust Fund; amending s. 106.25, F.S.; exempting appeals of fines for late filing from certain confidentiality provisions; amending s. 106.26, F.S.; requiring a majority vote of a quorum to determine violations; amending s. 106.29, F.S.; changing the time for political parties to file certain reports and receive certain contributions; providing fines for late reports; reducing the penalty for certifying as correct any false report of contributions and expenditures required of political party executive committees; repealing s. 99.032, F.S., relating to qualifications of county commission candidates; repealing s. 101.121, F.S., relating to persons allowed in polling rooms; repealing s. 106.142, F.S., relating to the definition of "political advertisement"; providing an effective date.

Amendment 1 to Senate Amendment 1—On page 1, line 12 through page 70, line 20, strike all of said lines and insert:

Section 1. Subsections (1) and (21) of section 97.021, Florida Statutes, are amended to read:

97.021 Definitions.—The following words and phrases when used in this code shall be construed as follows:

(1) "Absent elector" means any registered and qualified voter who:

(a) Is unable without another's assistance to attend the polls.

(b) Is an inspector, a poll worker, a deputy voting machine custodian, a deputy sheriff, a supervisor of elections, or a deputy supervisor who is assigned to a different precinct than that in which he is registered to vote.

(c) On account of the tenets of his religion, cannot attend the polls on the day of a general, special, or primary election.

(d) Has changed his residency to another county in this state within the time period during which the registration books are closed for the election for which the ballot is requested.

(e) Will not be in the county of his residence during the hours the polls are open for voting on the day of an election~~, except that any person confined in prison shall not be entitled to vote absentee~~.

(f) Has changed his residency to another state and is ineligible under the laws of that state to vote in the general election; however, this shall pertain only to presidential ballots.

(21) "Public office" means any federal, state, county, *municipal,* ~~or~~ school, or other district office or position which is filled by vote of the electors.

Section 2. Subsection (1) of section 97.041, Florida Statutes, is amended to read:

97.041 Qualifications to register or vote.—

(1)(a) Any person at least 18 years of age who is a citizen of the United States and a *legal* ~~permanent~~ resident of Florida and of the county where he wishes to register is eligible to register with the supervisor when the registration books are open. Upon registration, such person shall be a qualified elector of that county.

(b) Any person who ~~will become 18 years of age on or before the date of any election and who~~ is otherwise qualified shall be entitled~~, within 180 days preceding his 18th birthday,~~ to preregister *on or after his 17th birthday* with the supervisor for any election occurring on or after his 18th birthday, when the registration books are open.

Section 3. Subsection (6) of section 97.063, Florida Statutes, are amended to read:

97.063 Eligibility for absentee registration.—

(6) If the elector is registered in any other county of Florida, or in any other state, the supervisor shall, *upon the return of the absentee registration form, notify* ~~also have the elector complete a separate form, signed by the elector, to be mailed by the supervisor to~~ the registering official in the jurisdiction in which such elector was last registered for the purpose of advising such official to cancel the elector's former registration.

Section 4. Section 97.0631, Florida Statutes, is amended to read:

97.0631 Citizens residing overseas; notice of elections.—A citizen of this state who is residing overseas may notify the supervisor of elections in the county where he is registered of his overseas address; and, thereafter, the supervisor shall notify such citizen at least 90 days prior to regular primary and general elections and *when possible* ~~as soon as possible~~ prior to any special election so that such citizen may follow the procedures for absentee voting provided by law.

Section 5. Subsection (1) of section 97.091, Florida Statutes, is amended to read:

97.091 Electors must be registered in precinct; provisions for residence or name change.—

(1) No person shall be permitted to vote in any election precinct or district other than the one in which he has his *legal* ~~permanent place of~~ residence and in which he is registered. However, a person temporarily residing outside the county shall be registered in the precinct in which the *main office of the supervisor of elections, as designated by the supervisor,* ~~county courthouse~~ is located when he has no permanent address in the county and it is his intention to remain a resident of Florida and of the county in which he is registered to vote. Such persons who are registered in the precinct in which the *main office of the supervisor of elections, as designated by the supervisor,* ~~county courthouse~~ is located and who are residing outside the county with no permanent address in the county shall not be registered electors of a municipality and therefore shall not be permitted to vote in any municipal election.

Section 6. Section 98.051, Florida Statutes, is amended to read:

98.051 Registration books for permanent registration system; when open or closed.—

(1)(a) The office of the supervisor of elections shall be open Monday through Friday, excluding legal holidays, for a period of not less than 8 hours per day, beginning no later than 9 a.m.

(b) A supervisor may keep his office and any branch offices open on any weekday *including* ~~excluding~~ legal holidays, for 10 hours in addition to the 8 hours specified in paragraph (a), provided notice of the *days, hours,* ~~time~~ and place is published at least once, not less than 1 day prior *thereto* ~~to such extension of time~~, in a newspaper of general circulation in the county in which such offices are to be located. However, if the publication deadline for such notice cannot be met, the public notice shall be posted at the courthouse and may be advertised in the news media. Upon approval by the supervisor of elections, any state, county, or municipal agency is authorized to provide voter registration services and may be deemed a branch office location as provided in s. 97.021(5).

(c) During the 30-day period prior to the closing of the registration books for any statewide or federal election, the supervisor, in addition to the requirements of paragraphs (a) and (b), shall provide for registration each weekday, *and may provide for registration on* ~~excluding~~ legal holidays, for a period not less than 8 hours per day.

(d) Notwithstanding any other provision of this section, a supervisor of elections may authorize registrations to be taken on *a legal holiday at locations other than the main or branch locations* ~~the Fourth of July, except when that date falls on a Sunday,~~ provided proper notice of the time and place is given pursuant to paragraph (b).

(2) When registration books are open, voter registration and changes in registration shall be accepted in the office ~~or branch office~~ of the supervisor *or any branch office location* when such office *or location* is open as provided by law.

(3)(a)1. The registration books shall close for the first and second primary elections at 5 p.m. on the 30th day before the first primary election and shall remain closed until after the second primary election, during which time no registration or party change shall be accepted for such elections.

2. The provisions of any special act to the contrary notwithstanding, when special district officers are to be elected during any given first or second primary election, the registration books shall close at 5 p.m. on the 30th day before the first primary election and shall remain closed until after the second primary election, during which time no registration or party change shall be accepted for such elections.

3. For any other election, the books shall close at 5 p.m. on the 30th day before such election and shall remain closed until after such election, during which time no registration or party change shall be accepted for such election.

(b) When the books are closed for an election, registration and party changes shall be accepted for all subsequent elections. For purposes of this subsection, however, a first and second primary shall be considered one election.

(c) In computing the 30-day period for closing of the registration books, the election day shall be excluded, but all other holidays and Sundays shall be included. Registration shall be conducted on weekdays only; and, should the 30th day preceding an election fall on *a* Sunday or a legal holiday, then the registration books shall close at 5 p.m. on the immediately *succeeding* ~~preceding~~ day which is not a Sunday or legal holiday.

(d) When a district, municipal, or special election is called at a time when the books are open, the supervisor shall close the books to further registration or party changes for such district, municipal, or special election on the 30th day before such election, or immediately in the event the date of the election is less than 30 days away, but the books shall remain open for all subsequent elections. However, if a district, municipal, or special election is called at the same time as a regularly scheduled election, the books shall close for such district, municipal, or special election on the day designated for the books to close for the regularly scheduled election.

Subsections (1) and (2) of section 98.111, Florida Statutes, is amended to read:

98.111 Registration form; information required.—

(1) The Department of State shall prescribe the registration form, and the form shall be prepared to elicit the following information:

(a) Registration number;

(b) Date of registration;

(c) Full name;

(d) Sex;

(e) Party affiliation;

(f) Date of birth;

(g) Race;

(h) State or country of birth;

(i) Residence address at time of registering;

(j) Post-office mailing address at time of registering;

(k) Whether the registrant is permanently disabled;

(l)~~(k)~~ Precinct number;

(m)~~(l)~~ Whether or not the registrant is able to write his name or mark his ballot and, if not, the reason therefor; and

(n)~~(m)~~ Other information deemed necessary by the Department of State.

(2) The registrant is responsible for providing the information required under paragraphs (1)(c) through *(k)*~~(j)~~, and the supervisor of elections shall fill in the other information at the time the registration form is being processed.

Subsections (1) and (2) and paragraph (b) of subsection (3) of section 99.061, Florida Statutes, are amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than a judicial office as defined in chapter 105, shall file his qualification papers with, and pay the *qualifying* ~~qualification~~ fee, *which shall consist of the filing fee and election assessment,* and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the *120th* ~~57th~~ day prior to the first primary, but not later than noon of the *116th* ~~53rd~~ day prior to the date of the first primary, for persons seeking to qualify for nomination or election to federal office; and noon of the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office. However, the *qualifying* ~~qualification~~ fee, if any, paid by an independent candidate or a minor party candidate shall be refunded to such candidate by the qualifying officer within 10 days from the date that the determination is made that such candidate or minor party failed to obtain the required number of signatures.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1), shall file his qualification papers with, and pay the *qualifying fee, which shall consist of the filing fee and election assessment,* ~~qualification fees~~ and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the alternative method with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 50th day prior to the first primary or special district election, but not later than noon of the 46th day prior to the date of the first primary or special district election. However, if a special district election is held at the same time as the second primary or general election, qualifying shall be the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3)

(b) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee, *election assessment,* or party assessment. A write-in candidate shall not be entitled to have his name printed on any ballot; however, space for his name to be written in shall be provided on the general election ballot. No person may qualify as a write-in candidate if he has also otherwise qualified for nomination or election to such office.

Section 7. Section 99.081, Florida Statutes, is amended to read:

99.081 United States Senators elected in general election.—United States Senators from Florida shall be elected at the general election held ~~next~~ preceding the expiration of *the present term* ~~their terms~~ of office, and such election shall conform as nearly as practicable to the methods provided for the election of state officers.

Section 8. Subsections (1) and (3) of section 99.092, Florida Statutes, are amended to read:

99.092 *Qualifying* ~~Filing~~ fee of candidate; notification of Department of State.—

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify pursuant to s. 99.095 and except a person seeking to qualify as a write-in candidate, shall pay a *qualifying fee, which shall consist of a* filing fee *and election assessment* to the officer with whom he qualifies and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his other qualifying papers. The amount of the filing fee is 3 percent of the annual salary of the office. *The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the Elections Commission Trust Fund.* The amount of the *party* ~~committee~~ assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, *election assessment,* and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying *fee* ~~fees~~ shall be returned to the candidate unless he withdraws his candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his candidacy before the last date to qualify, his qualifying fee shall be returned to his designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

(3) Each candidate for the office of Governor and each candidate for the office of Lieutenant Governor shall pay a separate *qualifying* fee for his office in accordance with this section.

Section 9. Section 99.093, Florida Statutes, is created to read:

99.093 Municipal candidates; election assessment.—

(1) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to 1 percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward all amounts collected pursuant to this section to the Department of State for deposit in the Elections Commission Trust Fund.

(2) Any person seeking to qualify for nomination or election to a municipal office who is unable to pay the election assessment without imposing an undue burden on his personal resources or on resources otherwise available to him shall, upon written certification of such inability given under oath to the qualifying officer, be exempt from paying the election assessment.

Section 10. Subsection (1) of section 99.095, Florida Statutes, is amended to read:

99.095 Alternative method of qualifying.—

(1) A person seeking to qualify for nomination to any office who is unable to pay the *qualifying* ~~filing~~ fee and party assessment prescribed by *s. 106.46* ~~s. 99.092~~ without imposing an undue burden on his personal resources or on resources otherwise available to him may qualify to have his name placed on the ballot for the first primary election by means of the petitioning process prescribed in this section. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he intends to qualify for the office sought and stating that he is unable to pay the *qualifying* ~~filing~~ fee and party assessment for that office without imposing an undue burden on his personal resources or on resources otherwise available to him. *If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate in his oath for which group or district office he is running. The* ~~Such~~ oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the first

primary is held, but prior to the 92nd day prior to the date of the first primary election. The Department of State shall prescribe the form to be used in administering and filing such oath. No signatures shall be obtained by a candidate on any nominating petition until he has filed the oath required in this section. *If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election and the petition does not indicate the group or district office for which he is running, the signatures obtained on such petition will not be counted.*

Section 11. Subsections (1) and (3) of section 99.0955, Florida Statutes, are amended to read:

99.0955 Independent candidate for office; name on general election ballot.—

(1) Any registered elector seeking to have his name placed on the ballot at the general election as an independent candidate for an office may have his name printed on the general election ballot in which election such office is to be filled, provided he is otherwise qualified to hold the office that he seeks and provided a petition requesting that he be assigned a position on the general election ballot is signed by the required number of registered electors. Such person shall obtain the signatures on a petition form prescribed by the Department of State and furnished by the appropriate qualifying officer. Such forms may be obtained from the qualifying officer at any time after the first Tuesday following the first Monday in January preceding the general election~~, but prior to the 49th day prior to the date of the first primary election~~.

(3)(a) Each candidate for a federal, state, or multicounty district office shall submit a separate petition for each county from which signatures are sought. Each petition shall be submitted, prior to noon of the *last day of the qualifying period prescribed in s. 99.061(1) for the office sought* ~~49th day preceding the first primary election~~, to the supervisor of elections of the county for which such petition was circulated. Each supervisor to whom a petition is submitted shall check the names and shall, upon payment of the cost of checking the petitions or filing of the oath as prescribed in s. 99.097, certify to the Department of State, within 30 days of the last day for qualifying, the number shown as registered electors of said county. The Department of State shall determine whether or not the required number of signatures has been obtained and shall notify the candidate. If the required number of signatures has been obtained and the candidate has, during the time prescribed for qualifying for office, filed his qualifying papers with the Department of State, paid his *qualifying* ~~filing~~ fee, and taken the oath provided in s. 99.021, such candidate shall be entitled to have his name printed on the general election ballot. However, any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the Department of State, be exempt from paying the *qualifying fee* ~~filing fees~~. The name of each candidate who is entitled pursuant to this paragraph to have his name printed on the general election ballot shall be certified to the supervisor of elections of each county affected by such candidacy by the Department of State at the time the names of other candidates to be printed on the general election ballot are certified to each supervisor.

(b) Each candidate for a county office, or district office not covered by paragraph (a), shall submit his petition, prior to noon of the *last day of the qualifying period prescribed in s. 99.061(2)* ~~49th day preceding the first primary election~~, to the supervisor of elections of the county for which such petition was circulated. The supervisor shall determine whether the required number of signatures has been obtained and shall, within 30 days of the last day for qualifying, notify the candidate. If the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and the candidate has, during the time prescribed for qualifying for office, filed his qualification papers with the supervisor of elections, paid his *qualifying* ~~filing~~ fee, and taken the oath prescribed in s. 99.021, such candidate shall be entitled to have his name printed on the general election ballot. However, any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the supervisor, be exempt from paying the *qualifying* ~~filing~~ fee. Upon paying the cost of checking the petitions or filing the oath required by s. 106.51s. 99.097, such candidate shall be entitled to have his name placed on the general election ballot.

Section 12. Subsections (2), (3) and (4) of section 99.096, Florida Statutes, are amended to read:

99.096 Minor party candidates; names on ballot.—

(2) Petitions to have a slate of candidates printed on the ballot shall be provided by the Department of State. The form of the petitions shall be prescribed by the Department of State. A minor political party may obtain such petition forms at any time after the first Tuesday after the first Monday in January preceding said general election~~, but prior to the 49th day prior to the date of the first primary election~~.

(3) A separate petition shall be submitted from each county for which signatures are solicited. The petition shall be submitted to the supervisor of elections of the county prior to noon of the *last day of the qualifying period prescribed in s. 99.061(1) for candidates for state office* ~~49th day preceding the first primary election~~, and the supervisor shall check the names and shall, upon payment of the cost of checking the petitions prescribed in s. 99.097, certify, within 30 days of the last day for qualifying, the number shown as registered electors of the county. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor as required in this section has been met. When the percentage factor has been met, the Department of State shall notify the minor party executive committee that the party has secured a position on the general election ballot.

(4) The executive committee of the party shall, at the time of submitting the petitions to the various supervisors of elections, but no later than noon of the *last day of the qualifying period prescribed in s. 99.061(1) for candidates for state office* ~~49th day preceding the first primary election~~, submit to the Department of State an official list of the candidates nominated by that party to be on the ballot in the general election. If the minor party has qualified to have a slate of candidates for any offices for which candidates are required to qualify with a supervisor of elections, the Department of State shall notify such supervisor of the name of each candidate eligible to qualify for such an office. Candidates selected by a party pursuant to this section shall qualify with the Department of State or appropriate supervisor of elections, pay their *qualifying fee* ~~filing fees~~, and take and subscribe to the oath provided in s. 99.021 during the time prescribed for qualifying for office. Any candidate who is unable to pay such fee without imposing an undue burden on his personal resources or upon resources otherwise available to him shall, upon written certification of such inability given under oath to the Department of State or appropriate supervisor of elections, be exempt from paying the *qualifying* ~~filing~~ fee. The official list of nominated candidates may not be changed by the party after having been filed with the Department of State, except that candidates who have qualified may withdraw from the ballot pursuant to the provisions of this code.

Section 13. Subsection (4) of section 99.097, Florida Statutes, is amended to read:

99.097 Verification of signatures on

(4) The supervisor shall be paid the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate, minor party, or person authorized by such minor party submitting the petition or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, *person, or organization seeking to have an issue placed upon the ballot* cannot pay such charges without imposing an undue burden on his personal resources or upon the resources otherwise available to him, he shall, upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. If such candidate, *person, or organization* has filed the oath prescribed by s. 99.095(1), he shall not be required to file a second oath in order to have the signatures verified at no charge. However, an oath in lieu of payment of the charges shall not be allowed to verify the signatures on a petition to have a minor party's slate of candidates placed on the ballot or to have an issue placed on the ballot. In the event a candidate, *person, or organization submitting a petition to have an issue placed upon the ballot* is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Comptroller no later than December 1 of the general election year, and the Comptroller shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each name checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement

of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

Section 14. Subsection (2) of section 100.041, Florida Statutes, is amended to read:

100.041 Officers chosen at general election.—

(2) Each county commissioner from an odd-numbered district shall be elected ~~in the county at large~~ at the general election in each year the number of which is a multiple of 4, for a 4-year term commencing on the second Tuesday following such election, and each county commissioner from an even-numbered district shall be elected ~~in the county at large~~ at the general election in each even-numbered year the number of which is not a multiple of 4, for a 4-year term commencing on the second Tuesday following such election.

Section 15. Paragraph (b) of subsection (4), and subsections (3) and (5) of section 100.111, Florida Statutes, are amended to read:

100.111 Filling vacancy.—

(3) Whenever there is a vacancy for which a special election is required pursuant to s. 100.101(1)-(4), *the Governor, after consultation with the Secretary of State, shall fix the date of a special first primary election, a special second priamry election, and a special election. Nominees of political parties other than minor political parties shall be chosen under the primary laws of this state in the special primary elections to become candidates in the special election. Prior to setting the special election dates, the Governor shall consider any upcoming elections in the jurisdiction where the special election will be held.* ~~and a special election is called by the Governor to fill the vacancy in such office, nominees of political parties other than minor political parties shall be chosen under the primary laws of this state in a special primary election which shall be called by the Governor who, after consultation with the Secretary of State, may fix the date of a primary election and, if necessary, a second primary election to select nominees of political parties other than minor political parties to become candidates in the special election.~~ The dates fixed by the Governor shall be specific days certain and shall not be established by the happening of a condition or stated in the alternative. *The dates fixed shall provide a minimum of 2 weeks between each election. In the event a vacancy occurs in the office of state senator or member of the house of representatives when the Legislature is in regular legislative session, the minimum times prescribed by this subsection may be waived upon concurrence of the Governor, the Speaker of the House of Representatives, and the President of the Senate.* If a vacancy occurs in the office of state senator and no session of the Legislature is scheduled to be held prior to the next general election, the Governor may fix the dates for any special primary and for the special election to coincide with the dates of the first and second primary and general election. If a vacancy in office occurs in any district in the state senate or house of representatives or in any congressional district, and no session of the Legislature, or session of Congress if the vacancy is in a congressional district, is scheduled to be held during the unexpired portion of the term, the Governor is not required to call a special election to fill such vacancy.

(a) The dates for candidates to qualify in such special election or special primary election shall be fixed by the Department of State, and candidates shall qualify not later than noon of the last day so fixed. *The dates fixed for qualifying shall allow a minimum of 14 days between the last day of qualiyfing and the special first primary election.*

(b) The filing of campaign expense statements by candidates in such special elections or special primaries shall be not later than such dates as shall be fixed by the Department of State, and in fixing such dates the Department of State shall take into consideration and be governed by the practical time limitations.

(c) The *qualifying* ~~qualification~~ fees and party assessments of such candidates as may qualify shall be the same as collected for the same office at the last previous primary for that office. The party assessment shall be paid to the appropriate executive committee of the political party to which the candidate belongs.

(d) Each county canvassing board shall make as speedy a return of the result of such special elections and primaries as time will permit, and the Elections Canvassing Commission likewise shall make as speedy a canvass and declaration of the nominees as time will permit.

(4)

(b) If the vacancy in nomination occurs later than September 15, or if the vacancy in nomination occurs with respect to a candidate of a minor political party which has obtained a position on the ballot, no special primary election shall be held and the Department of State shall notify the chairman of the appropriate state, district, or county political party executive committee of such party; and, within 7 days, the chairman shall call a meeting of his executive committee to consider designation of a nominee to fill the vacancy. The name of any person so designated shall be submitted to the Department of State within 14 days of notice to the chairman in order that the person designated may have his name printed or otherwise placed on the ballot of the ensuing general election, but in no event shall the supervisor of elections be required to place on a ballot a name submitted less than *21* ~~14~~ days prior to the election. *If the vacancy occurs less than 21 days prior to the election, the person designated by the political party will replace the former party nominee even though the former party nominee name will be on the ballot. Any ballots cast for the former party nominee will be counted for the person designated by the political party to replace the former party nominee. If there is no opposition to the party nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election.* For purposes of this paragraph, the term "district political party executive committee" means the members of the state executive committee of a political party from those counties comprising the area involving a district office.

(5) In the event of unforeseeable circumstances not contemplated in these general election laws concerning the calling and holding of special primary elections and special elections resulting from court order or other unpredictable circumstances, the Department of State shall have the authority ~~by emergency rule~~ to provide for the conduct of orderly elections.

Section 16. Section 100.151, Florida Statutes, is amended to read:

100.151 County commissioners calling special election, notice.—~~The~~ County commissioners *or the governing authority of a municipality* shall not call any special election until notice is given to the supervisor of elections and his consent obtained as to a date when the registration books can be available.

Section 17. Section 100.361, Florida Statutes, is amended to read:

100.361 Municipal recall.—

(1) RECALL PETITION.—Any member of the governing body of a municipality or charter county, hereinafter referred to in this section as "municipality," may be removed from office by the electors of the municipality. When the official represents a district and is elected only by electors residing in that district, only electors from that district are eligible to sign the petition to recall that official and are entitled to vote in the recall election. When the official represents a district and is elected at-large by the electors of the municipality, all electors of the municipality are eligible to sign the petition to recall that official and are entitled to vote in the recall election. Where used in this section, the term "district" shall be construed to mean the area or region of a municipality from which a member of the governing body is elected by the electors from such area or region. Members may be removed from office by the following procedure:

(a) A petition shall be prepared naming the person sought to be recalled and containing a statement of grounds for recall in not more than 200 words *limited solely to the grounds specified in s. 100.36(1)(b).* If more than one member of the governing body is sought to be recalled, whether such member is elected by the electors of a district or by the electors of the municipality at-large, a separate recall petition shall be prepared for each member sought to be recalled.

1. In a municipality or district of fewer than 500 electors, the petition shall be signed by at least 50 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

2. In a municipality or district of 500 or more but fewer than 2,000 registered electors, the petition shall be signed by at least 100 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

3. In a municipality or district of 2,000 or more but fewer than 5,000 registered electors, the petition shall be signed by at least 250 electors or

by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

4. In a municipality or district of 5,000 or more but fewer than 10,000 registered electors, the petition shall be signed by at least 500 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

5. In a municipality or district of 10,000 or more but fewer than 25,000 registered electors, the petition shall be signed by at least 1,000 electors or by 10 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

6. In a municipality or district of 25,000 or more registered electors, the petition shall be signed by at least 1,000 electors or by 5 percent of the total number of registered electors of the municipality or district as of the preceding municipal election, whichever is greater.

Electors of the municipality or district making charges contained in the statement of grounds for recall and those signing the recall petition shall be designated as the "committee." A specific person shall be designated in the petition as chairman of the committee to act for the committee. ~~Only qualified~~ Electors of the municipality or district are eligible to sign the petition. Signatures and *oaths* ~~affidavits~~ of circulators shall be executed as provided in paragraph (c). All signatures shall be obtained within a period of 30 days, and the petition shall be filed within 30 days after the date the first signature is obtained on the petition.

(b) The grounds for removal of elected municipal officials shall, for the purposes of this act, be limited to the following *and must be contained in the petition*:

1. Malfeasance;

2. Misfeasance;

3. Neglect of duty;

4. Drunkenness;

5. Incompetence;

6. Permanent inability to perform official duties; and

7. Conviction of a felony involving moral turpitude.

(c) Each elector of the municipality signing a petition shall sign his name in ink or indelible pencil as registered in the office of the supervisor of elections and shall state *on the petition* his place of residence and voting precinct. Each ~~counterpart of the~~ petition shall contain appropriate lines for *signatures and addresses of* ~~signature by~~ electors and *an oath* ~~a form of affidavit~~, to be executed by the circulator thereof, verifying the fact that the circulator saw each person sign the counterpart of the petition, that each signature appearing thereon is the genuine signature of the person it purports to be, and that the petition was signed in the presence of the circulator on the date indicated.

(d) The petition shall be filed with the ~~city~~ auditor or clerk *of the municipality or charter county*, or his equivalent, *hereinafter referred to as clerk*, by the person designated as chairman of the committee, and, when *a* ~~the~~ *facially valid* petition *meeting the requirements of s. 100.361(1)(b)* is filed, *the clerk* ~~city auditor or clerk, or his equivalent,~~ shall submit such petition to the county supervisor of elections who shall, within a period of not more than 30 days *after the petition is filed with the supervisor*, determine whether the petition contains the required valid signatures. *If it is determined by the clerk that the petition does not meet the requirements of s. 100.361(1)(b) and therefore is not facially valid, the clerk shall so notify the governing body of the municipality or charter county and take no further action. The petition cannot be amended after it is filed with the clerk.* The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked.

(e) If it is determined that the petition does not contain the required signatures, the *clerk* ~~city auditor or clerk, or his equivalent,~~ shall so certify to the governing body *of the municipality or charter county* and file the petition without taking further action, and the matter shall be at an end. No additional names may be added to the petition, and the petition shall not be used in any other proceeding.

(f) If it is determined that the petition has the required signatures, then the *clerk* ~~city auditor or clerk, or his equivalent,~~ shall at once serve upon the person sought to be recalled a certified copy of the petition. Within 5 days after service, the person sought to be recalled may file with the *clerk* ~~city auditor or clerk, or his equivalent,~~ a defensive statement of not more than 200 words. The *clerk* ~~city auditor or clerk, or his equivalent,~~ shall, within 5 days, prepare a sufficient number of typewritten, printed, or mimeographed *copies* ~~counterparts~~ of the recall petition and ~~statement of grounds for recall and~~ defensive *statement* ~~statements thereto~~, as well as the names *addresses, and oaths on* ~~and affidavits upon~~ the original petition, and deliver them to the person who has been designated as chairman of the committee and take his receipt therefor. *Such prepared copies* ~~The prepared counterpart~~ shall be entitled "Recall Petition and Defense" and shall contain lines and spaces for signatures of registered electors, place of residence, election precinct number, and date of signing, together with *oaths* ~~affidavits~~ to be executed by the circulators which conform to the provisions of paragraph (c). The *clerk* ~~city auditor or clerk, or his equivalent,~~ shall deliver forms sufficient to carry the signatures of 30 percent of the registered electors.

(g) Upon receipt of the *"Recall Petition and Defense"* ~~counterparts~~, the committee may circulate them to obtain the signatures of 15 percent of the electors. Any elector who signs a recall petition shall have the right to demand in writing that his name be stricken from the petition. A written demand signed by the elector shall be filed with the *clerk* ~~city auditor or clerk, or his equivalent,~~ and upon receipt of the demand the *clerk* ~~city auditor or clerk, or his equivalent,~~ shall strike the name of the elector from the petition and place his initials to the side of the signature stricken. However, no signature may be stricken after the *clerk has delivered the "Recall Petition and Defense" to the supervisor of elections for verification* ~~city auditor or clerk, or his equivalent, has certified the total of electors to the governing body~~.

(h) Within 60 days after delivery of the *"Recall Petition and Defense"* ~~counterparts~~ to the chairman, the chairman shall file with the *clerk the "Recall Petition and Defense" which bears the* ~~city auditor or clerk, or his equivalent, the counterparts that bear~~ signatures of electors. The *clerk* ~~city auditor or clerk, or his equivalent,~~ shall assemble all signed *petitions* ~~counterparts~~, check to see that each *petition* ~~counterpart~~ is properly verified by the *oath* ~~affidavit~~ of the circulator, and submit such petitions to the county supervisor of elections, who shall *determine the number of valid signatures* ~~ascertain the number of different signatures upon the counterparts~~, purge the names withdrawn, certify within 30 days whether 15 percent of the qualified electors of the municipality have signed the petitions, and report his findings to the governing body. The supervisor shall be paid by the persons or committee seeking verification the sum of 10 cents for each name checked.

(i) If the petitions do not contain the required signatures, the *clerk* ~~city auditor or clerk, or his equivalent,~~ shall report such fact to the governing body and file the petitions and the proceedings shall be terminated, and the petitions shall not again be used. If the signatures do amount to *at least* 15 percent of the qualified electors, he shall serve notice of that fact upon the person sought to be recalled and deliver to the governing body a certificate as to the percentage of qualified voters who signed.

(2) RECALL ELECTION.—If the person designated in the petition files with the *clerk* ~~city auditor or clerk, or his equivalent~~, within 5 days after the last-mentioned notice, his written resignation, the *clerk* ~~city auditor or clerk, or his equivalent~~, shall at once notify the governing body of that fact, and the resignation shall be irrevocable. The governing body shall then proceed to fill the vacancy according to the provisions of the appropriate law. In the absence of a resignation, the chief judge of the judicial circuit in which the municipality is located shall fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than 30 days or more than 60 days after the expiration of the 5-day period last-mentioned and at the same time as any other general or special election held within the period; but if no such election is to be held within that period, the judge shall call a special recall election to be held within the period aforesaid.

(3) BALLOTS.—The ballots at the recall election shall conform to the following: With respect to each person whose removal is sought, the question shall be submitted: "Shall . . . . be removed from the office of . . . . by recall?" Immediately following each question there shall be printed on the ballots the two propositions in the order here set forth:

". . . (name of person) . . . should be removed from office."

". . . (name of person) . . . should not be removed from office."

Immediately to the right of each of the propositions shall be placed a square on which the electors, by making a crossmark (X), may vote either of the propositions. Voting machines *or electronic or electromechanical equipment* may be used.

(4) FILLING OF VACANCIES; SPECIAL ELECTIONS.—

(a) If an election is held for the recall of members elected only at-large, candidates to succeed them for the unexpired terms shall be voted upon at the same election and shall be elected in the same manner as provided by the appropriate law for the election of candidates at general elections. Candidates shall not be elected to succeed any particular member. If only one member is removed, the candidate receiving the highest number of votes shall be declared elected to fill the vacancy. If more than one member is removed, candidates equal in number to the number of members removed shall be declared elected to fill the vacancies; and, among the successful candidates, those receiving the greatest number of votes shall be declared elected for the longest terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.

(b) If an election is held for the recall of members elected only from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election called by the chief judge of the judicial circuit in which the districts are located not less than 30 days or more than 60 days after the expiration of the recall election. The qualifying period, for purposes of this section, shall be established by the chief judge of the judicial circuit after consultation with the *clerk* ~~municipal or charter county election official~~. Any candidate seeking election to fill the unexpired term of a recalled district municipal official shall reside in the district represented by the recalled official and qualify for office in the manner required by law. Each candidate receiving the highest number of votes for each office in the special district recall election shall be declared elected to fill the unexpired term of the recalled official. Candidates seeking election to fill a vacancy created by the removal of a municipal official shall be subject to the provisions of chapter 106.

(c) When an election is held for the recall of members of the governing body composed of both members elected at-large and from districts, candidates to succeed them for the unexpired terms shall be voted upon at a special election as provided in paragraph (b).

(d) However, in any recall election held pursuant to paragraph (b) or paragraph (c), if only one member is voted to be removed from office, the vacancy created by the recall shall be filled by the governing body according to the provisions of the appropriate law for filling vacancies.

(5) EFFECT OF RESIGNATIONS.—If the member of the governing body being recalled resigns from office prior to the recall election, the remaining members shall fill the vacancy created according to the appropriate law for filling vacancies. If all of the members of the governing body are sought to be recalled and all of the members resign prior to the recall election, the recall election shall be canceled, and a special election shall be called to fill the unexpired terms of the resigning members. If all of the members of the governing body are sought to be recalled and any of the members resign prior to the recall election, the proceedings for the recall of members not resigning and the election of successors to fill the unexpired terms shall continue and have the same effect as though there had been no resignation.

(6) WHEN PETITION MAY BE FILED.—~~Except as otherwise provided,~~ No petition to recall any member of the governing body of a municipality shall be filed until *the member* ~~he~~ has served one-fourth of his term of office. No person removed by a recall, or resigning after a petition has been filed against him, shall be eligible to be appointed to the governing body within a period of 2 years after the date of such recall or resignation. The *clerk* ~~city auditor or clerk, or his equivalent,~~ shall preserve in his office all papers comprising or connected with a petition for recall for a period of 2 years after they were filed. This method of removing members of the governing body of a municipality is in addition to such other methods now or hereafter provided by the general laws of this state.

(7) OFFENSES RELATING TO PETITIONS.—No person shall impersonate another, purposely write his name or residence falsely in the signing of any petition for recall or forge any name thereto, or sign any paper with knowledge that he is not a qualified elector of the municipality. No expenditures for campaigning for or against an officer being recalled shall be made until the date on which the recall election is to be held is publicly announced. The committee and the officer being recalled shall be subject to chapter 106. No person shall employ or pay another to accept employment or payment for circulating a recall petition. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor of the second degree and shall, upon conviction, be punished as provided by law.

(8) INTENT.—It is the intent of the Legislature that the recall procedures provided in this act shall be uniform statewide. Therefore, all municipal charter and special law provisions which are contrary to the provisions of this act are hereby repealed to the extent of this conflict.

(9) PROVISIONS APPLICABLE.—The provisions of this act shall apply to cities and charter counties which have adopted recall provisions.

Section 18. Subsection (2) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(2) Each party and each candidate requesting to have poll watchers shall designate, in writing, poll watchers for each precinct prior to noon of the *second Tuesday* ~~10th day~~ preceding the election. The poll watchers for each precinct shall be approved by the supervisor of elections *on or before the Tuesday before* ~~at least 5 days prior to~~ the election. The supervisor shall furnish to each precinct a list of the poll watchers designated and approved for such precinct.

Section 19. Subsection (4) of section 101.141, Florida Statutes, is amended to read:

101.141 Specifications for primary election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the primary election ballot shall conform to the following specifications:

(4) The ballot shall have the headings, under which appear the names of the offices and the candidates for the respective offices alphabetically arranged as to surnames, in the following order: the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, ~~public service commissioner,~~ state attorney, and public defender; the heading "Legislative" and thereunder the offices of state senator and state representative; the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, members of the district school board, and such other county and district offices as are involved in the primary election, in the order fixed by the Department of State~~; the heading "Official Presidential Preference Primary Ballot," as provided in s. 103.101;~~ followed, in the years of their election, by "Party offices," and thereunder the offices of state and county party executive committee members. Immediately following the name of each office on the ballot shall be printed, "Vote for One." When more than one candidate is to be nominated for office, the candidates for such office shall qualify and run in a group or district. The group or district number shall be printed beneath the name of the office. The names of candidates in the respective group or district shall be arranged thereunder in alphabetical order as to surnames, and following the group or district number there shall be printed the words, "Vote for One." The name of the office shall be printed over each numbered group or district and each numbered group or district shall be clearly separated from the next numbered group or district, the same as in the case of single offices. When two or more candidates running for the same office have the same or similar surname and one candidate is currently holding that office, the word "Incumbent" shall be printed next to the incumbent's name. If in any primary election all the offices as above set forth are not involved, those offices to be filled shall be arranged on the ballot in the order named.

Section 20. Paragraph (a) of subsection (3) of section 101.151, Florida Statutes, is amended to read:

101.151 Specifications for general election ballot.—In counties in which voting machines are not used, and in other counties for use as absentee ballots not designed for tabulation by an electronic or electromechanical voting system, the general election ballot shall conform to the following specifications:

(3)(a) Beneath the caption and preceding the names of candidates shall be the following words: "To vote for a candidate whose name is printed on the ballot, place a cross (X) mark in the blank space at the right of the name of the candidate for whom you desire to vote. To vote for a write-in candidate, write the name of the candidate in the blank space provided for that purpose." The ballot shall have headings under which shall appear the names of the offices and names of duly nominated candidates for the respective offices in the following order: the heading "Electors for President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party which received the highest vote for Governor in the last general election of the Governor in this state, above which shall appear the name of said party. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, Secretary of State, Attorney General, Comptroller, Treasurer, Commissioner of Education, Commissioner of Agriculture, ~~public service commissioner,~~ state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County" and thereunder clerk of the circuit court, clerk of the county court (when authorized by law), sheriff, property appraiser, tax collector, district superintendent of schools, and supervisor of elections. Thereafter follows: members of the board of county commissioners, members of the district school board, and such other county offices as are involved in the general election, in the order fixed by the Department of State. When a write-in candidate has qualified for any office, a subheading "Write-in Candidate for . . . (name of office) . . ." shall be provided followed by a blank space in which to write the name of the candidate. With respect to write-in candidates, if two or more candidates are seeking election to one office, only one blank space shall be provided.

Section 21. Subsection (2) of section 101.252, Florida Statutes, is amended to read:

101.252 Candidates entitled to have names printed on certain ballots; exception.—

(2) Any candidate for party executive committee member who has qualified as prescribed by law is entitled to have his name printed on the *first* ~~official presidential preference~~ primary ballot. However, when there is only one candidate of any political party qualified for such an office, the name of the candidate shall not be printed on the *first* ~~presidential preference~~ primary ballot, and such candidate shall be declared elected to the state or county executive committee.

Section 22. Subsection (3) of section 101.253, Florida Statutes, is amended to read:

101.253 When names not to be printed on ballot.—

(3) In no case shall the supervisor be required to print on the ballot a name which is submitted less than *21* ~~14~~ days prior to the election. In the event the ballots are printed *21* ~~14~~ days or more prior to the election, the name of any candidate whose death, resignation, removal, or withdrawal created a vacancy in office or nomination shall be stricken from the ballot with a rubber stamp or appropriate printing device, and the name of the new nominee shall be inserted on the ballot in a like manner. *The supervisor may, as an alternative, reprint the ballots to include the name of the new nominee.*

Section 23. Section 101.254, Florida Statutes, is amended to read:

101.254 When nominated names to appear in groups or districts.—When an office requires the nomination of more than one candidate, as many groups or districts shall be numerically designated as there are vacancies to be filled by nomination. Each candidate shall indicate *on his qualifying papers* the group or district in which he desires his name to appear on the ballot. *In addition, any candidate qualifying by the petition method must indicate on his petition prior to circulating such petition, which group or district for which he is attempting to qualify.*

Section 24. Section 101.31, Florida Statutes, is amended to read:

101.31 Experimental use of voting *equipment* ~~machines~~.—The board of county commissioners of any county, or the governing body of any municipality, may provide for experimental use of any voting *equipment* ~~machine or machines~~ at any election in one or more precincts. The use of any voting *equipment* ~~machine or machines~~ on an experimental basis shall be valid for all purposes.

Section 25. Paragraph (a) of subsection (7) of section 101.5609, Florida Statutes, is amended to read:

101.5609 Ballot requirements.—

(7)(a) Absentee ballots may consist of ballot cards, envelopes, or paper ballots voted in person in the office of the election official in charge of the election, voted by mail, or delivered as provided in s. 101.62(4). *Alternative procedures may be used to record the issuance of a ballot in lieu of the requirements for initialing the stub and entering the elector's name as provided in s. 101.62(4).*

Section 26. Section 101.58, Florida Statutes, is amended to read:

101.58 Supervising and observing registration and election processes.—The Department of State may, at any time it deems fit; upon the petition of 5 percent of the registered electors; or upon the petition of any candidate, county executive committee chairman, state committeeman or committeewoman, or state executive committee chairman, appoint one or more deputies whose duties shall be to observe and examine the registration and election processes and the condition, custody, and operation of voting machines in any county or municipality. The deputy shall have access to all registration books and records as well as any other records or procedures relating to the voting process. The deputy *may* ~~shall~~ supervise preparation of the election machines and procedures for election, and it shall be unlawful for any person to obstruct the deputy in the performance of his duty. He shall file with the Department of State ~~a certificate that he personally examined the voting machines and with such certificate file~~ a report of his findings and observations of the registration and election processes in the county or municipality, and a copy of the ~~certificate and~~ report shall also be filed with the clerk of the circuit court of said county. The compensation of such deputies shall be fixed by the Department of State; and costs incurred under this section shall be paid from the annual operating appropriation made to the Department of State.

Section 27. Subsection (1) of section 101.6102, Florida Statutes, is amended to read:

101.6102 Mail ballot elections; limitations.—

(1) An election may be conducted by mail ballot if:

(a) The election is a referendum election at which all or a portion of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote:

1. Counties;

2. Cities;

3. School districts covering no more than one county; or

4. Special districts covering no more than one county;

(b) In addition, an annexation referendum which includes only qualified electors of one county may also be voted on by mail ballot election.

(c)~~(b)~~ The governing body responsible for calling the election and the supervisor of elections responsible for the conduct of the election authorize the use of mail ballots for the election; and

(d)~~(c)~~ The Secretary of State approves a written plan for the conduct of the election, which shall include a written timetable for the conduct of the election, submitted by the supervisor of elections.

Section 28. 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 specified 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 than 30 days before the first primary election, not less than 24 days before the second primary election, and not less than 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.

Section 29. Section 102.031, Florida Statutes, is amended to read:

102.031 Maintenance of good order at polls; authorities; *persons allowed in polling rooms;* unlawful solicitation of voters.—

(1) Each election board shall possess full authority to maintain order at the polls and enforce obedience to its lawful commands during an election and the canvass of the votes.

(2) The sheriff shall deputize a deputy sheriff for each precinct who shall be present during the time the polls are open and until the election is completed, who shall be subject to all lawful commands of the clerk or inspectors, and who shall maintain good order. The deputy may summon assistance from among bystanders to aid him when necessary to maintain peace and order at the polls.

(3)(a) *No person may enter any polling room or polling place where the polling place is also a polling room, during voting hours except the following:*

1. Official poll watchers;

2. Inspectors;

3. Election clerks;

4. The supervisor of elections or his deputy;

5. Persons there to vote, persons in the care of a voter, or persons caring for such voter; or

6. Law enforcement officers or emergency service personnel there with permission of the clerk or a majority of the inspectors.

(b) The restriction in this subsection does not apply where the polling room is in an area commonly traversed by the public in order to gain access to businesses or homes or in an area traditionally utilized as a public area for discussion.

(c) No person, political committee, committee of continuous existence, or other group or organization may solicit voters within *50* ~~150~~ feet of *the entrance to* any polling place, or polling room where the polling place is *also* a *polling room* ~~shopping center or mall~~, on the day of any election.

1. Solicitation shall not be restricted if:

a. Conducted from a separately marked area within the 50-foot zone so as not to disturb, hinder, impede, obstruct, or interfere with voter access to the polling place or polling room entrance; and

b. The solicitation activities and subject matter are clearly and easily identifiable by the voters as an activity in which they may voluntarily participate; or

c. Conducted on property within the 50-foot zone which is a residence, established business, private property, sidewalk, park, or property traditionally utilized as a public area for discussion.

2. Solicitation shall not be permitted within the 50-foot zone on a public sidewalk or other similar means of access to the polling room if it is clearly identifiable to the pollworkers that the solicitation is impeding, obstructing, or interfering with voter access to the polling room or polling place.

(d)~~(b)~~ For the purpose of this subsection, the term "solicit" shall include, but not be limited to, *seeking* ~~soliciting~~ or attempting to *seek* ~~solicit~~ any vote, *fact,* opinion, or contribution ~~for any purpose~~; distributing or attempting to distribute any political or campaign material, *leaflet, or handout; conducting a poll; seeking;* ~~soliciting~~ or attempting to *seek* ~~solicit~~ a signature on any petition; and selling or attempting to sell any item~~, except within an established place of business~~.

(e)~~(c)~~ Each supervisor of elections shall ~~determine and~~ inform the clerk of each precinct of the area within which soliciting is unlawful, based on the particular characteristics of that polling place. The supervisor or the clerk may take any reasonable action necessary to ensure order at the polling places *which shall include* ~~affected by such soliciting, including~~:

1. Designating a specific ~~limited~~ area for soliciting *pursuant to paragraph (c) of this subsection, or*~~, and~~

2. Having disruptive and unruly persons removed by law enforcement officers from the *polling room or place or from the 50-foot zone surrounding the* polling place.

Section 30. Section 102.112, Florida Statutes, is created to read:

102.112 Deadline for submission of county returns to the Department of State; penalties.—

(1) The county canvassing board or a majority thereof shall file the county returns for the election of a federal or state officer with the Department of State immediately after certification of the election results. If the returns are not received by the department by 5 p.m. on the 7th day after an election, such returns may be ignored and the results on file at that time may be certified by the department.

(2) The department shall fine each board member $200 for each day such returns are late, the fine to be paid only from the board member's personal funds. Such fines shall be deposited into the Election Campaign Financing Trust Fund, created by s. 106.32.

(3) Members of the county canvassing board may appeal such fines to the Florida Elections Commission, which shall adopt rules for such appeals.

Section 31. Section 102.151, Florida Statutes, is amended to read:

102.151 County canvassing board to issue certificates; supervisor to give notice to Department of State.—The county canvassing board shall make and sign *duplicate* ~~triplicate~~ certificates containing the total number of votes cast for each person nominated or elected, the names of persons for whom such votes were cast, and the number of votes cast for each candidate or nominee. One of such certificates which relates to offices for which the candidates or nominees have been voted for in more than one county shall be immediately transmitted to the Department of State, ~~another to the clerk of the circuit court,~~ and the *second* ~~third~~ copy filed in the supervisor's office. The supervisor shall transmit to the Department of State, immediately after the county canvassing board has canvassed the returns of the election, a list containing the names of all county and district officers nominated or elected, the office for which each was nominated or elected, and the mailing address of each.

Section 32. Subsection (2) of section 103.101, Florida Statutes, is amended to read:

103.101 Presidential preference primary.—

(2) There shall be a Presidential Candidate Selection Committee composed of the Secretary of State, who shall be a nonvoting chairman; the Speaker of the House of Representatives; the President of the Senate; the minority leader of each house of the Legislature; and the chairman of each political party required to have a presidential preference primary under this section.

(a) By December 31 of the year preceding the Florida presidential preference primary, each political party shall submit to the Secretary of State a list of its presidential candidates to be placed on the presidential preference primary ballot or candidates entitled to have delegates appear on the presidential preference primary ballot. The Secretary of State shall prepare and publish a list of the names of the presidential candidates submitted. The Secretary of State shall submit such list of names of presidential candidates to the selection committee on the first Tuesday after the first Monday in January each year a presidential preference primary election is held. Each person designated as a presidential candidate shall have his name appear, or have his delegates' names appear, on the presidential preference primary ballot unless all committee members of the same political party as the candidate agree to delete such candidate's name from the ballot. The selection committee shall meet in Tallahassee on the first Tuesday after the first Monday in January each year a presidential preference primary is held. The selection committee shall publicly announce and submit to the Department of State no later than 5 p.m. on the following day the names of presidential candidates who shall have their names appear, or who are entitled to have their delegates' names appear, on the presidential preference primary ballot. The Department of State shall immediately notify each presidential candidate designated by the committee. Such notification shall be in writing, by registered mail, with return receipt requested.

(b) Any presidential candidate whose name does not appear on the list submitted to the Secretary of State may request that the selection committee place his name on the ballot. Such request shall be made *in writing to the Secretary of State* no later than the second Tuesday after the first Monday in January.

(c) If a presidential candidate makes a request that the selection committee reconsider placing the candidate's name on the ballot, the selection committee will reconvene no later than the second Thursday after the first Monday in January to reconsider placing the candidate's name on the ballot. The Department of State shall immediately notify such candidate of the selection committee's decision.

Section 33. 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 34. Subsection (3) of section 105.031, Florida Statutes, is amended to read:

105.031 Qualification; filing fee; candidate's oath.—

(3) QUALIFYING FEE.—Each candidate qualifying for election to judicial office, except write-in judicial candidates, shall, during the time for qualifying, pay the Division of Elections a qualifying fee, *which shall consist of a filing fee and an election assessment* ~~of 3 percent of the annual salary of the office to which he seeks election~~, or qualify by the alternative method. *The amount of the filing fee is 3 percent of the annual salary of the office sought. The amount of the election assessment is 1 percent of the annual salary of the office sought.* The Division of Elections shall forward all *filing* ~~such qualifying~~ fees to the Department of Revenue for deposit in the General Revenue Fund. *The election assessment shall be deposited into the Elections Commission Trust Fund.* The annual salary of the office for purposes of computing the qualifying fee shall be computed by multiplying 12 times the monthly salary authorized for such office as of July 1 immediately preceding the first day of qualifying. This subsection shall not apply to candidates qualifying for retention to judicial office.

Section 35. Subsection (2) of section 105.035, Florida Statutes, is amended to read:

105.035 Alternative method of qualifying for certain judicial offices.—

(2) The Division of Elections shall prescribe the form of the petitions and shall, upon receipt of a written oath from a candidate, provide the candidate with petition forms in sufficient numbers to facilitate the gathering of signatures pursuant to this section. No signature shall be counted toward the number of signatures required unless it is on a petition form prescribed pursuant to this subsection. *If the candidate is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate's petition must indicate prior to the obtaining of registered electors' signatures for which group the candidate is running.*

Section 36. Subsection (5) is added to section 106.24, Florida Statutes, to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(5) There is hereby established in the State Treasury an Elections Commission Trust Fund to be utilized by the Division of Elections and the Florida Elections Commission in order to carry out their duties pursuant to ss. 106.24-106.28.

Section 37. Section 101.121, Florida Statutes, is hereby repealed.

Section 38. This act shall take effect January 1, 1990.

Amendment 1 to Senate Amendment 2—On page 1, line 13 through page 4, line 25, strike all of said lines and insert: An act relating to elections; amending s. 97.021, F.S.; modifying definitions used in The Florida Election Code; amending s. 97.041, F.S.; requiring legal residency in this state for voter registration; providing for preregistration of 17 year olds; amending s. 97.063, F.S.; providing for cancellation of previous registration; amending s. 97.0631, F.S.; providing for notice to overseas electors when possible; amending s. 97.091, F.S.; requiring a person to have his legal residence in the precinct in which he votes; amending s. 98.051, F.S.; revising the hours and days a supervisor may keep his office open; amending s. 98.111, F.S.; revising the registration form; amending s. 99.061, F.S.; revising the federal qualifying period; amending s. 99.081, F.S.; providing for election of U.S. Senators; amending s. 99.092, F.S.; providing an election assessment; creating 99.093, F.S.; providing an election assessment for municipal candidates; amending s. 99.095, F.S.; providing procedures for candidates qualifying by petition; amending s. 99.0955, F.S.; providing technical changes; amending s. 99.096, F.S.; providing technical changes; amending s. 99.097, F.S.; providing that persons or organizations wanting to have an issue placed on the ballot by the petition process may have certain charges and fees waived; amending s. 100.041, F.S.; deleting obsolete language; amending s. 100.111, F.S.; revising provisions relating to vacancies in office; providing procedures for filling a vacancy in nomination which occurs less than 21 days prior to an election; amending s. 100.151, F.S.; prohibiting the governing authority of a municipality from calling any special election without notice; amending s. 100.361, F.S.; prescribing procedures and requirements for municipal recall petitions; providing clarifying language; amending s. 101.131, F.S.; providing time for designating poll watchers; amending ss. 101.141, 101.151, F.S.; deleting obsolete language amending s. 101.252, F.S.; providing that a candidate for party executive committee member shall have his name printed on the first primary ballot; amending s. 101.253, F.S.; allowing supervisor to reprint certain ballots; amending s. 101.254, F.S.; requiring candidate to provide certain information on his qualifying papers; amending s. 101.31, F.S.; providing technical changes; amending s. 101.5609, F.S.; allowing the use of alternative procedures to record issuance of ballots; amending ss. 101.58, 101.6102, F.S.; providing technical changes; amending s. 101.62, F.S.; providing for the advanced mailing of absentee ballots to oversees electors; amending s. 102.031, F.S.; providing restrictions on access to polling rooms and polling places; providing exceptions; creating s. 102.112, F.S.; revising procedures for canvassing of county election returns; providing a penalty; amending ss. 102.151, 103.021, F.S.; providing technical changes; providing clarification; amending s. 103.101, F.S.; providing procedures for having a presidential candidate's name placed on the ballot; amending s. 104.071, F.S.; allowing candidates to furnish complimentary tickets and make certain contributions from personal or business funds; amending s. 105.031, F.S.; providing an election assessment for judicial candidates; amending s. 105.035, F.S.; providing conforming language; repealing s. 101.121, F.S., relating to persons allowed in polling room; amending s. 106.26, F.S.; creating the Elections Commission Trust Fund; providing an effective date.

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

CS for CS for HB 1362 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Brown	Childers, D.	Davis
Bankhead	Bruner	Childers, W. D.	Deratany
Beard	Casas	Crenshaw	Dudley
Forman	Johnson	Myers	Thomas
Gardner	Kirkpatrick	Peterson	Thurman
Girardeau	Kiser	Plummer	Walker
Gordon	Malchon	Ros-Lehtinen	Weinstein
Grant	Margolis	Scott	Weinstock
Grizzle	McPherson	Souto	Woodson-Howard
Jennings	Meek	Stuart	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB's 351, 118, 339, 364, 512, 513, 629, 998 and 1256 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB's 351, 118, 339, 364, 512, 513, 629, 998 and 1256—A bill to be entitled An act relating to campaign financing; amending s. 103.121, F.S.; prescribing restrictions on expenditures of state and county political party executive committees; amending s. 106.011, F.S.; providing definitions; amending s. 106.021, F.S.; authorizing depositing of campaign funds into secondary interest-bearing accounts; providing for filing certain information; requiring candidates to indicate for which group or district office he is running; amending s. 106.025, F.S.; prescribing conditions and procedures for conducting campaign fund raisers; amending s. 106.03, F.S.; modifying procedures for registering as a political committee; authorizing the Division of Elections to adopt rules; amending s. 106.04, F.S.; prescribing limits on contributions by committees of continuous existence; providing specified fines; providing for the depositing of fines into the Election Campaign Financing Trust Fund; providing that an officer or member of a committee are not personally liable for payment of such fines; providing for the waiver of such fines under certain circumstances; amending s. 106.05, F.S.; providing guidelines for depositing contributions; amending s. 106.06, F.S.; providing time periods for preserving records of campaign accounts; amending s. 106.07, F.S.; providing for filing reports whose filing deadline falls on a weekend or legal holiday; providing filing procedures; providing conforming language; providing fines for late reporting; providing for the waiver of such fines under certain circumstances; amending s. 106.071, F.S.; providing technical changes; prescribing information to be included in independent expenditure reports; creating s. 106.075, F.S.; providing for reporting of certain loans made to candidates for campaign purposes; amending s. 106.08, F.S.; providing that for purposes of limiting contributions, candidates for Governor and Lieutenant Governor are considered a single candidate; providing a limitation on spending contributions by a political committee; authorizing candidates to purchase with campaign funds certain tickets and advertisements from religious, civic, or charitable groups; placing restrictions on accepting contributions during legislative sessions; amending s. 106.11, F.S.; authorizing candidates who withdraw, become unopposed, are eliminated, or are elected to expend funds from the campaign account for specified purposes; amending s. 106.14, F.S.; requiring utility companies providing utility services to a candidate or political committee to charge a deposit; requiring candidates and political committees to pay utility bills when received; amending s. 106.141, F.S.; prescribing procedures for candidates who become unopposed, eliminated, elected, or reelected for disposing of funds in their campaign accounts and filing a report; providing that the Governor and Lieutenant Governor are to be considered separate candidates for purpose of limiting amount of funds they may transfer from a campaign account to an office account; providing a fine for filing late reports of transfers of funds; amending s. 106.143, F.S.; providing that any political advertisement of a candidate running for office in any election must state the name of the political party of which the candidate is seeking the nomination or is the nominee or that the candidate is an independent; requiring political advertisements and campaign literature to disclose the source of their funding; amending s. 106.144, F.S.; requiring groups opposing the candidacy of a candidate for public office by political advertisements to file a statement containing prescribed information with the officer before whom the candidate qualified; amending s. 106.15, F.S.; prohibiting candidates from using the services of officers and employees of counties, municipalities, and special districts during the hours such persons are required to be present on their assigned job; providing a definition; amending s. 106.24, F.S.; providing that four members of the Florida Elections Commission constitute a quorum and that an affirmative vote of the majority of the members present is required for any action or recommendation; amending s. 106.25, F.S.; providing that an appeal of a fine levied for filing a late report is not confidential; amending s. 106.26, F.S.; authorizing the Elec-

tions Commission to delegate to the Division of Elections authority to dispose of certain violations of the Election Code; amending s. 106.28, F.S.; requiring actions for violation of ch. 106, F.S., to be commenced within 2 years; amending s. 106.29, F.S.; subjecting political parties to fines for late filing of reports; creating s. 106.295, F.S.; prohibiting leadership funds; providing definitions; amending s. 106.35, F.S.; providing conforming language with respect to filing of contribution reports for the purpose of distributing funds from the Election Campaign Financing Trust Fund; prohibiting elected officials from working for, or acting as a consultant to, a political committee or committee of continuous existence for compensation; repealing s. 106.142, F.S., relating to the definition of political advertisement; providing an effective date.

Amendment 1—On page 4, line 28, strike everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) of section 103.121, Florida Statutes, is amended to read:

103.121 Powers and duties of executive committees.—

(1)(a) Each state and county executive committee of a political party shall have the power and duty:

1. To adopt a constitution by two-thirds vote of the full committee.

2. To adopt such bylaws as it may deem necessary by majority vote of the full committee.

3. To conduct its meetings according to generally accepted parliamentary practice.

4. To make party nomination when required by law.

5. To conduct campaigns for party nominees.

6. To raise and expend party funds. *Such funds may not be expended or committed to be expended except after written authorization by the chairman of the state or county executive committee.*

Section 2. Subsections (1), (3), and (11) of section 106.011, Florida Statutes, are amended and new subsections (16) and (17) are added to said section to read:

106.011 Definitions.—As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(1) "Political committee" means a combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, issue, or political party, which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of $500; "political committee" also means the sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors. Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04, *national political parties,* and the state and county executive committees of political parties regulated by chapter 103 shall not be considered political committees for the purposes of this chapter. Corporations regulated by chapter 607 or chapter 617 are not political committees if their political activities are limited to contributions to candidates, *political parties,* or political committees or expenditures in support of or opposition to an issue from corporate funds and if no contributions are received by such corporations.

(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.*

(11) "Campaign fund raiser" means any ~~breakfast, dinner, luncheon, rally, party, reception, or other~~ affair held to raise funds to be used in a campaign for public office.

(16) "Candidate" means any person to whom any one or more of the following apply:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or gives his consent for any other person to receive contributions or make expenditures, with a view to bring about his nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee.

(17) "Political advertisement" means a paid expression in any communications media prescribed in s. 106.011(13), 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. However, political advertisement does not include:

(a) 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.

(b) Editorial endorsements by any newspaper, radio or television station, or other recognized news medium.

Section 3. Subsection (1) of section 106.021, Florida Statutes, is amended to read:

106.021 Campaign treasurers; deputies; primary and secondary depositories.—

(1)(a) Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Each person who seeks to qualify for nomination or election to, or retention in, office shall appoint a campaign treasurer and designate a primary campaign depository prior to qualifying for office. Any person who seeks to qualify for election or nomination to any office by means of the petitioning process shall appoint a treasurer and designate a primary depository on or before the date he obtains the petitions. Each candidate shall at the same time he designates his campaign depository and appoints his treasurer also designate the office for which he is a candidate. *If the candidate is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate for which group or district office he is running.* Nothing in this subsection shall prohibit a candidate, at a later date, from changing the designation of the office for which he is a candidate and using the campaign funds for that candidacy. No person shall accept any contribution or make any expenditure with a view to bringing about his nomination, election, or retention in public office, or authorize another to accept such contributions or make such expenditure on his behalf, unless such person has appointed a campaign treasurer and designated a primary campaign depository. A candidate for an office voted upon statewide may appoint not more than 15 deputy campaign treasurers, and any other candidate or political committee may appoint not more than 3 deputy campaign treasurers. The names and addresses of the campaign treasurer and deputy campaign treasurers so appointed shall be filed with the officer before whom such candidate is required to qualify or with whom such political committee is required to register pursuant to s. 106.03. *Each*

candidate for an office not voted upon statewide shall, at the same time, file a copy of the name and address of the campaign treasurer with the supervisor of elections in the county in which the candidate resides.

(b) Except as provided in paragraph (d), each candidate and each political committee shall also designate one primary campaign depository for the purpose of depositing all contributions received, and disbursing all expenditures made, by the candidate or political committee. The candidate or political committee may also designate one secondary depository in each county in which an election is held in which the candidate or committee participates. Secondary depositories shall be for the sole purpose of depositing contributions and forwarding the deposits to the primary campaign depository. Any bank, savings and loan association, or credit union authorized to transact business in this state may be designated as a campaign depository. The candidate or political committee shall file the name and address of each primary and secondary depository so designated at the same time that, and with the same officer with whom, the candidate or committee files the name of his or its campaign treasurer pursuant to paragraph (a). In addition, the campaign treasurer or a deputy campaign treasurer may deposit any funds which are in the primary campaign depository and which are not then currently needed for the disbursement of expenditures into *a secondary interest-bearing* ~~a savings~~ account in any bank, savings and loan association, or credit union authorized to transact business in this state. The *secondary* ~~savings~~ account shall be designated "*secondary* campaign ~~savings~~ account of (name of candidate or committee)." In lieu thereof, the campaign treasurer or deputy campaign treasurer may purchase a certificate of deposit with such unneeded funds in such bank, savings and loan association, or credit union. The *secondary* campaign ~~savings~~ account or certificate of deposit shall be separate from any personal or other ~~savings~~ account or certificate of deposit. Any withdrawal of the principal or earned interest or any part thereof shall only be made from the campaign *secondary* ~~savings~~ account or certificate of deposit for the purpose of transferring funds to the primary account and shall be reported as a contribution.

(c) Any campaign treasurer or deputy treasurer appointed pursuant to this section shall be a registered voter in this state and shall, before such appointment may become effective, have accepted appointment to such position in writing and filed such acceptance with the officer before whom the candidate is required to qualify or with the officer with whom the political committee is required to file reports. An individual may be appointed and serve as campaign treasurer of a candidate and a political committee or two or more candidates and political committees. A candidate may appoint himself as his own campaign treasurer.

(d) Any political committee which deposits all contributions received in a national depository from which the political committee receives funds to contribute to state and local candidates shall not be required to designate a campaign depository in the state.

Section 4. Section 106.025, Florida Statutes, is amended to read:

106.025 Campaign fund raisers.—

(1)(a) No campaign fund raiser may be held unless the person for whom such funds are to be so used is a candidate for public office ~~and written notice of intent to hold such campaign fund raiser is filed pursuant to this subsection~~.

~~(b) Notice of intent to hold such a campaign fund raiser shall be filed by the candidate or person in charge of such campaign fund raiser with the officer with whom reports are required to be filed by the candidate for whom the funds are to be used pursuant to s. 106.07. Such notice shall state the date and place the campaign fund raiser is to be held, the name and address of the person or persons in charge of such campaign fund raiser, and the name and address of the candidate for whose campaign the funds are to be used. No moneys may be raised and no expenditures may be made in furtherance of such a campaign fund raiser until the notice of intent has been filed.~~

(b)~~(c)~~ All money and contributions received with respect to such a campaign fund raiser shall be ~~received only through the campaign treasurer of the candidate for whom the funds are to be used, shall be~~ deemed to be campaign contributions, and shall be accounted for, and subject to the same restrictions, as other campaign contributions. ~~Any amount paid for the purchase of tickets for campaign fund raisers held pursuant to this subsection shall be a contribution subject to the limits of s. 106.08 and shall be included in calculating the maximum contributions permitted by s. 106.08.~~ All expenditures made with respect to such a campaign fund raiser *which are made or reimbursed* ~~shall be made only~~ by a check drawn on the campaign depository of the candidate for whom the funds are to be used and shall be deemed to be campaign expenditures to be accounted for, and subject to the same restrictions, as other campaign expenditures.

(c)~~(d)~~ Any tickets or advertising for such a campaign fund raiser shall contain the following statement: "The purchase of a ticket for, or a contribution to, the campaign fund raiser is a contribution to the campaign of . . . (name of the candidate for whose benefit the campaign fund raiser is held) . . .." Such tickets or advertising shall also comply with other provisions of this chapter relating to political advertising.

(d)~~(e)~~ Any person or candidate who holds a campaign fund raiser, or consents to a campaign fund raiser being held, in violation of the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) This section shall not apply to any campaign fund raiser held on behalf of a political party by the state or county executive committee of such party, provided that the proceeds of such campaign fund raiser are reported pursuant to s. 106.29.

Section 5. Subsections (6) and (7) are added to section 106.03, Florida Statutes, to read:

106.03 Registration of political committees.—

(6) If the filing officer finds that a political committee has filed its statement of organization consistent with the requirements of subsection (2), it shall notify the committee in writing that it has been registered as a political committee. If the filing officer finds that a political committee's statement of organization does not meet the requirements of subsection (2), it shall notify the committee of such finding and shall state the reasons in writing for rejection of the statement of organization.

(7) The Division of Elections shall promulgate rules to prescribe the manner in which inactive committees may be dissolved and have their registration canceled. Such rules shall at a minimum provide for:

(a) Notice which shall contain the facts and conduct which warrant the intended action, including but not limited to failure to file reports and limited activity.

(b) Adequate opportunity to respond.

(c) Appeal of the decision to the Florida Elections Commission. Such appeals shall be exempt from the confidentiality provisions of s. 106 25

Section 6. Subsections (5) and (8) of section 106.04, Florida Statutes, are 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 such committees 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.*

(8)(a) Any committee of continuous existence failing to file a report on the designated due date shall be subject to a fine ~~of $50 per day for each late day~~. *The fine shall be $50 per day for each late day, not to exceed 25 percent of the total receipts for the period covered by the late report.* The fine shall be assessed by the filing officer, and the moneys collected shall be deposited in the *Election Campaign Financing Trust Fund* ~~General Revenue Fund~~.

(b) Upon determining that a report is late, the filing officer shall immediately notify the treasurer of the committee as to the failure to file a report by the designated due date and that a fine ~~of $50 per day~~ is being

assessed for each late day. Upon receipt of the report, the filing officer shall determine the amount of fine which is due and shall notify the treasurer of the committee. The filing officer shall determine the amount of the fine due based on when the report is actually received by such officer. Such fine shall be paid to the filing officer within 15 days of receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). *An officer or member of a committee shall not be personally liable for such fine.*

(c) Any treasurer of a committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 15 days of receipt of the notice of payment due. In such case, the treasurer of the committee shall, within the 15-day period, notify the filing officer in writing of his intention to bring the matter before the commission.

(d) The filing officer shall notify the Florida Elections Commission of the repeated late filing by a committee of continuous existence, the failure of a committee of continuous existence to file a report after notice, or the failure to pay the fine imposed.

(e) The filing officer shall waive the fine for first-time offenders who had no activity during the reporting period. The Division of Elections shall adopt rules to carry out the provisions of this paragraph.

Section 7. Section 106.05, Florida Statutes, is amended to read:

106.05 Deposit of contributions; statement of campaign treasurer.—All funds received by the campaign treasurer of any candidate or political committee shall, prior to the end of the *fifth* ~~second~~ business day following the receipt thereof, *Saturdays,* Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to s. 106.021, in an account designated "Campaign Account of . . . (name of candidate or committee) . . .." *Except for contributions to political committees made by payroll deduction,* all deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each. ~~However, any contribution which is in an amount of $100 or less need not be deposited in such account until the end of the 7th day following the receipt thereof, unless during such 7-day period the aggregate of contributions received totals more than $100.~~ If a contribution is deposited in a secondary campaign depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip accompanying the deposit, to the primary campaign depository prior to the end of the first business day following the deposit.

Section 8. Subsection (3) of section 106.06, Florida Statutes, is amended to read:

106.06 Treasurer to keep records; inspections.—

(3) Accounts kept by a campaign treasurer of a candidate shall be preserved by the campaign treasurer for a number of years equal to the term of office of the office to which the candidate seeks election. Accounts kept by a campaign treasurer of a political committee shall be preserved by such treasurer for at least 2 years after the date of the election to which the accounts refer ~~or at least 1 year after the date the last supplemental statement is filed under s. 106.07, whichever is later~~.

Section 9. Subsections (1), (2), (4), (6), and (9) of section 106.07, Florida Statutes, are amended to read:

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee.

(a) Reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, *except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday.* Following the last day of qualifying for office, the reports shall be filed on the 4th, 18th, and 32nd days immediately preceding the first and second primaries and on the 4th and 18th days immediately preceding the general election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

(2)(a) All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. *A duplicate copy of each report for candidates for other than statewide office who qualify with the Department of State shall be filed with the supervisor of elections in the county where the candidate resides.* Reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the U.S. Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. A Certificate of Mailing, ~~Form 3817,~~ obtained from and dated by the U.S. Postal Service at the time of mailing, *or a receipt from an established courier company,* which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection. ~~Each candidate for other than a statewide office who qualifies with the Secretary of State shall file a duplicate copy at the same time with the supervisor of elections in the county in which the candidate resides.~~

(4)(a) Each report required by this section shall contain:

1. The full name, address, and occupation, if any, of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. However, if the contribution is $100 or less or is from a relative, as defined in s. 116.111(1)(c), provided the relationship is reported, the occupation of the contributor need not be listed, and only the name and address are necessary.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. The total amount of proceeds from each campaign fund raiser regulated by s. 106.025.

5. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 4.

6. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

7. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

8. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.

9. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

10. The total sum of expenditures made by such committee or candidate during the reporting period.

11. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

12. ~~A list of all credit card purchases, and the amount thereof, made by the candidate or political committee during the reporting period.~~ A copy of each *credit card* statement *which* shall be included in the next

report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

13. The amount and nature of any campaign savings accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

(6) The campaign depository shall return all checks drawn on the account ~~and all deposit slips for such account~~ to the campaign treasurer who shall retain the records pursuant to s. 106.06. The records maintained by the depository with respect to such account shall be subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any of such records to the Division of Elections or Florida Elections Commission upon request.

(9)(a) Any candidate or political committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the *Election Campaign Financing Trust Fund* ~~General Revenue Fund~~, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chairman of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. *The fine shall be $50 per day for each late day, not to exceed 25 percent of the total receipts for the period covered by the late report.* ~~The fine shall be $10 per day for each late day for any candidate who receives or expends $200 or less during the reporting period; in all other instances the fine shall be $50 per day for each late day.~~ Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chairman. The filing officer shall determine the amount of the fine due based on when the report is actually received by such officer. Such fine shall be paid to the filing officer within 15 days of receipt of notice of the payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. *An officer or member of a political committee shall not be personally liable for such fine.*

(c) Any candidate or chairman of a political committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. Any such request shall be made within 15 days of the notice of payment due. In such case, the candidate or chairman of the political committee shall, within the 15-day period, notify the filing officer in writing of his intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed.

(e) The filing officer shall waive the fine for first-time offenders who had no activity during the reporting period. The Division of Elections shall adopt rules to carry out the provisions of this paragraph.

Section 10. Subsection (1) of section 106.071, Florida Statutes, is amended to read:

106.071 Independent expenditures; reports; disclaimers.—

(1) Each person who makes an independent expenditure with respect to any candidate or issue, which expenditure, in the aggregate, is in the amount of $100 or more, shall file periodic reports of such expenditures in the same manner, at the same time, and with the same officer as a political committee supporting or opposing such candidate or issue. *The report shall contain the full name and address of each person to whom and for whom each such expenditure has been made; the amount, date, and purpose of each such expenditure; a description of the services or goods obtained by each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.* Any political advertisement paid for by an independent expenditure shall prominently state "Paid political advertisement paid for by . . . (Name of person or committee paying for advertisement) . . . independently of any . . . *(candidate or committee)* . . . ~~candidate~~," and shall contain the name and address of the person paying for the political advertisement.

Section 11. Section 106.075, Florida Statutes, is created to read:

106.075 (1) A person who is elected to office must report all loans, exceeding $500 in value, made to him and used by him for campaign purposes, and made in the 12 months preceding his election to office, to the Division of Elections, Department of State. The report must be made, in the manner prescribed by the department, within 10 days after being elected to office.

(2) Any person who makes a contribution to an individual to pay all or part of a loan incurred, in the 12 months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in s. 106.08(1).

Section 12. Section 106.08, Florida Statutes, is amended to read:

106.08 Contributions; limitations on.—

(1) No person, political committee, or committee of continuous existence shall make contributions to any candidate or political committee in this state, for any election, in excess of the following amounts:

(a) To a candidate for countywide office or to a candidate in any election conducted on less than a countywide basis, $1,000.

(b) To a candidate for legislative or multicounty office, $1,000.

(c) To a candidate for statewide office, $3,000. *Candidates for the offices of Governor and Lieutenant Governor shall be considered a single candidate for the purpose of this section.*

(d) To a political committee supporting or opposing one or more candidates, $1,000.

(e) To a candidate for county court judge or circuit judge, $1,000.

(f) To a candidate for retention as a judge of a district court of appeal, $2,000.

(g) To a candidate for retention as a justice of the Supreme Court, $3,000.

The contribution limits provided in paragraphs (a) through (g) shall not apply to contributions made by a state or county executive committee of a political party regulated by chapter 103 or to amounts contributed by a candidate to his own campaign. The limitations provided by this subsection shall apply to each election. For purposes of this subsection the first primary, second primary, and general election shall be deemed separate elections so long as the candidate is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there shall be only one election, which shall be the general election, and with respect to candidates for circuit judge or county court judge, there shall be only two elections, which shall be the first primary election and general election.

(2) Any contribution received by a candidate with opposition in an election or the campaign treasurer or a deputy treasurer of such a candidate~~, or by the treasurer or a deputy treasurer of a political committee supporting or opposing a candidate with opposition or supporting or opposing an issue on the ballot in an election,~~ on the day of that election or less than 5 days prior to the day of that election shall be returned by him to the person or ~~political~~ committee contributing it and shall not be used or expended by or on behalf of the candidate ~~or political committee~~. Any contribution received by a candidate or the campaign treasurer or a deputy treasurer of a candidate after the date at which the candidate withdraws his candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office shall be returned to the person or political committee contributing it and shall not be used or expended by or on behalf of the candidate.

(3) Any contribution received by the chairman, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election shall not be obligated or expended by the committee until after the date of the election.

(4)~~(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, ~~elecmosynary,~~ 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.*

(5)~~(4)~~ Any person who knowingly and willfully makes a contribution in violation of subsection (1) or subsection *(4)*~~(3)~~, or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (2), is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political committee or committee of continuous existence is convicted of knowingly and willfully violating this section, it shall be fined not less than $1,000 and not more than $10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a political committee or committee of continuous existence who aids, abets, advises, or participates in a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6)~~(5)~~ Any person who knowingly and willfully violates the provisions of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(7)~~(6)~~ The provisions of this section shall not apply to the transfer of funds between a primary depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

(8) A candidate who is running for legislative office or a statewide office, except a candidate for a vacant office being filled by special election, may not accept or solicit any campaign contribution during a regular or special session of the Legislature.

Section 13. Subsection (4) of section 106.11, Florida Statutes, is amended to read:

106.11 Expenses of and expenditures by candidates and political committees.—Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(4) *A candidate who withdraws his candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:*

(a) Purchase "thank you" advertising in the communications media for up to 75 days after he withdraws, becomes unopposed, or is eliminated or elected.

(b) Pay for items which were obligated before he withdrew, became unopposed, or was eliminated or elected.

(c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.

(d) Dispose of surplus funds as provided in s. 106.141. ~~No unopposed candidate shall expend any funds from his campaign account, nor shall any other person expend funds from the campaign account on his behalf, after the candidate becomes unopposed, except as provided in s. 106.141. However, for a period of up to 10 days after the candidate becomes unopposed, the candidate may expend funds to purchase "thank you" advertising in the communications media. This provision shall not prohibit the expenditure of funds from the campaign account which were obligated to be spent or encumbered prior to the date the candidate became unopposed.~~

Section 14. Section 106.14, Florida Statutes, is amended to read:

106.14 *Utilities; deposits; prior authorization* ~~No goods or services provided without prior authorization.~~—

(1) *Utility companies providing utilities services to a candidate or political committee shall charge a deposit sufficient to meet all anticipated charges during a billing period.* ~~Authorization for expenditures to public utilities for telephone, electric, gas, water, and like services shall be made when the bill for such services is received if the candidate or political committee receiving such services has deposited with the utility an amount which such public utility estimates as being sufficient to meet all charges for a given billing period.~~

(2) *Authorization and payment for utilities used during the billing period must be made by the candidate or political committee when the bill is received from a utility company.* ~~Any corporation, partnership, or other business entity which knowingly and willfully violates this section is guilty of a misdemeanor, punishable by a fine of not less than $1,000 and not more than $10,000. If it is a domestic corporation, partnership, or other business entity, in addition to such fine and penalty, it may be dissolved; if it is a foreign or nonresident corporation, partnership, or other business entity, its right to do business in this state may be declared forfeited.~~

~~(3) Any officer, partner, employee, agent, or attorney or other representative of a corporation, partnership, or other business entity who knowingly and willfully aids or abets in a violation of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(4) Any individual who knowingly and willfully violates the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 15. Section 106.141, Florida Statutes, is amended to read:

106.141 Disposition of surplus funds by candidates.—

(1) *Each* ~~Any~~ candidate who withdraws his candidacy, *becomes an unopposed candidate, or is eliminated as a candidate or elected to office* shall, ~~pursuant to this section,~~ within 90 days ~~of withdrawing his candidacy~~, dispose of the funds on deposit in his campaign account *and file a report reflecting the disposition of all remaining funds.* Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his candidacy, *becomes unopposed, or is eliminated or elected.*

~~(2) Each candidate shall, pursuant to this section, within 90 days after having been eliminated as a candidate or elected to office, dispose of the funds on deposit in his campaign account. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate has been eliminated as a candidate or elected to office.~~

~~(3) Each candidate shall, pursuant to this section, within 90 days after having become unopposed, dispose of the funds on deposit in his campaign account. Such candidate shall not accept any contributions, nor shall any other person accept contributions on behalf of such candidate, after the candidate has become an unopposed candidate.~~

(2)~~(4)~~ Any candidate required to dispose of funds pursuant to this section may, prior to such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign.

(3)~~(5)~~ The campaign treasurer of a candidate who withdraws his candidacy, who has been eliminated as a candidate, who has become unopposed, or who has been elected to office and who has funds on deposit in a campaign savings account or certificate of deposit shall, within 7 days

of the date of becoming unopposed or the date of such withdrawal, elimination, or election, transfer such funds and accumulated interest earned thereon to the campaign account of the candidate for disposal in accordance with the provisions of this section.

(4)~~(6)~~(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

1. Return pro rata to each contributor the funds which have not been spent, or have not been obligated to be spent, with respect to a campaign which has been conducted.

2. Donate the funds which have not been spent or have not been obligated to be spent to a charity organization or organizations which meet the qualifications of s. 501(c)(3) of the Internal Revenue Code, with respect to a campaign which has been conducted.

3. Give the funds which have not been spent or have not been obligated to be spent to the political party of which such candidate is a registered member.

4. Give the funds which have not been spent, or have not been obligated to be spent, with respect to a campaign which has been conducted:

a. In the case of a candidate for state office, to the state, to be deposited in the General Revenue Fund; or

b. In the case of a candidate for an office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.

(b) Any candidate required to dispose of funds pursuant to this section who has received contributions from the Election Campaign Financing Trust Fund shall return all surplus campaign funds to the Election Campaign Financing Trust Fund.

(5)~~(7)~~ A candidate elected to office or a candidate who will be elected to office by virtue of his being unopposed may, in addition to the disposition methods provided in subsection *(4)*~~(6)~~, transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) $10,000, for a candidate for statewide office. *The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.*

(b) $5,000, for a candidate for multicounty office.

(c) $2,500 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) $1,000 multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in any election conducted on less than a countywide basis.

(e) $6,000, for a candidate for retention as a justice of the Supreme Court.

(f) $3,000, for a candidate for retention as a judge of a district court of appeal.

(g) $1,500, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with his public office. Such expenses may include travel expenses incurred by the officer or a member of his staff or expenses incurred in the operation of his office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. *If a candidate is reelected to office or elected to another office and has funds remaining in his office account, he may transfer surplus campaign funds to his office account. At no time may the funds in the office account exceed the limitation imposed by this subsection.* ~~Any candidate elected to office who transfers funds pursuant to this subsection and who has funds remaining in such office account after a subsequent election at which such candidate is reelected to office or elected to another office shall, pursuant to subsection (6), dispose of all funds on deposit in the campaign account established to finance the subsequent campaign which funds have not been spent or obligated to be spent with respect to such subsequent campaign, except that such candidate may transfer from the campaign account established to finance his campaign in the subsequent election to the account in which the previously transferred funds are deposited in an amount equal to the difference between the amount allowed to be transferred and the amount of unspent funds that are remaining in the office account to be used for legitimate office expenses.~~ Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof. ~~Upon request of any person who has funds in an office account pursuant to this subsection, the Secretary of State shall provide for the assignment of a separate tax identification number by which the income attributable to such account may be considered separately from the person's income as an individual.~~

(6)~~(8)~~ Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

(a) The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;

(b) The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and

(c) The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank in which the office account is located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07. *Any candidate failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late reports.*

(7)~~(9)~~ Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection *(5)*~~(7)~~ shall file a report on the 10th day following the end of each calendar quarter until the account is closed. Such reports shall contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and address of any person from whom the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections, signed by the elected candidate, certified as true and correct, and filed with the officer with whom campaign reports were filed pursuant to s. 106.07(2).

(8)~~(10)~~ Any candidate, or any person on behalf of a candidate, who accepts contributions after such candidate has withdrawn his candidacy, after the candidate has become an unopposed candidate, *or* after the candidate has been eliminated as a candidate or elected to office~~, or after the second anniversary of the date the campaign account of such candidate was established~~ is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(9)~~(11)~~ Any candidate who is required by the provisions of this section to dispose of funds in his campaign account and who fails to dispose of the funds in the manner provided in this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 16. Subsections (1) and (2) of section 106.143, Florida Statutes, are 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:

(a) Be marked "paid political advertisement" or with the abbreviation "pd. pol. adv.";

(b) Identify the persons or organizations sponsoring the advertisement;

(c)1. State whether the advertisement, and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement;

2. State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.

3. This paragraph shall not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement or campaign literature.

~~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 *partisan* office in *any* ~~a general~~ election shall express the name of the political party of which the candidate is *seeking nomination or is* the nominee. *If the candidate for partisan office is running as an independent candidate, any political advertisement of the candidate must state that the candidate is an independent candidate.* Any political advertisement endorsing the candidate shall expressly state whether the permission of the candidate has been obtained to advertise such endorsement.

Section 17. 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. Section 106.16, Florida Statutes, is amended to read:

106.16 Limitation on certain rates and charges.—

~~(1)~~ No person or corporation within the state publishing a newspaper or other periodical or operating a radio or television station or network of stations in Florida shall charge one candidate for state or county public office for political advertising in a county, or for political broadcasts in a county, at a rate in excess of that charged another political candidate.

~~(2) Violations of this section are punishable as provided in s. 106.14(3), (4), or (5).~~

Section 19. Subsection (3) of section 106.24, Florida Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers; duties.—

(3) The commission shall convene at the call of its chairman or at the call of the Department of State. The presence of *four* ~~five~~ members is required to constitute a quorum, and the affirmative vote of *the majority* ~~four~~ of the members present is required for any action or recommendation by the commission. The commission may meet in any city of the state.

Section 20. Subsection (5) of section 106.25, Florida Statutes, is amended to read:

106.25 Reports of alleged violations to Department of State; disposition of findings.—

(5)*(a) Except as provided in paragraph (b),* every sworn complaint filed pursuant to this chapter with the Division of Elections or the Florida Elections Commission, every division investigation and investigative report or other paper of the division or commission with respect to a violation of this chapter, and every proceeding of the commission with respect to a violation of this chapter is confidential, is exempt from the provisions of s. 119.07(1) and chapter 286, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation unless confidentiality is waived in writing by the person against whom the complaint has been filed. Upon the entry of an order by the commission disposing of a case before it, the entire proceedings and records relating to such case become a public record, except that if an order disposing of a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such order and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter, the commission may not publicly enter an order disposing of the findings of the case until the disposition of the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter shall be exempt from the confidentiality provisions of paragraph (a).

Section 21. Subsection (12) of section 106.26, Florida Statutes, is amended to read:

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(12) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of *a majority* ~~four~~ of the members present whether a violation of this chapter has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chairman or vice chairman.

Section 22. Section 106.28, Florida Statutes, is amended to read:

106.28 Limitation of actions.—Actions for violation of this chapter *must* ~~may~~ be commenced before 2 years have elapsed from the date of the violation.

Section 23. Subsection (1) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties.—

(1) The state executive committee and each county executive committee of each political party regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding the first primary election, the second primary election, and the general election. Each state executive committee shall file its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. *Any political party failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late reports.*

Section 24. Section 106.295, Florida Statutes, is created to read:

106.295 Leadership fund.—

(1) For purposes of this section:

(a) "Leadership fund" means accounts comprised of any moneys contributed to a political party, directly or indirectly, which are designated to be used at the partial or total discretion of a leader.

(b) "Leader" means the President of the Senate, the Speaker of the House of Representatives, the majority leader and the minority leader of each house, and any person designated by political caucus of members of either house to succeed to any of such positions.

(2) Leadership funds are prohibited in this state. No leader shall accept any leadership funds.

(3) This section applies to leadership funds in existence on or after January 1, 1990.

Section 25. Subsection (3) of section 106.35, Florida Statutes, is amended to read:

106.35 Distribution of funds.—

(3)(a) For candidates with general election opposition or primary election opposition only, distribution of funds shall be made within 7 days after the close of qualifying, based on quarterly contribution reports, and within 7 days after the filing of contribution reports required on the 32nd, ~~and~~ 18th, *and 5th* days before an election.

(b) For candidates with primary election opposition and general election opposition, distribution shall be as provided in paragraph (a), except that for the first primary, funding shall only be matched in an amount up to 15 percent of the expenditure limit and, for the second primary, funding shall only be matched in an amount up to 25 percent of the expenditure limit.

Section 26. Elected officials are prohibited from being employed by, or acting as a consultant for compensation to, a political committee or committee of continuous existence.

Section 27. Section 106.142, Florida Statutes, is hereby repealed.

Section 28. This act shall take effect January 1, 1990.

Amendment 2—On page 1 in the title, strike everything before the enacting clause and insert: An act relating to campaign financing; amending s. 103.121, F.S.; prescribing restrictions on expenditures of state and county political party executive committees; amending s. 106.011, F.S.; providing definitions; amending s. 106.021, F.S.; authorizing depositing of campaign funds into secondary interest-bearing accounts; providing for filing certain information; requiring candidates to indicate for which group or district office he is running; amending s. 106.025, F.S.; prescribing conditions and procedures for conducting campaign fund raisers; amending s. 106.03, F.S.; modifying procedures for registering as a political committee; authorizing the Division of Elections to adopt rules; amending s. 106.04, F.S.; prescribing limits on contributions by committees of continuous existence; providing specified fines; providing for the depositing of fines into the Election Campaign Financing Trust Fund; providing that an officer or member of a committee are not personally liable for payment of such fines; providing for the waiver of such fines under certain circumstances; amending s. 106.05, F.S.; providing guidelines for depositing contributions; amending s. 106.06, F.S.; providing time periods for preserving records of campaign accounts; amending s. 106.07, F.S.; providing for filing reports whose filing deadline falls on a weekend or legal holiday; providing filing procedures; providing conforming language; providing fines for late reporting; providing for the waiver of such fines under certain circumstances; amending s. 106.071, F.S.; providing technical changes; prescribing information to be included in independent expenditure reports; creating s. 106.075, F.S.; providing for reporting of certain loans made to candidates for campaign purposes; amending s. 106.08, F.S.; providing that for purposes of limiting contributions, candidates for Governor and Lieutenant Governor are considered a single candidate; providing a limitation on spending contributions by a political committee; authorizing candidates to purchase with campaign funds certain tickets and advertisements from religious, civic, or charitable groups; placing restrictions on accepting contributions during legislative sessions; amending s. 106.11, F.S.; authorizing candidates who withdraw, become unopposed, are eliminated, or are elected to expend funds from the campaign account for specified purposes; amending s. 106.14, F.S.; requiring utility companies providing utility services to a candidate or political committee to charge a deposit; requiring candidates and political committees to pay utility bills when received; amending s. 106.141, F.S.; prescribing procedures for candidates who become unopposed, eliminated, elected, or reelected for disposing of funds in their campaign accounts and filing a report; providing that the Governor and Lieutenant Governor are to be considered separate candidates for purpose of limiting amount of funds they may transfer from a campaign account to an office account; providing a fine for filing late reports of transfers of funds; amending s. 106.143, F.S.; providing that any political advertisement of a candidate running for office in any election must state the name of the political party of which the candidate is seeking the nomination or is the nominee or that the candidate is an independent; requiring political advertisements and campaign literature to disclose the source of their funding; amending s. 106.144, F.S.; requiring groups opposing the candidacy of a candidate for public office by political advertisements to file a statement containing prescribed information with the officer before whom the candidate qualified; amending s. 106.16, F.S.; eliminating penalties; amending ss. 106.24 and 106.26, F.S.; providing that four members of the Florida Elections Commission constitute a quorum and that an affirmative vote of the majority of the members present is required for any action or recommendation; amending s. 106.25, F.S.; providing that an appeal of a fine levied for filing a late report is not confidential; amending s. 106.28, F.S.; requiring actions for violation of ch. 106, F.S., to be commenced within 2 years; amending s. 106.29, F.S.; subjecting political parties to fines for late filing of reports; creating s. 106.295, F.S.; prohibiting leadership funds; providing definitions; amending s. 106.35, F.S.; providing conforming language with respect to filing of contribution reports for the purpose of distributing funds from the Election Campaign Financing Trust Fund; prohibiting elected officials from working for, or acting as a consultant to, a political committee or committee of continuous existence for compensation; repealing s. 106.142, F.S., relating to the definition of political advertisement; providing an effective date.

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

CS for SB's 351, 118, 339, 364, 512, 513, 629, 998 and 1256 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kirkpatrick	Stuart
Bankhead	Dudley	Kiser	Thomas
Beard	Forman	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Grizzle	Ros-Lehtinen	
Crenshaw	Jennings	Scott	
Davis	Johnson	Souto	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB's 132, 140 and 150 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB's 132, 140 and 150—A bill to be entitled An act relating to public officers and employees; creating s. 112.3148, F.S.; providing definitions; providing for the filing by certain public officers of statements listing contributions; requiring that any person who makes a contribution to an elected public officer that is required to be disclosed provide the officer with a statement containing specified information; repealing s. 111.011, F.S., relating to statements of contributions received by elected public officers; restricting lobbying activities by state employees; providing a penalty; providing an effective date.

Amendment 1—On page 1, lines 19-31; on page 2, lines 1-31; on page 3, lines 1-31; and on page 4, lines 1-19, strike all of said lines and insert:

Section 1. Effective July 1, 1989, or upon becoming a law whichever occurs later, section 112.3141, Florida Statutes, is amended to read:

112.3141 Additional standards of conduct for public officers *and employees*.—

(1)(a) It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officials, and designated public employees.

(b) As used in this subsection:

1. "Employee" means:

a. Any person employed in the executive branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

b. The Auditor General, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

c. The executive director of the Advisory Council on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

d. An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

e. Any person having the power normally conferred upon the positions referenced in this subparagraph.

2. "Officer" means any member of the Legislature or a statewide elected officer.

(c) No member of the Legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his term of office before any state agency other than judicial tribunals.

(d) No agency employee shall personally represent another person or entity for compensation before the agency with whom he was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

(e) Any person violating this subsection shall be subject to the penalties provided in s. 112.317 and a civil penalty for an amount equal to the compensation which the person receives for the prohibited conduct.

(f) This subsection is not applicable to a person employed by the Legislature or other agency prior to July 1, 1989 or persons who have reached normal retirement age defined in section 121.021(29)(d)2., Florida Statutes, and who have retired under the provisions of chapter 121, Florida Statutes, by July 1, 1991.

(2)~~(1)~~ In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(3)~~(2)~~ No full-time legislative employee shall be otherwise employed during the regular hours of his primary occupation, except with the written permission of the presiding officer of the house by which he is employed, filed with the Clerk of the House of Representatives or with the Secretary of the Senate, as may be appropriate. Employees of joint committees must have the permission of the presiding officers of both houses. This section shall not be construed to contravene the restrictions of s. 11.26.

Section 2. Section 112.3148, Florida Statutes, is created to read:

112.3148 Statement of contributions received by public officers filing full and public disclosure of financial interests.—

(1) When used in this section:

(a) "Elected public officer" means an individual holding an elective state, county, district, or municipal office.

(b) "Person" includes individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(c) "Contribution" means any gift, donation, or payment of money the value of which is in excess of $100 to any public officer or to any other person on his behalf. Any payment in excess of $100 to a dinner, barbecue, fish fry, or other such event shall likewise be deemed a "contribution." However, a gift representing an expression of sympathy and having no material benefit or a bona fide gift to the officeholder by a relative within the third degree of consanguinity for the personal use of the officeholder shall not be deemed a "contribution." This section does not apply to complimentary parking privileges bestowed upon a legislator by an airport authority, or to honorary memberships in social, service, or fraternal organizations presented to an elected public officer merely as a courtesy by such organizations.

(2)(a) Each elected public officer and each appointed public officer who is required by law, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of his financial interests shall file a statement containing a list of all contributions received by him or on his behalf, if any, and expenditures from, or disposition made of, such contributions by such officer which are not otherwise required to be reported by chapter 106, with the names and addresses of persons making such contributions or receiving payment or distribution from such contributions and the dates thereof. The statement shall be sworn to by the elected public officer as being a true, accurate, and total listing of all of such contributions and expenditures.

(b) The statement shall be filed no later than July 1 of each year for the previous calendar year together with the financial disclosure statement required by either s. 8, Art. II of the State Constitution, or s. 112.3145, as applicable to the reporting official.

(3) Every person who gives a contribution to an elected public officer or to any other person on the elected public officer's behalf shall, on or before February 28 of the year following the giving of the contribution, provide the elected public officer with a statement indicating the name of the person giving the contribution, the person's address, a description of the contribution and the monetary value of the contribution.

(4) This section shall be liberally construed so as to require full financial disclosure of all receipts and expenditures by public officers of contributions received by them during their terms of office. This section is cumulative to other provisions of part III of chapter 112.

Section 3. Section 111.011, Florida Statutes, as amended by chapter 88-358, Laws of Florida, is hereby repealed.

Section 4. This act shall take effect upon becoming a law except as otherwise provided in Section 1.

Amendment 2—On page 1 in the title, lines 1-15, strike all of said lines and insert: A bill to be entitled An act related to public officers and employees; amending s. 112.3141, F.S.; providing additional standards of conduct for public officers and employees; providing definitions; providing penalties; providing exceptions; creating s. 112.3148, F.S.; providing definitions; providing for the filing by certain public officers of statements listing contributions; repealing s. 111.011, F.S., relating to statements of contributions received by elected public officers; providing effective dates.

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

CS for SB's 132, 140 and 150 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	Bruner	Crenshaw	Forman
Bankhead	Casas	Davis	Gardner
Beard	Childers, D.	Deratany	Girardeau
Brown	Childers, W. D.	Dudley	Gordon

Grant	Langley	Ros-Lehtinen	Thurman
Grizzle	Margolis	Scott	Walker
Jennings	Meek	Souto	Weinstein
Johnson	Peterson	Stuart	Weinstock
Kiser	Plummer	Thomas	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick, Malchon

SPECIAL ORDER, continued

HB 748—A bill to be entitled An act relating to weapons and firearms; amending s. 790.221, F.S.; providing a mandatory minimum term of imprisonment for unlawful possession of specified firearms; providing an effective date.

—was read the second time by title. On motion by Senator Souto, by two-thirds vote HB 748 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Johnson	Souto
Bankhead	Deratany	Kiser	Stuart
Beard	Dudley	Langley	Thomas
Brown	Forman	Malchon	Thurman
Bruner	Gardner	Margolis	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Grant	Peterson	Weinstock
Childers, W. D.	Grizzle	Plummer	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Consideration of **HB 620** was deferred.

On motion by Senator Langley, by unanimous consent—

CS for CS for HB 339—A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.303, F.S.; expanding the exclusiveness of remedy under the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.305, F.S.; clarifying the time of response by the Florida Birth-Related Neurological Injury Compensation Association to the filing of claims and providing for settlement; amending s. 766.308, F.S.; changing the composition of the medical advisory panel; amending s. 766.309, F.S.; providing evidentiary considerations and expanding the birth-related injury determination to include labor and post-delivery resuscitation and providing for participation by a certified nurse midwife in a teaching hospital; amending s. 766.31, F.S.; clarifying the deputy commissioner's authority for awarding compensation for birth-related neurological injuries and deleting a custodial care alternative; providing factors for attorney's fee award determination; amending s. 766.314, F.S.; clarifying requirements for assessments and authorizing installment payments in certain circumstances; excluding teaching hospitals, retired physicians, physicians who hold a limited license, physicians who practice exclusively in Veterans' Administration hospitals, and physicians who are members of the Armed Forces from assessment provisions; defining supervision; revising payment date for additional assessments; authorizing the association to enforce collection of assessments by obtaining judgment in county court, including an award of attorney's fees, costs, and interest, and providing for venue; prohibiting license issuance or renewal to physicians who have an unsatisfied judgment; requiring an actuarial study from the Birth-Related Neurological Injury Compensation Association; requiring hospitals to release certain records and information to the association; providing for a claims driven sunset; amending s. 766.315, F.S.; authorizing the use of the state seal; amending s. 766.316, F.S.; clarifying the notice requirement; providing an effective date.

—was taken up out of order. On motions by Senator Langley, by two-thirds vote CS for CS for HB 339 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—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Jennings	Ros-Lehtinen	
Davis	Johnson	Scott	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

CS for SB 988—A bill to be entitled An act relating to motor vehicle title certificates; amending s. 319.24, F.S.; providing a revised procedure with respect to liens on motor vehicles and mobile homes when there is more than one lienholder; providing for filing of certain notice with lienholders; providing that the certificate of title shall be retained by certain persons; providing for recording of satisfaction of the lien; amending s. 319.27, F.S.; providing that the owner of a motor vehicle or mobile home may file a notice of lien on the motor vehicle or mobile home in favor of a person prior to the execution of a security agreement, a retain title contract, a conditional bill of sale, a chattel mortgage, or similar instrument; providing a procedure for determination of perfection of liens; providing for delivery of the original certificate under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Beard, by two-thirds vote CS for SB 988 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Johnson	Scott
Bankhead	Deratany	Kiser	Souto
Beard	Dudley	Malchon	Stuart
Brown	Forman	Margolis	Thomas
Bruner	Gardner	McPherson	Thurman
Casas	Girardeau	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Jennings	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, 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 599, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for HB 599—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 1989; creating s. 189.402, F.S.; providing a statement of legislative purpose and intent; creating s. 189.403, F.S.; providing definitions; creating s. 189.4031, F.S.; providing statutory requirements for special districts; creating s. 189.4035, F.S.; providing for the preparation of the official list of special districts; creating s. 189.404, F.S.; providing for independent special district creation and implementation; creating s. 189.4041, F.S.; providing for dependent special district creation and implementation; creating s. 189.4042, F.S.; providing for special district merger; creating s. 189.4043, F.S.; providing dissolution procedures; creating s. 189.4044, F.S.; providing special dissolution procedures; creating s. 189.4045, F.S.; providing for financial allocations; creating s. 189.405, F.S.; providing for election requirements and procedures; creating s.

189.4051, F.S.; providing for special requirements and procedures for certain elections; 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; creating s. 189.412, F.S.; creating the Special District Information Program 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 local government comprehensive planning; creating s. 189.4156, F.S.; providing for water management district technical assistance with respect to local government comprehensive planning; renumbering and amending s. 189.004, F.S.; modifying language; 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.; clarifying language; 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; 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. 165.011, F.S.; changing the title of the "Formation of Local Governments Act" to the "Formation of Municipalities Act"; amending ss. 165.021, 165.031, 165.041, 165.051, 165.052, 165.061, and 165.071, F.S.; deleting reference to local government and special districts and providing reference to municipalities; 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 Special District Information Program; 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; amending s. 190.046, F.S., relating to the termination, contraction, or expansion of districts; providing requirements with respect to a government formed by a merger involving a community development district; creating s. 200.0684, F.S.; requiring an annual compliance report for the Department of Community Affairs; 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; creating s. 373.0391, F.S.; providing for technical assistance to local government by water management districts; amending s. 121.021, F.S.; redefining the term "special district" with respect to the Florida Retirement System; amending s. 200.001, F.S.; providing definitions; amending s. 218.31, F.S.; providing definitions; authorizing the Department of Community Affairs to make rules; repealing s. 189.001, F.S., relating to the short title of the "Special Districts Disclosure Act of 1979"; repealing s. 189.002, F.S., relating to legislative findings and intent; repealing s. 189.003, F.S., relating to definitions; abolishing a group of special districts which are no longer functional; directing the Department of Community Affairs to compile an inventory of fire control districts in the state; requiring a report to the Legislature; directing the Department of Community Affairs to establish a fee schedule with respect to the administration of the act; providing a limitation thereto; providing effective dates.

Amendment 1 to Senate Amendment 1—On page 1, line 12, through page 81, line 27, strike all of said lines and insert:

Section 1. Section 189.401, Florida Statutes, is created to read:

189.401 Short title.—This chapter may be cited as the "Uniform Special District Accountability Act of 1989."

Section 2. Section 189.402, Florida Statutes, is created to read:

189.402 Statement of legislative purpose and intent.—

(1) It is the intent of the Legislature through the adoption of this chapter to provide general provisions for the definition, creation, and operation of special districts. It is the specific intent of the Legislature that dependent special districts shall be created at the prerogative of the counties and municipalities and that independent special districts shall only be created by legislative authorization as provided herein.

(2) It is the intent of the Legislature through the adoption of this chapter to have one centralized location for all legislation governing special districts and to:

(a) Improve the enforcement of statutes currently in place that help ensure the accountability of special districts to state and local governments.

(b) Improve communication and coordination between state agencies with respect to required special district reporting and state monitoring.

(c) Improve communication and coordination between special districts and other local entities with respect to ad valorem taxation, non-ad valorem assessment collection, special district elections, and local government comprehensive planning.

(d) Move toward greater uniformity in special district elections and non-ad valorem assessment collection procedures at the local level without hampering the efficiency and effectiveness of the current procedures.

(e) Clarify special district definitions and creation methods in order to ensure consistent application of those definitions and creation methods across all levels of government.

(f) Specify in general law the essential components of any new type of special district.

(g) Specify in general law the essential components of a charter for a new special district.

(h) Encourage the creation of municipal service taxing units and municipal service benefit units for providing municipal services in unincorporated areas of each county.

(3) The Legislature finds that:

(a) There is a need for uniform, focused, and fair procedures in state law to provide a reasonable alternative for the establishment, powers, operation, and duration of independent special districts to manage and finance basic capital infrastructure, facilities, and services; and that, based upon a proper and fair determination of applicable facts, an independent special district can constitute a timely, efficient, effective, responsive, and economic way to deliver these basic services, thereby providing a means of solving the state's planning, management, and financing needs for delivery of capital infrastructure, facilities, and services in order to provide for projected growth without overburdening other governments and their taxpayers.

(b) It is in the public interest that any independent special district created pursuant to state law not outlive its usefulness and that the operation of such a district and the exercise by the district of its powers be consistent with applicable due process, disclosure, accountability, ethics, and government-in-the-sunshine requirements which apply both to governmental entities and to their elected and appointed officials.

(c) It is in the public interest that long-range planning, management, and financing and long-term maintenance, upkeep, and operation of basic services by independent special districts be uniform.

(4) It is the policy of this state:

(a) That independent special districts are a legitimate alternative method available for use by the private and public sectors, as authorized by state law, to manage, own, operate, construct, and finance basic capital infrastructure, facilities, and services.

(b) That the exercise by any independent special district of its powers as set forth by uniform general law comply with all applicable governmental comprehensive planning laws, rules, and regulations.

(5) It is the legislative intent and purpose, based upon, and consistent with, its findings of fact and declarations of policy, to authorize a uniform procedure by general law to create an independent special district as an alternative method to manage and finance basic capital infrastructure, facilities, and services. It is further the legislative intent and purpose to provide by general law for the uniform operation, exercise of power, and procedure for termination of any such independent special district.

(6) The Legislature finds that special districts serve a necessary and useful function by providing services to residents and property in the state. The Legislature finds further that special districts operate to serve a public purpose and that this is best secured by certain minimum standards of accountability designed to inform the public and appropriate general-purpose local governments of the status and activities of special districts. It is the intent of the Legislature that this public trust be secured by requiring each independent special district in the state to register and report its financial and other activities. The Legislature further finds that failure of an independent special district to comply with the minimum disclosure requirements set forth in this chapter may result in action against officers of such district board.

(7) Realizing that special districts are created to serve special purposes, the Legislature intends through the adoption of this chapter that special districts cooperate and coordinate their activities with the units of general-purpose local government in which they are located. The reporting requirements set forth in this chapter shall be the minimum level of cooperation necessary to provide services to the citizens of this state in an efficient and equitable fashion.

(8) The Legislature finds and declares that:

(a) Growth and development issues transcend the boundaries and responsibilities of individual units of government, and often no single unit of government can plan or implement policies to deal with these issues without affecting other units of government.

(b) The provision of capital infrastructure, facilities, and services for the preservation and enhancement of the quality of life of the people of this state may require the creation of multicounty and multijurisdictional districts.

Section 3. Effective July 1, 1990, section 189.403, Florida Statutes, is created to read:

189.403 Definitions.—As used in this chapter, the term:

(1) "Special district" means a local unit of special-purpose, as opposed to general-purpose, government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. The special purpose or purposes of special districts are implemented by specialized functions and related prescribed powers. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, a municipal service taxing or benefit unit as specified in s. 125.01, or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

(2) "Dependent special district" means a special district that meets at least one of the following criteria:

(a) The membership of its governing body is identical to that of the governing body of a single county or a single municipality.

(b) All members of its governing body are appointed by the governing body of a single county or a single municipality.

(c) During their unexpired terms, members of the special district's governing body are subject to removal by the governing body of a single county or a single municipality.

(d) The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

This subsection is for purposes of definition only. Nothing in this subsection confers additional authority upon local governments not otherwise authorized by the provisions of the special acts or general acts of local application creating each special district, as amended.

(3) "Independent special district" means a special district that is not a dependent special district as defined in subsection (2). A district that includes more than one county is an independent special district.

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

(5) "Local governing authority" means the governing body of a unit of local general-purpose government. However, if the special district is a political subdivision of a municipality, "local governing authority" means the municipality.

(6) "Water management district" for purposes of this chapter means a special taxing district which is a regional water management district created and operated pursuant to chapter 373 or chapter 61-691, Laws of Florida, or a flood control district created and operated pursuant to chapter 252270, Laws of Florida, 1949, as modified by s. 373.149.

Section 4. Section 189.4031, Florida Statutes, is created to read:

189.4031 Special districts; requirements.—All special districts, regardless of the existence of other, more specific provisions of applicable law, shall comply with the creation, dissolution, and reporting requirements set forth in this chapter. For a dependent special district created by special act prior to the effective date of this act, nothing herein is intended to confer new power upon the general purpose local government, nor reduce the powers of the dependent special district, relating to budget development or approval in contradiction to the provisions of the special act.

Section 5. Section 189.4035, Florida Statutes, is created to read:

189.4035 Preparation of official list of special districts.—

(1) The Department of Community Affairs shall compile the official list of special districts. The official list of special districts shall include all special districts in this state and shall indicate the independent or dependent status of each district. All special districts in the list shall be sorted by county. The definitions in s. 189.403 shall be the criteria for determination of the independent or dependent status of each special district on the official list. The status of community development districts shall be independent on the official list of special districts.

(2) The official list shall be produced by the department after the department has notified each special district that is currently reporting to the department, the Department of Banking and Finance pursuant to s. 218.32, or the Auditor General pursuant to s. 11.45. Upon notification, each special district shall submit, within 60 days, its determination of its status. The determination submitted by a special district shall be consistent with the status reported in the most recent local government audit of district activities submitted to the Auditor General pursuant to s. 11.45.

(3) The Department of Banking and Finance shall provide the department with a list of dependent special districts reporting pursuant to s. 218.32 for inclusion on the official list of special districts.

(4) If a special district does not submit its status to the department within the required time period, then the department shall have the authority to determine the status of said district. After such determination of status is completed, the department shall render the determination to an agent of the special district.

(5) The first official list of special districts shall be completed by October 1, 1990. Thereafter, the official list of special districts shall be updated by the department annually. The official list of special districts shall be distributed to independent special districts, the Auditor General, the Department of Revenue, the Department of Banking and Finance, the Department of General Services, the Department of Administration, counties, municipalities, county property appraisers, tax collectors, and supervisors of elections.

(6) Preparation of the official list of special districts or the determination of status does not constitute final agency action pursuant to chapter 120. If the status of a special district on the official list is inconsistent with the status submitted by the district, the district may request the department to issue a declaratory statement setting forth the requirements necessary to resolve the inconsistency. If necessary, upon issuance of a declaratory statement by the department which is not appealed pursuant to chapter 120, the governing board of any special district receiving such a declaratory statement shall apply to the entity which originally established the district for an amendment to its

charter correcting the specified defects in its original charter. This amendment shall be for the sole purpose of resolving inconsistencies between a district charter and the status of a district as it appears on the official list. Such application shall occur as follows:

(a) In the event a special district was created by a local general-purpose government or state agency and applies for an amendment to its charter to confirm its independence, said application shall be granted as a matter of right. If application by an independent district is not made within 6 months of rendition of a declaratory statement, the district shall be deemed dependent and become a political subdivision of the governing body which originally established it by operation of law.

(b) If the Legislature created a special district, the district shall request, by resolution, an amendment to its charter by the Legislature. Failure to apply to the Legislature for an amendment to its charter during the next regular legislative session following rendition of a declaratory statement or failure of the Legislature to pass a special act shall render the district dependent.

(7) The department shall furnish a copy of the first official list of special districts to the President of the Senate and the Speaker of the House of Representatives by October 1, 1990, and annually thereafter on October 1.

Section 6. Section 189.404, Florida Statutes, is created to read:

189.404 Legislative intent for the creation of independent special districts after September 30, 1989; special act prohibitions after September 30, 1989; model elements and other requirements after September 30, 1989; general-purpose local government/Governor and Cabinet creation authorizations.

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that, after September 30, 1989, at a minimum, the requirements of subsection (3) must be satisfied when an independent special district is created.

(2) SPECIAL ACTS PROHIBITED.—Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application which:

(a) Create independent special districts that do not, at a minimum, conform to the minimum requirements in subsection (3);

(b) Exempt independent special district elections from the appropriate requirements in s. 189.405;

(c) Exempt an independent special district from the requirements for bond referenda in s. 189.408;

(d) Exempt an independent special district from the reporting, notice, or public meetings requirements of s. 189.4085, s. 189.415, s. 189.417, or s. 189.418;

(e) Create an independent special district for which a statement has not been submitted to the Legislature that documents the following:

1. The purpose of the proposed district;

2. The authority of the proposed district;

3. An explanation of why the district is the best alternative; and

4. A resolution or official statement of the governing body or an appropriate administrator of the local jurisdiction within which the proposed district is located stating that the creation of the proposed district is consistent with the approved local government plans of the local governing body and that the local government has no objection to the creation of the proposed district.

(3) MINIMUM REQUIREMENTS.—General laws or special acts that create or authorize the creation of independent special districts and are enacted after September 30, 1989, must address and require the following in their charters:

(a) The purpose of the district.

(b) The powers, functions, and duties of the district regarding ad valorem taxation, bond issuance, other revenue-raising capabilities, budget preparation and approval, liens and foreclosure of liens, use of tax deeds and tax certificates as appropriate for non-ad valorem assessments, and contractual agreements.

(c) The methods for establishing and dissolving the district.

(d) The method for amending the charter of the district.

(e) The membership and organization of the governing board of the district. If a district created after September 30, 1989, uses a one-acre/one-vote election principle, it shall provide for a governing board consisting of five members. Three members shall constitute a quorum.

(f) The maximum compensation of a governing board member.

(g) The administrative duties of the governing board of the district.

(h) The applicable financial disclosure, noticing, and reporting requirements.

(i) If a district has authority to issue bonds, the procedures and requirements for issuing bonds.

(j) The procedures for conducting any district elections or referenda required and the qualifications of an elector of the district.

(k) The methods for financing the district.

(l) If an independent special district has the authority to levy ad valorem taxes, other than taxes levied for the payment of bonds and taxes levied for periods not longer than 2 years when authorized by vote of the electors of the district, the millage rate that is authorized.

(m) The method or methods for collecting non-ad valorem assessments, fees, or service charges.

(n) Planning requirements.

(o) Geographic boundary limitations.

(4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION AUTHORIZATIONS.—

(a) A municipality may create an independent special district which shall be established by ordinance in accordance with s. 190.005, or as otherwise authorized in general law.

(b) A county may create an independent special district which shall be adopted by a charter in accordance with s. 125.901 or s. 154.331 or chapter 155, or which shall be established by ordinance in accordance with s. 190.005, or as otherwise authorized by general law.

(c) The Governor and Cabinet may create an independent special district which shall be established by rule in accordance with s. 190.005, in accordance with s. 374.075, or as otherwise authorized in general law. The Governor and Cabinet may also approve the establishment of a charter for the creation of an independent special district which shall be in accordance with s. 373.1962, or as otherwise authorized in general law.

(d)1. Any combination of two or more counties may create a regional special district which shall be established in accordance with s. 163.804 or s. 950.001, or as otherwise authorized in general law.

2. Any combination of two or more counties or municipalities may create a regional special district which shall be established in accordance with s. 373.1962, or as otherwise authorized by general law.

3. Any combination of two or more counties, municipalities, or other political subdivisions may create a regional special district in accordance with s. 163.567, or as otherwise authorized in general law.

Section 7. Section 189.4041, Florida Statutes, is created to read:

189.4041 Dependent special districts created after September 30, 1989.—A charter for the creation of a dependent special district created after September 30, 1989, shall be adopted only by ordinance of a county or municipal governing body having jurisdiction over the area affected.

Section 8. Section 189.4042, Florida Statutes, is created to read:

189.4042 Merger.—

(1) The merger of one or more municipalities or counties with special districts, or the merger of two or more special districts, may be adopted by passage of a concurrent ordinance or, in the case of special districts, resolution by the governing bodies of each unit to be affected.

(2)(a) Initiation of procedures for merger of special districts as described in subsection (1) may be done either by adoption of a resolution by the governing body of an area to be affected or by a petition of 10 percent of the qualified voters in the area.

(b) If a petition has been filed with the governing bodies concerned, the governing bodies shall immediately undertake a study of the feasibility of the merger proposal and shall, within 6 months, either adopt a resolution under subsection (1) or reject the petition, specifically stating the facts upon which the rejection is based.

(c) A copy of the proposed charter or merger agreement shall be filed within 30 days after the effective date of the merger with the Special District Information Program and each local general-purpose government within which the district is located.

(d) The purpose of this subsection is to provide broad citizen involvement in both initiating and developing special districts; therefore, establishment of appropriate citizen advisory committees, as well as other mechanisms for citizen involvement, by the governing bodies of the units affected is specifically authorized and encouraged.

(3) The provisions of this section shall not apply to community development districts implemented pursuant to chapter 190 or to water management districts created and operated pursuant to chapter 373.

Section 9. Section 189.4043, Florida Statutes, is created to read:

189.4043 Dissolution procedures.—

(1) The charter of any existing special district may be revoked and the special district dissolved by either:

(a) A special act of the Legislature; or

(b) A resolution of the governing body of the special district, a copy of which shall be filed within 30 days after the effective date of the dissolution with the Special District Information Program and the local general-purpose government within which the district is located.

(2) The provisions of this section shall not apply to community development districts implemented pursuant to chapter 190, or to water management districts created and operated pursuant to chapter 373.

Section 10. Section 189.4044, Florida Statutes, is created to read:

189.4044 Special dissolution procedures.—

(1) The Secretary of State by proclamation shall declare inactive any special district in this state upon a report being filed by the department which shows that such special district is no longer active, based upon a finding:

(a) That the special district has not had appointed or elected a governing body within the 4 years immediately preceding or as otherwise provided by law or has not operated within the 2 years immediately preceding;

(b) That a notice of the proposed proclamation has been published once a week for 4 weeks in a newspaper of general circulation within the county or municipality wherein the territory of the special district is located, stating the name of said special district, the law under which it was organized and operating, a general description of the territory included in said special district, and stating that any objections to the proposed proclamation or to any debts of said special district shall be filed not later than 60 days following the date of last publication with the department; and

(c) That 60 days have elapsed from the last publication date of the notice of proposed proclamation and no sustained objections have been filed.

(2) The state agency charged with collecting financial information from special districts shall report to the Department of State and the Department of Community Affairs any special district which has failed to file a report within the time set by law.

(3) If any special district declared inactive pursuant to this section owes any debt at the time of proclamation, any property or assets of such unit, or which belonged thereto at the time of such proclamation, shall be subject to legal process for payment of such debt. After the payment of all the debts of said inactive special district, the remainder of its property or assets shall escheat to the county or municipality wherein located. If, however, it shall be necessary, in order to pay any such debt, to levy any tax or taxes on the property in the territory or limits of the inactive special district, the same may be assessed and levied by order of the local general-purpose government wherein the same is situated, and shall be assessed by the county property appraiser and collected by the county tax collector.

(4) Any special act creating or amending the charter of any special district proclaimed inactive hereunder shall be reported by the Governor to the presiding officers of both houses of the Legislature. The proclamation of inactive status shall be sufficient notice as required by s. 10, Art. III of the State Constitution to authorize the Legislature to repeal any special laws so reported.

Section 11. Section 189.4045, Florida Statutes, is created to read:

189.4045 Financial allocations.—

(1) The government formed by merger of existing special districts shall assume all indebtedness of, and receive title to all property owned by, the preexisting special districts. The proposed charter or merger agreement shall provide for the determination of the proper allocation of the indebtedness so assumed and the manner in which said debt shall be retired.

(2) The dissolution of a special district government shall transfer the title to all property owned by the preexisting special district government to the local general-purpose government, which shall also assume all indebtedness of the preexisting special district, unless otherwise provided in the dissolution plan.

(3) The provisions of this section shall not apply to community development districts established pursuant to chapter 190 or to water management districts created and operated pursuant to chapter 373.

Section 12. Section 189.405, Florida Statutes, is created to read:

189.405 Elections; general requirements and procedures.—

(1) If a dependent special district has an elected governing board, elections shall be conducted by the supervisor of elections of the county wherein the district is located in accordance with the Florida Election Code, chapters 97 through 106.

(2)(a) Any independent special district located entirely in a single county may provide for the conduct of district elections by the supervisor of elections for that county. Any independent special district that conducts its elections through the office of the supervisor shall make election procedures consistent with the Florida Election Code, chapters 97 through 106, for the following:

1. Qualifying periods, in accordance with s. 99.061;

2. Petition format, in accordance with rules adopted by the Division of Elections;

3. Canvassing of returns, in accordance with ss. 101.5614 and 102.151;

4. Noticing special district elections, in accordance with chapter 100; and

5. Polling hours, in accordance with s. 100.011.

(b) Any independent special district not conducting district elections through the supervisor of elections shall report to the supervisor in a timely manner the purpose, date, authorization, procedures, and results of each election conducted by the district.

(3)(a) If a multicounty special district has a popularly elected governing board, elections for the purpose of electing members to such board shall conform to the Florida Election Code, chapters 97 through 106.

(b) With the exception of those districts conducting elections on a one-acre/one-vote basis, qualifying for multicounty special district governing board positions shall be coordinated by the supervisors of elections for each of the counties within the district.

(4) With the exception of elections of special district governing board members conducted on a one-acre/one-vote basis, in any election conducted in a special district the decision made by a majority of those voting shall prevail.

(5) The provisions of this section shall not apply to community development districts established pursuant to chapter 190 or to water management districts created and operated pursuant to chapter 373.

(6) Nothing in this act requires that a special district governed by an appointed board convert to an elected governing board.

Section 13. Section 189.4051, Florida Statutes, is created to read:

189.4051 Elections; special requirements and procedures for districts with governing boards elected on a one-acre/one-vote basis.—

(1) ELECTION PROVISIONS FOR SPECIAL DISTRICTS WITH GOVERNING BOARDS ELECTED ON A ONE-ACRE/ONE-VOTE BASIS.—

(a) With the exception of those districts established as single-purpose water control districts, and which continue to act as single-purpose water control districts, pursuant to chapter 298, pursuant to a special act, pursuant to a local government ordinance, or pursuant to a judicial decree, if a special district has a governing board elected on the basis of one vote for each acre of land owned and:

1. Has a total resident population of more than 2,500 according to the latest census or population estimate;

2. Has more than 2,000 registered voters; and

3. Submits a petition signed by more than 70 percent of the registered voters requesting conversion from a one-acre/one-vote to a one-person/one-vote election principle to the supervisor of elections in the county in which all or most of the area of the district land is located,

it may proceed in accordance with the provisions of subsection (3) at any time following the effective date of this act.

(b) With the exception of those districts established as single-purpose water control districts, and which continue to act as single-purpose water control districts, pursuant to chapter 298, pursuant to a special act, pursuant to a local government ordinance, or pursuant to a judicial decree, the governing board of any special district where the board is elected on a one-acre/one-vote basis may request the local legislative delegation which represents the area within the district to modify the district charter by special act to provide for a more equitable basis of election for governing board members than the present election procedure. If such request is enacted into law during the 1989 or 1990 Regular Session of the Florida Legislature, such law shall be the election charter for election of governing board members within said district and shall exempt said district from the election provisions of this section.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Qualified elector" means any person at least 18 years of age who is a citizen of the United States, a permanent resident of Florida, and a freeholder or freeholder's spouse and resident of the district who registers with the supervisor of elections of the county within which the district lands are located when the registration books are open.

(b) "Urban area" means a contiguous developed and inhabited urban area within a district with a minimum average resident population density of at least 1.5 persons per acre as defined by the latest official census, special census, or population estimate or a minimum density of one single-family home per 2.5 acres with access to improved roads or a minimum density of one single-family home per 5 acres within a recorded plat subdivision. Urban areas shall be designated by the governing board of the district with the assistance of all local general-purpose governments having jurisdiction over the area within the district.

(c) "Governing board member" means any duly elected member of the governing board of a special district elected pursuant to this section, provided that any board member elected by popular vote shall be a district elector and any board member elected on a one-acre/one-vote basis shall meet the requirements of s. 298.11 for election to the board.

(d) "Contiguous developed urban area" means any reasonably compact urban area located entirely within a special district. The separation of urban areas by a publicly owned park, right-of-way, highway, road, railroad, canal, utility, body of water, watercourse, or other minor geographical division of a similar nature shall not prevent such areas from being defined as urban areas.

(3) POPULAR ELECTIONS; REFERENDUM; DESIGNATION OF URBAN AREAS.—

(a) Referendum.—

1. A referendum shall be called by the governing board of a special district on the question of whether certain members of a district governing board should be elected by qualified electors, provided each of the following conditions is satisfied:

a. The district shall have a total population, according to the latest official state census, a special census, or a population estimate, of at least 500 qualified electors.

b. A petition signed by 10 percent of the qualified electors of the district shall be filed with the governing board of the district.

2. Upon verification by the supervisor or supervisors of elections of the county or counties within which district lands are located that 10 percent of the qualified electors of the district have petitioned the governing board, a referendum election shall be called by the governing board at the next regularly scheduled election or within 6 months of verification, whichever is earlier.

3. If the qualified electors approve the election procedure described in this subsection, the governing board of the district shall be increased to five members and elections shall be held pursuant to the criteria described in this subsection beginning with the next regularly scheduled election or at a special election called within 6 months following the referendum and final unappealed approval of district urban area maps as provided in paragraph (b), whichever is earlier.

4. If the qualified electors of the district disapprove the election procedure described in this subsection, elections of the members of the governing board shall continue as described by s. 298.12 or the enabling legislation for the district. No further referendum on the question shall be held for a minimum period of 2 years.

(b) Designation of urban areas.—

1. Within 30 days after approval of the election process described in this subsection by qualified electors of the district, the governing board shall direct the district engineer to prepare and present maps of the district describing the extent and location of all urban areas within the district. Such determination shall be based upon the criteria contained within paragraph (2)(b).

2. Within 60 days after approval of the election process described in this subsection by qualified electors of the district, the maps describing urban areas within the district shall be presented to the governing board.

3. Any district landowner or elector may contest the accuracy of the urban area maps prepared by the district engineer within 30 days after submission to the governing board. Upon notice of objection to the maps, the governing board shall request the county engineer to prepare and present maps of the district describing the extent and location of all urban areas within the district. Such determination shall be based upon the criteria contained within paragraph (2)(b). Within 30 days after the governing board request, the county engineer shall present the maps to the governing board.

4. Upon presentation of the maps by the county engineer, the governing board shall compare the maps submitted by both the district engineer and the county engineer and make a determination as to which set of maps to adopt. Within 60 days after presentation of all such maps, the governing board may amend and shall adopt the official maps at a regularly scheduled board meeting.

5. Any district landowner or elector may contest the accuracy of the urban area maps adopted by the board within 30 days after adoption by petition to the circuit court with jurisdiction over the district. Accuracy shall be determined pursuant to paragraph (2)(b). Any petition so filed shall be disposed of by summary proceeding of the court, and the maps shall be certified to the board with amendments, if necessary.

6. Upon adoption by the board or certification by the court, the district urban area maps shall serve as the official maps for determination of the extent of urban area within the district and the number of governing board members to be elected by qualified electors and by the one-acre/one-vote principle at the next regularly scheduled election of governing board members.

7. Upon a determination of the percentage of urban area within the district as compared with total area within the district, the governing board shall order elections in accordance with the changed percentages pursuant to paragraph (4)(a). The landowners' meeting date shall be designated by the governing board.

8. The maps shall be updated and readopted every 5 years or sooner in the discretion of the governing board.

(4) GOVERNING BOARD.—

(a) Composition of board.—

1. Members of the governing board of the district shall be elected in accordance with the following determinations of urban area:

a. If urban areas constitute 25 percent or less of the district, one governing board member shall be elected by the qualified electors and four governing board members shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

b. If urban areas constitute 26 percent to 50 percent of the district, two governing board members shall be elected by the qualified electors and three governing board members shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

c. If urban areas constitute 51 percent to 70 percent of the district, three governing board members shall be elected by the qualified electors and two governing board members shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

d. If urban areas constitute 71 percent to 90 percent of the district, four governing board members shall be elected by the qualified electors and one governing board member shall be elected in accordance with the one-acre/one-vote principle contained within s. 298.11 or the district-enabling legislation.

e. If urban areas constitute 91 percent or more of the district, all governing board members shall be elected by the qualified electors.

2. All governing board members elected by qualified electors shall be elected at large.

(b) Term of office.—All governing board members elected by qualified electors shall have a term of 4 years except for governing board members elected at the first election and the first landowners' meeting following the referendum prescribed in paragraph (3)(a). Governing board members elected at the first election and the first landowners' meeting following the referendum shall serve as follows:

1. If one governing board member is elected by the qualified electors and four are elected on a one-acre/one-vote basis, the governing board member elected by the electors shall be elected for a period of 4 years. Governing board members elected on a one-acre/one-vote basis shall be elected for periods of 1, 2, 3, and 4 years, respectively, as prescribed by ss. 298.11 and 298.12.

2. If two governing board members are elected by the qualified electors and three are elected on a one-acre/one-vote basis, the governing board members elected by the electors shall be elected for a period of 4 years. Governing board members elected on a one-acre/one-vote basis shall be elected for periods of 1, 2, and 3 years, respectively, as prescribed by ss. 298.11 and 298.12.

3. If three governing board members are elected by the qualified electors and two are elected on a one-acre/one-vote basis, two of the governing board members elected by the electors shall be elected for a term of 4 years and the other governing board member elected by the electors shall be elected for a term of 2 years. Governing board members elected on a one-acre/one-vote basis shall be elected for terms of 1 and 2 years, respectively, as prescribed by ss. 298.11 and 298.12.

4. If four governing board members are elected by the qualified electors and one is elected on a one-acre/one-vote basis, two of the governing board members elected by the electors shall be elected for a term of 2 years and the other two for a term of 4 years. The governing board member elected on a one-acre/one-vote basis shall be elected for a term of 1 year as prescribed by ss. 298.11 and 298.12.

5. If five governing board members are elected by the qualified electors, three shall be elected for a term of 4 years and two for a term of 2 years.

6. If any vacancy occurs in a seat occupied by a governing board member elected by the qualified electors, the remaining members of the governing board shall, within 45 days of receipt of a resignation, appoint a person who would be eligible to hold the office to the unexpired term of the resigning member.

(c) Landowners' meetings.—

1. An annual landowners' meeting shall be held pursuant to s. 298.11 and at least one governing board member shall be elected on a one-acre/one-vote basis pursuant to s. 298.12 for so long as 10 percent or more of the district is not contained in an urban area. In the event all district governing board members are elected by qualified electors, there shall be no further landowners' meetings.

2. At any landowners' meeting called pursuant to this section, 50 percent of the district acreage shall not be required to constitute a quorum and each governing board member shall be elected by a majority of the acreage represented either by owner or proxy present and voting at said meeting.

3. All landowners' meetings of districts operating pursuant to this section shall be set by the board within the month preceding the month of the election of the governing board members by the electors.

4. Vacancies on the board shall be filled pursuant to s. 298.12 except as otherwise provided in subparagraph (b)6.

(5) QUALIFICATIONS.—Elections for governing board members elected by qualified electors shall be nonpartisan Qualifications shall be pursuant to the Florida Election Code and shall occur during the qualifying period established by s. 99.061. Qualification requirements shall only apply to those governing board member candidates elected by qualified electors. Following the first election pursuant to this section, elections to the governing board by qualified electors shall occur at the next regularly scheduled election closest in time to the expiration date of the term of the elected governing board member. If the next regularly scheduled election is beyond the normal expiration time for the term of an elected governing board member, the governing board member shall hold office until the election of a successor.

(6) Those districts established as single-purpose water control districts, and which continue to act as single-purpose water control districts, pursuant to chapter 298, pursuant to a special act, pursuant to a local government ordinance, or pursuant to a judicial decree, shall be exempt from the provisions of this section. All other independent special districts with governing boards elected on a one-acre/one-vote basis shall be subject to the provisions of this section.

(7) The provisions of this section shall not apply to community development districts established pursuant to chapter 190.

(8) Except as otherwise provided in subsection (1), this section shall take effect July 1, 1990.

Section 14. Section 189.4065, Florida Statutes, is created to read:

189.4065 Collection of non-ad valorem assessments.—Community development districts may and other special districts shall provide for the collection of annual non-ad valorem assessments in accordance with chapter 197 or monthly non-ad valorem assessments in accordance with chapter 170.

Section 15. Section 189.408, Florida Statutes, is created to read:

189.408 Special district bond referenda.—Where required by the State Constitution or general law, special district bond referenda shall be conducted according to ss. 100.211 and 100.221. The provisions of this section shall not apply to community development districts established pursuant to chapter 190.

Section 16. Section 189.4085, Florida Statutes, is created to read:

189.4085 Bond issuance.—When no referendum is required, within 5 business days after the closing of the sale of bonds by a special district, the district shall provide evidence to the Special District Information Program of the Department of Community Affairs that the bonds met at least one of the following criteria at the time of the closing:

(1) The bonds shall be rated in one of the highest four ratings by a nationally recognized rating service;

(2) The bonds were privately placed with or otherwise sold to accredited investors;

(3) The bonds shall be backed by a letter of credit from a bank, savings and loan association, or other creditworthy guarantor, or by bond insurance, guaranteeing payment of principal and interest on the bonds; or

(4) The bonds shall be accompanied by an independent financial advisory opinion stating that estimates of debt service coverage and probability of debt repayment are reasonable. This opinion shall be provided by an independent financial advisory, consulting, or accounting firm registered where professional registration is required by law and which is in good standing with the state and in conformance with all applicable professional standards for such opinions.

Section 17. Section 189.409, Florida Statutes, is created to read:

189.409 Determination of financial emergency.—A special district shall notify the Governor and Legislative Auditing Committee when the health, safety, and welfare of the citizens of the state are affected by the occurrence of one or more of the conditions described in s. 218.503, or if said condition or conditions will occur if action is not taken to assist the special district. The Governor may adopt rules to implement the provisions of this section.

Section 18. Effective July 1, 1989, section 189.412, Florida Statutes, is created to read:

189.412 Special District Information Program; duties and responsibilities.—The Special District Information Program of the Department of Community Affairs is hereby created and shall have the following special duties:

(1) The collection and maintenance of reports required in ss. 189.417 and 189.418.

(2) Within an appropriate time frame, the collection and maintenance of special district compliance status reports from the Auditor General, the Department of Banking and Finance, the Division of Bond Finance of the Department of General Services, the Division of Retirement of the Department of Administration, the Division of Ad Valorem Tax of the Department of Revenue, and the Commission on Ethics for the reporting required in ss. 11.45, 112.3144, 112.3145, 112.63, 200.068, 218.32, 218.34, and 218.38 and chapter 121 and from state agencies administering programs that distribute money to special districts. The special district compliance status reports shall consist of a list of special districts used in that state agency and information indicating which special districts did not comply with the reporting statutorily required by that agency.

(3) The maintenance of a master list of independent and dependent special districts which shall be annually updated and distributed to the appropriate officials in state and local governments.

(4) The organization and sponsorship of a biennial conference, the first of which must be held prior to March 1, 1990, for the purposes of:

(a) Explaining special district reporting requirements prescribed by general law.

(b) Describing general statutory provisions that affect the majority of special districts in the state.

(c) Conducting training sessions in budget preparation and bond issuance.

(d) Examining all aspects of special district reporting requirements in order to develop more efficient submission and use of the reports.

(5) The publishing and updating of a "Florida Special District Handbook" which shall contain, at a minimum:

(a) A section which specifies definitions of special districts and status distinctions in the statutes.

(b) A section or sections which specify current statutory provisions for special district creation, implementation, modification, dissolution, and operating procedures.

(c) A section which summarizes the reporting requirements applicable to all types of special districts as provided in ss. 189.417 and 189.418.

(6) When feasible, securing and maintaining access to special district information collected by all state agencies in existing or newly created state computer systems.

(7) The facilitation of coordination and communication between state agencies regarding special district information.

(8) The conduct of studies relevant to special districts.

(9) The provision of assistance related to and appropriate in the performance of requirements specified in this chapter.

Section 19. Section 189.413, Florida Statutes, is created to read:

189.413 Special districts; oversight of state funds use.—Any state agency administering funding programs for which special districts are eligible shall be responsible for oversight of the use of such funds by special districts. The oversight responsibilities shall include, but not be limited to:

(1) Reporting the existence of the program to the Special District Information Program of the Department of Community Affairs.

(2) Submitting annually a list of special districts participating in a state funding program to the Special District Information Program of the Department of Community Affairs. This list must indicate the special districts, if any, that are not in compliance with state funding program requirements.

Section 20. Section 189.415, Florida Statutes, is created to read:

189.415 Special district public facilities report.—

(1) It is declared to be the policy of this state to foster coordination between special districts and local general-purpose governments as those local general-purpose governments develop comprehensive plans under the Local Government Comprehensive Planning and Land Development Regulation Act, pursuant to part II of chapter 163.

(2) Beginning March 1, 1991, each independent special district shall submit annually to each local general-purpose government in which it is located a public facilities report. The public facilities report shall specify the following information:

(a) A description of existing public facilities owned and operated by the special district. This description shall include the current capacity of the facility, the current demands placed upon it, and its location. This information shall be required in the initial report and updated every 5 years at least 12 months prior to the submission date of the evaluation and appraisal report of the appropriate local government required by s. 163.3191. At least 12 months prior to the date on which each special district's first updated report is due, the department shall notify each independent district on the official list of special districts compiled by the department pursuant to s. 189.4035 of the schedule for submission of the evaluation and appraisal report by each local government within the special district's jurisdiction.

(b) A description of each public facility the district is building, improving, or expanding, or is currently proposing to build, improve, or expand within at least the next 5 years. For each public facility identified, the report shall describe how the district currently proposes to finance the facility.

(c) If the special district currently proposes to replace any facilities identified in paragraph (a) or paragraph (b) within the next 10 years, the date when such facility will be replaced.

(d) The anticipated time the construction, improvement, or expansion of each facility will be completed.

(e) The anticipated capacity of and demands on each public facility when completed. In the case of an improvement or expansion of a public facility, both the existing and anticipated capacity must be listed.

(3) A special district proposing to build, improve, or expand a public facility which requires a certificate of need pursuant to chapter 381 shall elect to notify the appropriate local general-purpose government of its plans either in its 5-year plan or at the time the letter of intent is filed with the Department of Health and Rehabilitative Services pursuant to s. 381.709.

(4) Those special districts building, improving, or expanding public facilities addressed by a development order issued to the developer pursuant to s. 380.06 may use the most recent annual report required by s. 380.06(15) and (18) and submitted by the developer, to the extent the annual report provides the information required by subsection (2).

(5) For each special district created after March 1, 1990, the facilities report shall be prepared and submitted within 1 year after the district's creation.

(6) For purposes of the preparation or revision of local government comprehensive plans required pursuant to s. 163.3161, a special district public facilities report may be used and relied upon by the local general-purpose government or governments within which the special district is located.

(7) Any special district that has completed the construction of its public facilities, improvements to its facilities, or its development is not required to submit a public facilities report, but must submit the information required by paragraph (2)(a).

(8) A special district plan of reclamation required pursuant to general law or special act, including, but not limited to, a plan prepared pursuant to chapter 298 which complies with the requirements of subsection (2), shall satisfy the requirement for a public facilities report. A water management and control plan adopted pursuant to s. 190.013, which complies with the requirements of subsection (2), satisfies the requirement for a public facilities report for the facilities the plan addresses.

(9) The Reedy Creek Improvement District is not required to provide the public facilities report as specified in subsection (2).

(10) Each deepwater port listed in s. 403.021(9)(b) shall satisfy the requirements of subsection (2) by submitting to the appropriate local government a comprehensive master plan as required by s. 163.3178(2)(k). All other ports shall submit a public facilities report as required in subsection (2).

Section 21. Section 189.4155, Florida Statutes, is created to read:

189.4155 Activities of special districts; local government comprehensive planning.—

(1) Construction or expansion of a public facility, or major alteration which affects the quantity or quality of the level of service of a public facility, which is undertaken or initiated by a special district shall be consistent with the applicable local government comprehensive plan adopted pursuant to part II of chapter 163; provided, however, the local government comprehensive plan shall not:

(a) Require an independent special district to construct, expand, or perform a major alteration of any public facility; or

(b) Require any special district to construct, expand, or perform a major alteration of any public facility which would result in an impairment of covenants and agreements relating to bonds validated or issued by the special district.

(2) When a local government has issued a development order which approves the construction of public facilities or has issued a development order pursuant to chapter 380, the local government shall not use the requirements of this section to limit or modify the right of an independent special district to construct, modify, operate, or maintain public facilities authorized by the development order.

(3) The provisions of this section shall not apply to water management districts created pursuant to s. 373.069 or to regional water supply authorities created pursuant to s. 373.1962.

(4) Nothing in this section shall create or alter the respective rights of local governments or special districts to provide public facilities or services to a particular geographic area or location, nor shall this section alter or affect the police powers of any local government or the authority or requirements under chapter 163.

Section 22. Section 189.4156, Florida Statutes, is created to read:

189.4156 Water management district technical assistance; local government comprehensive planning.—Water management districts shall assist local governments in the development of local government comprehensive plan elements related to water resource issues as required by s. 373.0391.

Section 23. Section 189.004, Florida Statutes, is renumbered as section 189.416, Florida Statutes.

Section 24. Section 189.005, Florida Statutes, is renumbered as section 189.417, Florida Statutes, and amended to read:

189.417 ~~189.005~~ Meetings; notice; required reports.—

(1) The governing body of each special district shall file annually a schedule of its regular meetings with the local governing authority or authorities. The schedule shall include the date, time, and location of each scheduled meeting. The governing body of an independent special district shall advertise the day, time, place, and purpose of any ~~special~~ meeting *other than a regular meeting or any recessed and reconvened meeting* of the governing body, at least 7 days prior to such meeting, in a newspaper of general paid circulation in the county or counties in which the special district is located, unless a bona fide emergency situation exists, in which case a meeting to deal with the emergency may be held as necessary, with reasonable notice, so long as it is subsequently ratified by the board. *No approval of the annual budget shall be granted at an emergency meeting.* The advertisement shall be placed in that portion of the newspaper where legal notices and classified advertisements appear. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the county is published fewer than 5 days a week. It is further the legislative intent that the newspaper selected be one of general interest and readership in the community and not one of limited subject matter, pursuant to chapter 50.

(2) All meetings of the governing body of the special district shall be open to the public and governed by the provisions of chapter 286.

(3) Meetings of the governing body of the special district shall be held in a public building when available within the district, in a county courthouse of a county in which the district is located, or in a building in the county accessible to the public.

Section 25. Section 189.006, Florida Statutes, is renumbered as section 189.418, Florida Statutes, and amended to read:

189.418 ~~189.006~~ Reports; audits.—

(1) *At least 90 days* prior to *the implementation of an independent* ~~October 1, 1979, or no later than 1 year subsequent to its creation, each~~ special district, ~~shall file with~~ the local *government or other entity authorized to implement the district may provide* ~~governing authority or authorities and with~~ the department *with* a copy of the document *by which the district will be implemented* ~~authorizing its creation, by whatever method the creation occurred, a list of any improvements necessary to accomplish district purposes; a proposed schedule of completion of any improvements; and if applicable, a plan of termination~~. *Within 60 days after the receipt of the document that proposes the implementation of the independent special district, the department shall make a determination as to the status of the district as dependent or independent and shall notify the party that requested the determination of its status.*

(2) Subsequent to the implementation of a district, any amendment, modification, or update *of the document by which the district was implemented must* ~~required shall~~ be filed *with the department* within 30 days *after* ~~of~~ its adoption by the district board ~~in the same manner as the original~~.

(3)~~(2)~~ *Each year,* each *independent* special district shall file with the local *general-purpose* governing authority or authorities *in the jurisdiction of which the district is located* a copy of*:*

(a) The local government financial reports required by ss. 218.32 and 218.34*;* ~~and~~

(b) A complete description of all outstanding bonds as provided in s. 218.38(1)*; and*

(c) A map of the district.

(4)~~(3)~~ Each special district shall make provisions for an annual independent postaudit of its financial records as provided in s. 11.45. A copy of the audit shall be filed with the local governing authority or authorities.

(5)~~(4)~~ All reports or information required to be filed with a local governing authority under ss. 11.45, *189.416* ~~189.004~~, *189.417* ~~189.005~~, 218.32, and 218.34 and this section shall:

(a) When the local governing authority is a county, be filed with the clerk of the board of county commissioners.

(b) When the district is a multicounty district, be filed with the clerk of the county commission in each county.

(c) When the local governing authority is a municipality, be filed at the place designated by the municipal governing body.

Section 26. Section 189.007, Florida Statutes, is renumbered as section 189.419, Florida Statutes, and amended to read:

189.419 ~~189.007~~ Effect of failure to file certain reports.—

(1) If a special district fails to file the reports required under s. 11.45, *s. 189.415, s. 189.416* ~~189.004~~, s. *189.417* ~~189.005~~, s. *189.418* ~~189.006~~, s. 218.32, or s. 218.34 and a description of all outstanding bonds as provided in s. 218.38(1) with the local governing authority, the person authorized to *receive and* read the reports shall notify the district's registered agent and the appropriate local governing authority or authorities. At any time, the governing authority may grant an extension of time for filing the required reports, except that no extension shall exceed 30 days.

(2) If at any time the local governing authority or authorities or the board of county commissioners determines that there has been an unjustified failure to file the reports described in subsection (1), it may petition the department to initiate proceedings against the special district in the manner provided in s. *189.421* ~~189.008~~.

(3) If a special district fails to file the reports required under s. 11.45, s. 218.32, s. 218.34, or s. 218.38 with the appropriate state agency, the agency may request the department to initiate proceedings against the special district in the manner provided in s. *189.421* ~~189.008~~.

Section 27. Section 189.008, Florida Statutes, is renumbered as section 189.421, Florida Statutes, and amended to read:

189.421 ~~189.008~~ Failure of district to disclose financial reports.—

(1) The department shall investigate all petitions filed pursuant to s. *189.419* ~~189.007~~ and determine whether or not the district board has made a good faith effort to file the required reports.

(2) If the department determines that a good faith effort has been made, it shall grant a reasonable extension of time for filing the required reports with the appropriate bodies and notify the special district of the granting of the extension.

(3) If the department determines that a good faith effort has not been made to file the report or that a reasonable time has passed and the reports have not been forthcoming, it may file a petition for hearing, pursuant to s. 120.57, on the question of the inactivity of the district. The proceedings and hearings required by ss. *189.416-189.422* ~~189.001-189.009~~ shall be conducted by a hearing officer assigned by the Division of Administrative Hearings of the Department of Administration and shall be governed by the provisions of the Administrative Procedure Act. Such hearing shall be held in the county in which the district is located, pursuant to all the applicable provisions of chapter 120. Notice of the hearing shall be served on the district's registered agent and published at least once a week for 2 successive weeks prior to the hearing in a newspaper of general circulation in the area affected. The notice shall state the time, place, and nature of the hearing and that all interested parties may appear and be heard. Within 30 days of the hearing, the hearing officer shall file his report with the department in the manner provided in chapter 120.

Section 28. Section 189.009, Florida Statutes, is renumbered as section 189.422, Florida Statutes, and amended to read:

189.422 ~~189.009~~ Action of the department.—

(1) If the department determines, after receipt of the report from the hearing examiner, that there is an inactive district under the criteria established in *s. 189.4044* ~~ss. 165.052 and 165.061(4)(b) and (c)~~, it shall file such determination with the Secretary of State pursuant to s. *189.4044* ~~165.052~~.

(2) If the department determines that the failure to file the reports is a result of the volitional refusal of the members of the governing body of the district, it shall seek an injunction or writ of mandamus to compel production of the reports in the circuit court.

Section 29. Section 189.30, Florida Statutes, is renumbered as section 189.423, Florida Statutes, and amended to read:

189.423 ~~189.30~~ Purchase or sale of water or sewer utility by special district.—No dependent or independent special district~~, as defined by s. 200.001(8)(d) or (e),~~ may purchase or sell a water or sewer utility that provides service to the public for compensation, until the governing body of the district has held a public hearing on the purchase or sale and made a determination that the purchase or sale is in the public interest. In determining if the purchase or sale is in the public interest, the district shall consider, at a minimum, the following:

(1) The most recent available income and expense statement for the utility;

(2) The most recent available balance sheet for the utility, listing assets and liabilities and clearly showing the amount of contributions-in-aid-of-construction and the accumulated depreciation thereon;

(3) A statement of the existing rate base of the utility for regulatory purposes;

(4) The physical condition of the utility facilities being purchased or sold;

(5) The reasonableness of the purchase or sales price and terms;

(6) The impacts of the purchase or sale on utility customers, both positive and negative;

(7) Any additional investment required and the ability and willingness of the purchaser to make that investment, whether the purchaser is the special district or the entity purchasing the utility from the special district;

(8) The alternatives to the purchase or sale and the potential impact on utility customers if the purchase or sale is not made; and

(9) The ability of the purchaser to provide and maintain high-quality and cost-effective utility service, whether the purchaser is the special district or the entity purchasing the utility from the special district.

The special district shall prepare a statement showing that the purchase or sale is in the public interest, including a summary of the purchaser's experience in water and sewer utility operation and a showing of financial ability to provide the service, whether the purchaser is the special district or the entity purchasing the utility from the special district. *The provisions of this section shall not apply to community development districts established pursuant to chapter 190.*

Section 30. Paragraphs (a) and (d) of subsection (3) of section 11.45, Florida Statutes, are amended, subsections (4), (5), (6), (7), (8), and (9) are renumbered as subsections (5), (6), (7), (8), (9), and (10), respectively, and new subsections (4) and (11) are added to said section, to read:

11.45 Definitions; duties; audits; reports.—

(3)(a)1. The Auditor General shall annually make financial audits of the accounts and records of all state agencies, as defined in this section, of all district school boards, and of all district boards of trustees of community colleges. Nothing herein shall limit the Auditor General's discretionary authority to conduct performance audits of these governmental entities as authorized in subparagraph 2. Nothing in this section shall be construed as prohibiting a district school board from selecting an independent auditor to perform a financial audit as defined in s. 11.45(1)(b) notwithstanding the notification provisions of this section.

2. The Auditor General may at any time make financial audits and performance audits of the accounts and records of all governmental entities created pursuant to law. The audits referred to in this subparagraph shall be made whenever determined by the Auditor General, whenever directed by the Legislative Auditing Committee, or whenever otherwise required by law or concurrent resolution. District school boards may require that the annual financial audit of its accounts and records be completed within 12 months after the end of its fiscal year. In the event that the Auditor General may not be able to meet that requirement, the Auditor General shall notify the school board pursuant to subparagraph 4.

3. The Auditor General shall maintain a schedule of performance audits of state programs sufficient to audit all state programs within a 10-year period, unless directed otherwise by the Legislative Auditing Committee.

4. If by July 1 in any fiscal year a district school board or local governmental entity has not been notified that a financial audit for that fiscal year will be performed by the Auditor General pursuant to subparagraph 2., each municipality with either revenues or expenditures of more than $100,000, each special district with either revenues or expenditures of more than $25,000, *each special district issuing bonds greater than $500,000 with an original maturity date in excess of 1 year from the time of issuance,* and each county agency shall, and each district school board may, require that an annual financial audit of its accounts and records be completed, within 12 months after the end of its respective fiscal year, by an independent certified public accountant retained by it and paid from its public funds. A management letter shall be prepared and included as a part of each financial audit report. The county audit shall be one document which shall include a separate audit of each county agency. The county audit shall be a single report. The governing body of a county shall be responsible for selecting an independent certified public accountant to audit the county agencies of the county according to the following procedure:

a. In each noncharter county, an auditor selection committee shall be established, consisting of the county officers elected pursuant to s. 1(d), Art. VIII, State Constitution, and one member of the board of county commissioners or its designee.

b. The committee shall publicly announce, in a uniform and consistent manner, each occasion when auditing services are required to be purchased. Public notice shall include a general description of the audit and shall indicate how interested certified public accountants can apply for consideration.

c. The committee shall encourage firms engaged in the lawful practice of public accounting who desire to provide professional services to submit annually a statement of qualifications and performance data.

d. Any certified public accountant desiring to provide auditing services must first be qualified pursuant to law. The committee shall make a finding that the firm or individual to be employed is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.

e. The committee shall adopt procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, and such other factors as may be determined by the committee to be applicable to its particular requirements.

f. The public shall not be excluded from the proceedings under this subparagraph.

g. The committee shall evaluate current statements of qualifications and performance data on file with the committee, together with those that may be submitted by other firms regarding the proposed audit, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the audit, and ability to furnish the required service.

h. The committee shall select no fewer than three firms deemed to be the most highly qualified to perform the required services after considering such factors as the ability of professional personnel; past performance; willingness to meet time requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. If fewer than three firms desire to perform the services, the committee shall recommend such firms as it determines to be qualified.

i. Nothing in this subparagraph shall be construed to prohibit a contract for a period in excess of 1 year.

j. If the board of county commissioners receives more than one proposal for the same engagement, the board may rank, in order of preference, the firms to perform the engagement. The firm ranked first may then negotiate a contract with the board giving, among other things, a basis of its fee for that engagement. Should the board be unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the board shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The board, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. The board shall also negotiate on the scope and quality of services. In making such determination, the board shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For contracts over $50,000, the board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that the rates of compensation and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Such certificate shall also contain a description and disclosure of any understanding that places a limit on current or future years' audit contract fees, including any arrangements under which fixed limits on fees will not be subject to reconsideration if unexpected accounting or auditing issues are encountered. Such certificate shall also contain a description of any services rendered by the certified public accountant or firm of certified public accountants at rates or terms that are not customary. Any auditing service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the board determines the contract price was increased due to inaccurate or incomplete factual unit costs. All such contract adjustments shall be made within 1 year following the end of the contract. This sub-subparagraph shall apply to audits covering the 1982-1983 fiscal year, and the procedure in this sub-subparagraph may be used by any county for subsequent audits. If there is a conflict between this sub-subparagraph and s. 473.317, this sub-subparagraph shall prevail.

k. Should the board be unable to negotiate a satisfactory contract with any of the selected firms, the committee shall select additional firms, and the board shall continue negotiations in accordance with this subsection until an agreement is reached.

l. At the conclusion of the audit field work, the independent certified public accountant shall discuss with the head of each county agency and the chairman of the board of county commissioners or his designee or with the chairman of the district school board or his designee, as appropriate, all of the auditor's comments pertaining to that agency which will be included in the audit report containing the auditor's comments for the areas within their responsibility. If the officer is not available to discuss the auditor's comments, their discussion is presumed when the comments are delivered in writing to his office.

m. The officer's written statement of explanation or rebuttal concerning the auditor's comments, including corrective action to be taken, shall be filed with the governing body of the county and with the Auditor General within 30 days after the delivery of the financial audit report.

n. Each district school board that elects to utilize an independent audit shall select an auditor by using the same selection procedure as outlined under sub-subparagraphs b.-k. The district school board selection committee shall be set by policy of that district school board. The report shall be presented to the superintendent of schools and the chairman of the school board in that district and filed with the district school board and the Auditor General in conformity with sub-subparagraphs l. and m.

o. The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all local governmental entity audits. Such rules shall include, but not be limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Government Financial Emergency and Accountability Act, chapter 79-183, Laws of Florida.

p. To be qualified to respond to a request for a proposal for a local governmental entity audit, the certified public accountant in charge of the audit to be performed must have completed within the immediate preceding 3 years at least 24 hours of continuing professional education programs that are approved by the Board of Accountancy and are directly related to the government environment and to governmental auditing.

The procedures under sub-subparagraphs a.-k. do not apply to audit agreements or contracts entered into before July 1, 1983.

5. Any financial audit report required under subparagraph 4. shall be submitted to the Auditor General within 30 days after completion of the audit but no later than 12 months after the end of the fiscal year of the governmental entity and district school board. If the Auditor General

does not receive the financial audit within such period, he shall notify the Legislative Auditing Committee that such governmental entity has not complied with this subparagraph. Following notification of failure to submit the required audit, *a hearing shall be scheduled by the committee for the purpose of receiving testimony addressing the failure of local governmental entities to comply with the reporting requirements of this section. After the hearing, the committee shall determine which local governmental entities will be subjected to further state action. If it finds that one or more local governmental entities should be subjected to further state action,* the ~~Legislative Auditing~~ committee *shall* ~~may~~:

a. In the case of a *local governmental entity, request* ~~city or county, notify~~ the Department of Revenue and the Department of Banking and Finance *to* ~~that the local unit of government has failed to comply. Upon notification, the department shall~~ withhold any funds payable to such governmental entity until the required financial audit is received by the Auditor General.

b. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required audits. Upon *receipt of* notification, the Department *of Community Affairs* shall proceed pursuant to ss. *189.421* ~~189.008~~ and *189.422* ~~189.009~~.

6. The Auditor General, in consultation with the Board of Accountancy, shall review all audits made pursuant to this paragraph by an independent certified public accountant.

(d) The Auditor General shall at least every 2 years make a performance audit of the local government financial reporting system required by this subsection; ss. *189.416-189.422* ~~189.001-189.009~~; and part VII of chapter 112 and part III of chapter 218. The performance audit shall analyze each component of the reporting system separately and analyze the reporting system as a whole. The purpose of such an audit is to determine the efficiency and effectiveness of the reporting system in monitoring and evaluating the financial conditions of local governments and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced.

(4) If the Auditor General conducts an audit of a special district which indicates in its findings problems related to debt policy or practice, including failure to meet debt service payments, failure to comply with significant bond covenants, failure to meet bond reserve requirements, and significant erosion of a special district's revenue-producing capacity, a copy of the audit shall be submitted to the Division of Bond Finance of the Department of General Services for review and comment. Upon receipt of this notification from the Auditor General, the Division of Bond Finance shall prepare a brief report describing the previous debt issued by the special district and submit the report to the Legislative Auditing Committee for their review and consideration.

(11) The Auditor General shall provide annually a list of those special districts which are in compliance with this section and a list of those special districts which are not in compliance with this section for the Special District Information Program of the Department of Community Affairs.

Section 31. Subsection (4) of section 20.18, Florida Statutes, 1988 Supplement, is amended to read:

20.18 Department of Community Affairs.—There is created a Department of Community Affairs.

(4) In addition to its other powers, duties, and functions, the department shall, under the general supervision of the secretary and the Interdepartmental Coordinating Council on Community Services, assist and encourage the development of state programs by the various departments for the productive use of human resources, and the department shall work with other state agencies in order that together they might:

(a) Effect the coordination, by the responsible agencies of the state, of the vocational, technical, and adult educational programs of the state in order to provide the maximum use and meaningful employment of persons completing courses of study from such programs; ~~and~~

(b) Assist the Department of Commerce in the development of employment opportunities*; and*.

(c) Improve the enforcement of special district reporting requirements and the communication among state agencies that receive mandatory reports from special districts.

Section 32. Subsection (3) of section 75.05, Florida Statutes, is amended to read:

75.05 Order and service.—

(3) In the case of independent special districts as defined in s. 218.31(7), a copy of the complaint shall be served on the *Division of Bond Finance of the Department of General Services* ~~Department of Banking and Finance of the Office of the Comptroller~~. *Notwithstanding any other provision of law, whether a general law or special act, validation of bonds to be issued by a special district is not mandatory, but is at the option of the issuer.*

Section 33. Subsection (9) is added to section 112.322, Florida Statutes, to read:

112.322 Duties and powers of commission.—

(9) The Commission on Ethics shall report by November 1 each year the names of special district local officers certified as delinquent in filing financial disclosure to the Special District Information Program of the Department of Community Affairs.

Section 34. Paragraphs (d) and (e) of subsection (1) of section 112.665, Florida Statutes, are amended, and a new paragraph (e) is added to said subsection, to read:

112.665 Duties of Division of Retirement.—

(1) The Division of Retirement of the Department of Administration shall:

(d) Issue, by January 1 annually, a report to the President of the Senate and the Speaker of the House of Representatives, which report details division activities, findings, and recommendations concerning all governmental retirement systems. The report may include legislation proposed to carry out such recommendations; ~~and~~

(e) Issue, by January 1 annually, a report to the Special District Information Program of the Department of Community Affairs that includes the participation in and compliance of special districts with the local government retirement system provisions in s. 112.63 and the state administered retirement system provisions as specified in chapter 121; and

(f)~~(e)~~ Adopt reasonable rules to administer the provisions of this part.

Section 35. Section 165.011, Florida Statutes, is amended to read:

165.011 Short title.—This chapter shall be known and may be cited as the "Formation of *Municipalities* ~~Local Governments~~ Act."

Section 36. Section 165.021, Florida Statutes, is amended to read:

165.021 Purpose.—The purpose of this act is to provide standards, direction, and procedures for the formation of *municipalities* ~~local governmental units~~ in this state and the provision of *municipal* ~~local governmental~~ services so as to:

(1) Allow orderly patterns of urban growth and land use.

(2) Assure adequate quality and quantity of local public services.

(3) Insure financial integrity of *municipalities* ~~units of local government~~.

(4) Eliminate or reduce avoidable and undesirable differentials in fiscal capacity among neighboring local governmental jurisdictions.

(5) Promote equity in the financing of *municipal* ~~local government~~ services.

Section 37. Subsections (1), (5), (7), and (10) of section 165.031, Florida Statutes, are amended to read:

165.031 Definitions.—The following terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Unit of local government" means any local general-purpose government ~~or special district~~.

(5) "Special district" means a local unit of special government, *as defined in s. 189.403(1)* ~~except a district school board, created pursuant~~

~~to general or special law for the purposes of performing prescribed, specialized functions, including municipal service functions, within limited boundaries~~. This term includes dependent special districts, as defined in s. *189.403(2)* ~~200.001(8)(d)~~, and independent special districts, as defined in s. *189.403(3)* ~~200.001(8)(e)~~. All provisions of s. 200.001(8)(d) and (e) shall be considered provisions of this chapter.

(7) "Formation" means any one of the ~~four~~ following activities:

(a) "Incorporation"—The establishment of a municipality.

~~(b) "Creation"—The establishment of a special district.~~

(b)~~(c)~~ "Dissolution"—The dissolving of the corporate status of a municipality ~~or special district~~.

(c)~~(d)~~ "Merger"—The merging of two or more municipalities with each other and with any unincorporated areas authorized pursuant to this act to form a new municipality; the merging of one or more municipalities or special districts, in any combination thereof, with each other; or the merging of one or more counties with one or more special districts.

(10) "Parties affected" means any person owning property or residing ~~either~~ in a municipality ~~or special district~~ proposing a formation or in the territory that is proposed for a formation or any governmental unit with jurisdiction over such area.

Section 38. Section 165.041, Florida Statutes, is amended to read:

165.041 Formation procedures; incorporation, ~~creation,~~ and merger.—

(1) A charter for incorporation of a municipality, except in case of a merger which is adopted as otherwise provided in subsections *(2)*~~(3)~~, *(3)*~~(4)~~, and *(4)*~~(5)~~, shall be adopted only by a special act of the Legislature upon determination that the standards herein provided have been met.

~~(2) A charter for creation of a dependent special district shall be adopted only by special act of the Legislature or by ordinance of a county or municipal governing body having jurisdiction over the area affected. Authorization for creation of an independent special district shall be provided only by general law.~~

(2)~~(3)~~(a) A charter for merger of two or more municipalities and associated unincorporated areas may also be adopted by passage of a concurrent ordinance by the governing bodies of each municipality affected, approved by a vote of the qualified voters in each area affected.

(b) The ordinance shall provide for:

1. The charter and its effective date.

2. The financial or other adjustments required.

3. A referendum for separate majorities by each unit or area to be affected.

4. The date of election, which should be the next regularly scheduled election or a special election held prior to such election, if approved by a majority of the members of the governing body of each governmental unit affected, but no sooner than 30 days after passage of the ordinance.

(c) Notice of the election shall be published at least once a week for the 4 successive weeks immediately prior to the election, in a newspaper of general circulation in the area to be affected. Such notice shall give the time and places for the election and a description of the area to be included in the municipality, with such description to be in metes and bounds and to include a map to show clearly the area to be covered by the municipality.

(3)~~(4)~~ The merger of one or more municipalities or counties with special districts, or of two or more special districts, may also be adopted by passage of a concurrent ordinance or, in the case of special districts, resolution by the governing bodies of each unit to be affected.

(4)~~(5)~~(a) Initiation of procedures for municipal incorporation by merger as described in subsections *(2)*~~(3)~~ and *(3)*~~(4), or merger of special districts as described in subsection (4),~~ may be done either by adoption of a resolution by the governing body of an area to be affected or by a petition of 10 percent of the qualified voters in the area.

(b) If a petition has been filed with the clerks of the governing bodies concerned, the governing bodies shall immediately undertake a study of the feasibility of the formation proposal and shall, within 6 months, either adopt an ordinance under subsection *(2)*~~(3)~~ or subsection *(3)*~~(4)~~ or reject the petition, specifically stating the facts upon which the rejection is based.

(c) The purpose of this subsection is to provide broad citizen involvement in both initiating and developing their local government; therefore, establishment of appropriate citizen advisory committees, as well as other mechanisms for citizen involvement, by the governing bodies of the units affected is specifically authorized and encouraged.

Section 39. Section 165.051, Florida Statutes, is amended to read:

165.051 Dissolution procedures.—

(1) The charter of any existing municipality ~~or special district~~ may be revoked and the municipal ~~or special district~~ corporation dissolved by either:

(a) A special act of the Legislature; or

(b) An ordinance of the governing body of the municipality ~~or special district~~, approved by a vote of the qualified voters.

(2) If a vote of the qualified voters is required, the governing body of the municipality ~~or special district~~ or, if the municipal ~~or special district~~ governing body does not act within 30 days, the governing body of the county or counties in which the municipality ~~or special district~~ is located shall set the date of the election, which shall be the next regularly scheduled election or a special election held prior to such election, if approved by a majority of the members of the governing body of each governmental unit affected, but no sooner than 30 days after passage of the ordinance. Notice of the election shall be published at least once a week for the 4 successive weeks prior to the election in a newspaper of general circulation in the municipality ~~or special district~~.

Section 40. Section 165.052, Florida Statutes, is amended to read:

165.052 Special dissolution procedures.—

(1) The Secretary of State by proclamation shall declare inactive any municipality ~~or special district~~ in this state upon a report being filed by the department which shall show that such municipality ~~or special district~~ is no longer active, based upon a finding:

(a) That the municipality has not conducted an election for membership in its legislative body within the 4 years immediately preceding, or as otherwise provided by law; ~~or~~

~~(b) That the special district has not had appointed or elected a governing body within the 4 years immediately preceding or as otherwise provided by law or has not operated within the 2 years immediately preceding; and~~

(b)~~(c)~~ That a notice of the proposed proclamation has been published once a week for 4 weeks in a newspaper of general circulation within the county wherein the territory of the municipality ~~or special district~~ is located, stating the name of said municipality ~~or special district~~, the law under which it was organized and operating, a general description of the territory included in said municipality ~~or special district~~, and stating that any objections to the proposed proclamation or to any debts of said municipality ~~or special district~~ shall be filed not later than 60 days following the date of last publication with the department; and

(c)~~(d)~~ That 60 days have elapsed from the last publication date of the notice of proposed proclamation and no sustained objections have been filed.

(2) The state agency charged with collecting financial information from municipalities ~~and special districts~~ shall report to the Department of State and the Department of Community Affairs any municipality ~~or special district~~ which has failed to file a report within the time set by law.

(3) If any municipality ~~or special district~~ declared inactive pursuant to this section owes any debt at the time of proclamation, any property or assets of such unit, or which belonged thereto at the time of such proclamation, shall be subject to legal process for payment of such debt. After the payment of all the debts of said inactive municipal ~~or special district~~ corporation, the remainder of its property or assets shall escheat to the county wherein located. If, however, it shall be necessary, in order to pay any such debt, to levy any tax or taxes on the property in the territory or limits of the inactive municipality ~~or special district~~, the same may be assessed and levied by order of the county commissioners of the county

wherein the same is situated, and shall be assessed by the county property appraiser and collected by the county tax collector. The proceedings in the assessment, collection, receipt, and disbursements of such taxes shall be like the proceedings concerning county taxes as far as applicable.

(4) Any special law authorizing the incorporation or creation, or relating only to the powers or duties, of any municipality ~~or special district~~ proclaimed inactive hereunder shall be reported by the Governor to the presiding officers of both houses of the Legislature. The proclamation of inactive status shall be sufficient notice as required by s. 10, Art. III of the State Constitution to authorize the Legislature to repeal any special laws so reported.

Section 41. Subsections (3) and (4) of section 165.061, Florida Statutes, are amended to read:

165.061 Standards for incorporation, ~~creation,~~ merger, and dissolution.—

~~(3) The creation of a special district must be the best alternative available for delivering the service and be amenable to separate special district government if such district is to have a governing body other than a county or municipal governing body.~~

(3)~~(4)~~ The dissolution of a municipality ~~or special district~~ must meet the following conditions:

(a) The municipality to be dissolved must not be substantially surrounded by other municipalities.

(b) The county or another municipality must be demonstrably able to provide necessary services to the municipal ~~or special district~~ area proposed for dissolution.

(c) An equitable arrangement must be made in relation to bonded indebtedness and vested rights of employees of the municipality ~~or special district~~ to be dissolved.

Section 42. Subsections (2) and (3) of section 165.071, Florida Statutes, are amended to read:

165.071 Financial allocations.—

(2) The government formed by merger of existing municipalities ~~or special districts~~ shall assume all indebtedness of, and receive title to all property owned by, the preexisting municipalities ~~or special districts~~. The proposed charter~~, or merger agreement in the case of special districts,~~ shall provide for the determination of the proper allocation of the indebtedness so assumed and the manner in which said debt shall be retired.

(3) The dissolution of a municipal ~~or special district~~ government shall transfer the title to all property owned by the preexisting municipal ~~or special district~~ government to the county, which shall also assume all indebtedness of the preexisting municipality ~~or special district~~, unless otherwise provided in the dissolution plan. The county is specifically authorized to levy and collect ad valorem taxes in the same manner as other county taxes from the area of the preexisting municipality ~~or special district~~ for repayment of any assumed indebtedness through a special ~~purpose taxing~~ district created for such purpose *in accordance with chapter 189.*

Section 43. Paragraph (c) of subsection (1) and subsection (2) of section 218.32, Florida Statutes, are amended, and paragraph (d) is added to subsection (1) of said section, to read:

218.32 Financial reporting; units of local government.—

(1)

(c) If the department fails to receive the financial report within such period, it shall notify the Legislative Auditing Committee of the failure to report. Following receipt of notification of failure to report, *a hearing shall be scheduled by the committee for the purpose of receiving additional testimony addressing the failure of units of local government to comply with the reporting requirements of this section. After the hearing, the committee shall determine which units of local government will be subjected to further state action. If it finds that one or more units of local government should be subjected to further state action,* the ~~Legislative Auditing~~ committee *shall* ~~may~~:

1. In the case of a *unit of local government, request* ~~city or county, notify~~ the Department of Revenue and the Department of Banking and Finance *to* ~~that the local unit of government has failed to comply. Upon notification, the department shall~~ withhold any funds payable to such governmental entity until the required report is received by the department.

2. In the case of a special district, notify the Department of Community Affairs that the special district has failed to provide the required financial report. Upon notification, the Department *of Community Affairs* shall proceed pursuant to ss. *189.421* ~~189.008~~ and *189.422* ~~189.009~~.

(d) The annual financial report of each municipality or county shall include a list of dependent special districts within the jurisdiction of that municipality or county.

(2) The department shall annually file a verified report by May 1 with the Governor, *the* ~~and~~ Legislature, *and the Special District Information Program of the Department of Community Affairs* showing, in detail, the numbers and types of units of local government and the revenues, both locally derived and derived from intergovernmental transfers, and expenditures of such units. The report shall include, but shall not be limited to~~, analyses of~~:

(a) *Analyses of* retirement information of all local retirement systems as provided by the Division of Retirement of the Department of Administration.

(b) *Analyses of* bonded indebtedness of all units of local government, including general obligation bonds, revenue bonds, industrial development bonds, limited revenue bonds, special assessment bonds, and short-term debt, as provided by the Division of Bond Finance of the Department of General Services, and any additional items of data or analyses thereof as developed by the department.

~~(c) The information required by ss. 218.34(5) and 373.503(5).~~

Section 44. Paragraphs (i) and (j) are added to subsection (1) of section 218.37, Florida Statutes, 1988 Supplement, to read:

218.37 Powers and duties of Division of Bond Finance; advisory council.—

(1) The Division of Bond Finance of the Department of General Services, with respect to both general obligation bonds and revenue bonds, shall:

(i) By January 1 each year, provide the Special District Information Program of the Department of Community Affairs with a list of special districts not in compliance with the requirements in s. 218.38.

(j) Use the copy of the complaint for the bond validation, served pursuant to s. 75.05(3), to verify the compliance of that special district with the requirements in s. 218.38.

Section 45. Subsection (3) of section 218.38, Florida Statutes, is amended to read:

218.38 Notice of bond issues required; verification.—

(3) If a unit of local government fails to verify pursuant to subsection (2) the information held by the division, or fails to provide the information required by subsection (1), the division shall notify the Legislative Auditing Committee of such failure to comply. Following receipt of such notification of failure to comply with these provisions, *a hearing shall be scheduled by the committee for the purpose of receiving testimony addressing the failure of units of local government to comply with the requirements of this section. After the hearing, the committee shall determine which units of local government will be subjected to further state action. If it finds that one or more units of local government should be subjected to further state action,* the ~~Legislative Auditing~~ committee *shall* ~~may~~:

(a) In the case of a *unit of local government, request* ~~city or county, notify~~ the Department of Revenue and the Department of Banking and Finance *to* ~~that the unit of local government has failed to comply. Upon notification, and pending receipt by the division of the required information, the Department of Banking and Finance shall~~ withhold any funds not pledged for bond debt service satisfaction which are payable to such governmental entity.

(b) In the case of a special district, notify the Department of Community Affairs that the special district has failed to comply. Upon notification, the Department of Community Affairs shall proceed pursuant to ss. *189.421* ~~189.008~~ and *189.422* ~~189.009~~.

Section 46. Subsection (14) of section 190.011, Florida Statutes, is amended to read:

190.011 General powers.—The district shall have, and the board may exercise, the following powers:

(14) To impose and foreclose special assessment liens as provided by this act *or to impose, collect, and enforce non-ad valorem assessments pursuant to the provisions of ss. 197.3632 and 197.3635.*

Section 47. Subsection (1) of section 190.012, Florida Statutes, is amended to read:

190.012 Special powers; public improvements and community facilities.—The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included therein, any or all of the following special powers relating to public improvements and community facilities authorized by this act:

(1) To *finance, fund,* plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems and facilities for the following basic infrastructures:

(a) Water management and control for the lands within the district and to connect some or any of such facilities with roads and bridges.

(b) Water supply, sewer, and waste water management, or any combination thereof, and to construct and operate connecting intercepting or outlet sewers and sewer mains and pipes and water mains, conduits, or pipelines in, along, and under any street, alley, highway, or other public place or ways, and to dispose of any effluent, residue, or other byproducts of such system or sewer system.

(c) Bridges or culverts that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, tract, grade, fill, or cut and roadways over levees and embankments, and to construct any and all of such works and improvements across, through, or over any public right-of-way, highway, grade, fill, or cut.

(d) District roads equal to or exceeding the specifications of the county in which such district roads are located, and street lights.

(e) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 or s. 380.061 approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located.

Section 48. Subsection (7) is added to section 190.021, Florida Statutes, to read:

190.021 Taxes*; non-ad valorem assessments.*—

(7) NON-AD VALOREM ASSESSMENTS.—Notwithstanding any other provision of this section, the board may utilize non-ad valorem assessments in lieu of benefit or maintenance taxes. Such non-ad valorem assessments may be imposed, collected, and enforced pursuant to the provisions of ss. 197.3632 and 197.3635.

Section 49. Subsections (3), (4), and (8) of section 190.046, Florida Statutes, are amended to read:

190.046 Termination, contraction, or expansion of district.—

(3) The district may merge with other community development districts upon filing a petition for establishment of a community development district pursuant to s. 190.005 or may merge with any other special districts ~~pursuant to s. 165.041 and~~ upon filing a petition for establishment of a community development district pursuant to s. 190.005. *The government formed by a merger involving a community development district pursuant to this section shall assume all indebtedness of, and receive title to, all property owned by the preexisting special districts. Prior to filing said petition, the districts desiring to merge shall enter into a merger agreement and shall provide for the proper allocation of the indebtedness so assumed and the manner in which said debt shall be retired.*

(4) The local general-purpose government within the geographical boundaries of which the district lies may adopt a nonemergency ordinance providing for a plan for the transfer of a specific community development service from a district to the local general-purpose government. The plan must provide for the assumption and guarantee of the district debt that is related to the service *by the local general-purpose government,* ~~as provided in s. 165.071,~~ and must demonstrate the ability of the local general-purpose government to provide such service:

(a) As efficiently as the district.

(b) At a level of quality equal to or higher than the level of quality actually delivered by the district to the users of the service.

(c) At a charge equal to or lower than the actual charge by the district to the users of the service.

(8) In the event the district has become inactive pursuant to s. *189.4044* ~~165.052~~, the board of county commissioners shall be informed and it shall take appropriate action.

Section 50. Section 200.0684, Florida Statutes, is created to read:

200.0684 Annual compliance report for Department of Community Affairs.—An annual report indicating which special districts levying ad valorem taxes are certified and which special districts levying ad valorem taxes are not certified as being in compliance with this chapter as specified in s. 200.068 must be prepared by the Division of Ad Valorem Tax of the Department of Revenue and forwarded to the Special District Information Program of the Department of Community Affairs.

Section 51. Section 218.34, Florida Statutes, is amended to read:

218.34 Special districts; financial matters.—

(1) The governing body of each special district shall make appropriations for each fiscal year which, in any one year, shall not exceed the amount to be received from taxation and other revenue sources. It is unlawful for any officer of a special district to draw money from the treasury except in pursuance of appropriation made by law.

(2) The proposed budget of a dependent special district shall be presented in accordance with generally accepted accounting principles and as such either be:

(a) Contained within the general budget of the local governing authority and be clearly stated as the budget of the dependent district; or

(b) Budgeted separately in which case the governing authority shall certify to the department compliance with the auditing requirements of s. 11.45 for each dependent special district.

~~(2) The proposed budget of a dependent special district shall be contained within the general budget of the local governing authority and be clearly stated as the budget of the dependent special district. Financial reporting shall be made in the same fashion as provided by rules of the department.~~

(3) The proposed budget of an independent special district located solely within one county shall be filed with the clerk of the county governing authority by September 1 of each year.

(4) The local governing authority may, in its discretion, review ~~and approve~~ the budget or tax levy of any special district located solely within its boundaries.

~~(5) Each special district which does not receive state shared revenues under part II of this chapter shall, before January 1 of each year, certify compliance or noncompliance with s. 200.065 to the Department of Banking and Finance. Specific grounds for noncompliance shall be stated in the certification. In its annual report required by s. 218.32(2), the Department of Banking and Finance shall report to the Governor and the Legislature those special districts certifying noncompliance or not reporting.~~

Section 52. Effective July 1, 1990, paragraph (f) is added to subsection (1) of section 218.23, Florida Statutes, to read:

218.23 Revenue sharing with units of local government.—

(1) To be eligible to participate in revenue sharing beyond the minimum entitlement in any fiscal year, a unit of local government is required to have:

(a) Reported its finances for its most recently completed fiscal year to the Department of Banking and Finance, pursuant to s. 218.32.

(b) Made provisions for annual postaudits of its financial accounts in accordance with provisions of law.

(c) Levied, as shown on its most recent financial report pursuant to s. 218.32, ad valorem taxes, exclusive of taxes levied for debt service or other special millages authorized by the voters, to produce the revenue equivalent to a millage rate of 3 mills on the dollar based on the 1973 taxable values as certified by the property appraiser pursuant to s. 193.122(2) or, in order to produce revenue equivalent to that which would otherwise be produced by such 3-mill ad valorem tax, to have received a remittance from the county pursuant to s. 125.01(6)(a), collected an occupational license tax or a utility tax, levied an ad valorem tax, or received revenue from any combination of these four sources. If a new municipality is incorporated, the provisions of this paragraph shall apply to the taxable values for the year of incorporation as certified by the property appraiser. This paragraph requires only a minimum amount of revenue to be raised from the ad valorem tax, the occupational license tax, and the utility tax. It does not require a minimum millage rate.

(d) Certified that persons in its employ as law enforcement officers, as defined in s. 943.10(1), meet the qualifications for employment as established by the Criminal Justice Standards and Training Commission; that its salary structure and salary plans meet the provisions of chapter 943; and that no law enforcement officer is compensated for his services at an annual salary rate of less than $6,000. However, the department may waive the minimum law enforcement officer salary requirement if a city or county certifies that it is levying ad valorem taxes at 10 mills.

(e) Certified that persons in its employ as firefighters, as defined in s. 633.30(1), meet the qualification for employment as established by the Division of State Fire Marshal pursuant to the provisions of ss. 633.34 and 633.35 and that the provisions of s. 633.382 have been met.

(f) Certified that each dependent special district that is budgeted separately from the general budget of the local governing authority has met the provisions for annual postaudit of its financial accounts in accordance with the provisions of law.

Additionally, to receive its share of revenue-sharing funds, a unit of local government shall certify to the Department of Revenue that the requirements of s. 200.065, if applicable, were met. The certification shall be made annually within 30 days of adoption of an ordinance or resolution establishing a final property tax levy or, if no property tax is levied, not later than November 1. The portion of revenue-sharing funds which, pursuant to this part, would otherwise be distributed to a unit of local government which has not certified compliance or has otherwise failed to meet the requirements of s. 200.065 shall be deposited in the General Revenue Fund for the 12 months following a determination of noncompliance by the department.

Section 53. Paragraph (c) is added to subsection (4) of section 100.011, Florida Statutes, to read:

100.011 Opening and closing of polls, all elections; expenses.—

(4)

(c) The provisions of any special law to the contrary notwithstanding, all independent and dependent special district elections, with the exception of community development district elections, shall be conducted in accordance with the requirements of ss. 189.405 and 189.4051.

Section 54. Subsection (2) of section 218.503, Florida Statutes, is amended to read:

218.503 Determination of financial emergency.—

(2) A unit of local government shall notify the Governor and the Legislative Auditing Committee when one or more of the ~~above~~ conditions *specified in subsection (1)* have occurred or will occur if action is not taken to assist the unit of local government. *In addition, any state agency may notify the Governor and the Legislative Auditing Committee when one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist a unit of local government.*

Section 55. Section 373.0391, Florida Statutes, is created to read:

373.0391 Technical assistance to local government.—

(1) The water management districts shall assist local governments in the development and future revision of local government comprehensive plan elements related to water resource issues.

(2) By July 1, 1991, each water management district shall prepare and provide information and data to assist local governments in the preparation and implementation of their local government comprehensive plans. Such information and data shall include, but not be limited to:

(a) All information and data required in a public facilities report pursuant to s. 189.415.

(b) A description of regulations, programs, and schedules implemented by the district.

(c) Identification of regulations, programs, and schedules undertaken or proposed by the district to further the state comprehensive plan.

(d) A description of surface water basins, including regulatory jurisdictions, flood-prone areas, existing and projected water quality in water management district operated facilities, as well as surface water runoff characteristics and topography regarding flood plains, wetlands, and recharge areas.

(e) A description of groundwater characteristics, including highly productive groundwater areas, aquifer recharge areas, deep well injection zones, contaminated areas, an assessment of water needs and sources for the next 20 years, and water quality.

(f) The identification of existing and potential water management district land acquisitions.

(g) Information reflecting the minimum flows for surface watercourses to avoid harm to water resources or the ecology and information reflecting the minimum water levels for aquifers to avoid harm to water resources or the ecology.

Section 56. Effective July 1, 1990, subsection (9) of section 121.021, Florida Statutes, 1988 Supplement, is amended to read:

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

(9) "Special district" means *a special district as defined in s. 189.403(1)* ~~an autonomous district or public body created by or pursuant to an act of the Legislature~~.

Section 57. Effective July 1, 1990, paragraphs (c), (d), and (e) of subsection (8) of section 200.001, Florida Statutes, are amended to read:

200.001 Millages; definitions and general provisions.—

(8)

(c) *"Special district" means a special district as defined in s. 189.403(1).* ~~"Special district" means a local unit of special government, except a district school board, created pursuant to general or special law for the purpose of performing prescribed specialized functions within limited boundaries and includes municipal service taxing or benefit units.~~

(d) *"Dependent special district" means a dependent special district as defined in s. 189.403(2). Dependent special district millage, when added to the millage of the governing body to which it is dependent, shall not exceed the maximum millage applicable to such governing body.* ~~"Dependent special district" means a special district the governing head of which is the governing body of the county or a municipality, ex officio or otherwise, or the budget of which is established by such local government authority. Dependent special district millage, when added to the millage of the governing body to which it is dependent, shall not exceed the maximum millage applicable to such governing body.~~

(e) *"Independent special district" means an independent special district as defined in s. 189.403(3), with the exception of a downtown development authority established prior to the effective date of the 1968 State Constitution as an independent body, either appointed or elected, regardless of whether or not the budget is approved by the local governing body, if the district levies a millage authorized as of the effective date of the 1968 State Constitution. Independent special district millage shall not be levied in excess of a millage amount authorized by general law and approved by vote of the electors pursuant to s. 9(b), Art.*

VII of the State Constitution, except for those independent special districts levying millage for water management purposes as provided in that section and municipal service taxing units as specified in s. 125.01(1)(q) and (r). However, independent special district millage authorized as of the date the 1968 State Constitution became effective need not be so approved, pursuant to s. 2, Art. XII of the State Constitution. ~~"Independent special district" means a special district the governing head of which is an independent body, either appointed or elected, and the budget of which is established independently of the local governing authority, even though there may be appropriation of funds generally available to a local governing authority involved. A downtown development authority established prior to the effective date of the 1968 State Constitution as an independent body, either appointed or elected, is an independent special district for purposes of this section, regardless of whether or not the budget is approved by the local governing body, if the district levies a millage or a millage is levied for purposes of the authority, which millage was authorized as of the effective date of the 1968 State Constitution. Independent special district millage shall not be levied in excess of a millage amount authorized by general law and approved by vote of the electors pursuant to s. 9(b), Art. VII of the State Constitution, except for those independent special districts levying millage for water management purposes as provided in that section. However, independent special district millage authorized as of the date the 1968 State Constitution became effective need not be so approved, pursuant to s. 2, Art. XII of the State Constitution.~~

Section 58. Effective July 1, 1990, subsections (5), (6), and (7) of section 218.31, Florida Statutes, are amended to read:

218.31 Definitions.—As used in this part, except where the context clearly indicates a different meaning:

(5) *"Special district" means a special district as defined in s. 189.403(1).* ~~"Special district" means a local unit of special government, except district school boards and community college districts, created pursuant to general or special law for the purpose of performing prescribed specialized functions, including urban service functions, within limited boundaries.~~

(6) *"Dependent special district" means a dependent special district as defined in s. 189.403(2).* ~~"Dependent special district" means a special district whose governing head is the local governing authority, ex officio, or otherwise, or whose budget is established by the local government authority.~~

(7) *"Independent special district" means an independent special district as defined in s. 189.403(3).* ~~"Independent special district" means a special district whose governing head is an independent body, either appointed or elected, and whose budget is established independently of the local governing authority, even though there may be appropriation of funds generally available to a local governing authority involved.~~

Section 59. *Effective July 1, 1989, the Department of Community Affairs shall adopt rules to implement the provisions of chapter 189, Florida Statutes.*

Section 60. *Sections 189.001 and 189.002, Florida Statutes, are hereby repealed.*

Section 61. *Effective July 1, 1990, section 189.003, Florida Statutes, is hereby repealed.*

Section 62. *Effective July 1, 1990, the following special districts, which have failed to file governmental enterprise expenditure and revenue reports with the Comptroller for fiscal years 1985, 1986, and 1987 are hereby abolished and their duties are now the sole responsibility of the county in which they are located:*

(1) Lake Grady Road and Bridge - Ext. #1.

(2) Lake Grady Water District.

(3) Jackson County Port Authority.

(4) South Lake Aviation Authority.

(5) East Bonita Drainage District.

(6) Florahome Drainage District.

(7) Munson Fire Protection District.

(8) Bimini Water Control District.

(9) Calhoun County Port Authority.

(10) Jay Hospital District.

(11) Seminole County Memorial Hospital District.

(12) Palm Beach-Broward Soil and Water Conservation District.

(13) Charlotte Harbor Water and Sewer District.

(14) Sumter Housing Finance Authority.

(15) Crews Lake Road and Bridge District.

(16) Crews Lake Water and Sewer District.

Section 63. *The Department of Community Affairs is hereby directed to compile an inventory of all fire control districts in the state, including such information as the number of districts, the location and name of each district, the manner in which the district was created, and the amount of millage or assessments collected by the district. The department shall include in its inventory each municipal service taxing unit and municipal service benefit unit which provides fire control services. The department shall report to the Legislature on or before April 1, 1991, on the results of the inventory and shall include in the inventory the total number of fire control districts per county, the status of each district (whether dependent or independent), the jurisdiction of local government within which each district is located, and the dependent fire control districts located within counties which are at the millage cap. In addition, the department shall report, in the form of proposed legislation, on the most appropriate alternative to making all fire control districts in the state uniform and accountable. The department shall conduct at least three public meetings in areas other than Tallahassee to receive comments on the proposed legislation prior to formalization and transmittal to the Legislature.*

Section 64. *Effective July 1, 1989, the Department of Community Affairs, by rule, shall establish a schedule of fees to pay one-half of the costs incurred by the department for the work related to administration of this act, except that in no event shall the fee exceed $175 per district per year. The fees collected pursuant to this section shall be deposited in the Special District Administrative Trust Fund, which is hereby created and which shall be administered by the Department of Community Affairs. Any fee rule shall consider factors such as the dependent and independent status of the district and district revenues for the most recent fiscal year as reported to the Department of Banking and Finance. For fiscal year 1990-1991 and thereafter, it is the intent of the Legislature that general revenue funds will be made available to the department to pay one-half of the cost of administering this act.*

Section 65. *There is hereby appropriated from the General Revenue Fund to the Department of Community Affairs for fiscal year 1989-1990 the sum of $214,000. Four positions are hereby established in the department for the purpose of administering this act.*

Section 66. Section 165.022, Florida Statutes, is amended to read:

165.022 Preemption; effect on special laws.—

~~(1)~~ It is ~~further~~ the purpose of this act to provide viable and usable general law standards and procedures for forming and dissolving municipalities ~~and special districts~~ in lieu of any procedure or standards now provided by general or special law. The provisions of this act shall be the exclusive procedure pursuant to general law for forming or dissolving municipalities ~~and special districts~~ in this state, except in those counties operating under a home rule charter which provides for an exclusive method as specifically authorized by s. 6(e), Art. VIII of the State Constitution. Any provisions of a general or special law existing on July 1, 1974, in conflict with the provisions of this act shall not be effective to the extent of such conflict.

~~(2) Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws or general laws of local application pertaining to creation of dependent and independent special districts under conditions, or subject to provisions, which conflict with those provided in this chapter.~~

Section 67. Except as otherwise expressly provided in this act, this act shall take effect October 1, 1989, provided that this act shall not take effect if it is not passed by at least a three-fifths vote of the membership of each house of the Legislature.

Amendment 2 to Senate Amendment 2—On page 1 in the title, line 13, through page 6, line 21, strike all of said lines and insert: 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 1989; creating s. 189.402, F.S.; providing a statement of legislative purpose and intent; requiring special districts to comply with certain requirements; creating s. 189.403, F.S.; providing definitions; creating s. 189.4031, F.S.; providing statutory requirements for special districts; creating s. 189.4035, F.S.; providing for the preparation of the official list of special districts; creating s. 189.404, F.S.; providing for independent special district creation; prohibiting certain special acts and general acts of local application; creating s. 189.4041, F.S.; providing for dependent special district creation; creating s. 189.4042, F.S.; providing for special district merger; creating s. 189.4043, F.S.; providing dissolution procedures; creating s. 189.4044, F.S.; providing special dissolution procedures; creating s. 189.4045, F.S.; providing for financial allocations; creating s. 189.405, F.S.; providing for election requirements and procedures; creating s. 189.4051, F.S.; providing for special requirements and procedures for certain elections; 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; creating s. 189.412, F.S.; creating the Special District Information Program and providing duties and responsibilities thereof; creating s. 189.413, F.S.; providing for the oversight of state funds used 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 local government comprehensive planning; creating s. 189.4156, F.S.; providing for water management district technical assistance with respect to local government comprehensive planning; renumbering s. 189.004, F.S.; modifying language; 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.; clarifying language; 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; 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. 165.011, F.S.; changing the title of the "Formation of Local Governments Act" to the "Formation of Municipalities Act"; amending ss. 165.021, 165.031, 165.041, 165.051, 165.052, 165.061, 165.071, F.S.; deleting reference to local government and special districts and providing reference to municipalities; 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 Special District Information Program; 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. 190.012, F.S.; providing for special powers of community development districts; amending s. 190.021, F.S.; providing for the funding of certain activities from non-ad valorem assessments; amending s. 190.046, F.S., relating to the termination, contraction, or expansion of districts; providing requirements with respect to a government formed by a merger involving a community development district; creating s. 200.0684, F.S.; requiring an annual compliance report for the Department of Community Affairs; amending s. 218.34, F.S.; providing procedures for budgets and other financial matters of special districts; amending s. 218.23, F.S.; prescribing eligibility requirements for revenue-sharing by units of local government; deleting requirements for certain reports 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; creating s. 373.0391, F.S.; providing for technical assistance to local government by water management districts; amending s. 121.021, F.S.; redefining the term "special district" with respect to the Florida Retirement System; amending s. 200.001, F.S.; providing definitions; amending s. 218.31, F.S.; providing definitions; authorizing the Department of Community Affairs to make rules; repealing s. 189.001, F.S., relating to the short title of the "Special Districts Disclosure Act of 1979"; repealing s. 189.002, F.S., relating to legislative findings and intent; repealing s. 189.003, F.S., relating to definitions; abolishing a group of special districts which are no longer functional; directing the Department of Community Affairs to compile an inventory of fire control districts in the state; requiring a report to the Legislature; directing the Department of Community Affairs to establish a fee schedule with respect to the administration of the act; providing a limitation thereto; providing an appropriation to the Department of Community Affairs; amending s. 165.022, F.S.; deleting reference to special districts in the preemption provisions of the "Formation of Local Governments Act"; providing effective dates.

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

CS for HB 599 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—34

Mr. President	Davis	Langley	Souto
Bankhead	Dudley	Malchon	Thomas
Beard	Forman	Margolis	Thurman
Brown	Girardeau	McPherson	Walker
Bruner	Gordon	Meek	Weinstein
Casas	Grant	Myers	Weinstock
Childers, D.	Grizzle	Peterson	Woodson-Howard
Childers, W. D.	Johnson	Plummer	
Crenshaw	Kiser	Ros-Lehtinen	

Nays—1

Deratany

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 825 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 825—A bill to be entitled An act relating to public schools; creating the Task Force on School Discipline; providing for appointment of members; providing duties of the task force; specifying contents of a task force report; providing for an appropriation; requiring the Department of Health and Rehabilitative Services to conduct a study and report to the Legislature; providing an effective date.

Amendment 1—On pages 1-4, strike everything after the enacting clause and insert:

Section 1. *Task Force on School Discipline.*—

(1) The Legislature recognizes the right of all students to attend schools which provide safe, orderly learning environments and which foster the scholastic achievement, leadership, and character traits required for productive futures. The Legislature also recognizes that, although a small portion of students are disruptive in a traditional school environment and should be removed, expulsions and out-of-school suspensions have been shown to contribute to students' decisions to drop out of school and to their involvement in antisocial and criminal activities. Therefore, the Legislature hereby creates the Task Force on School Discipline to serve from July 1, 1989, to July 1, 1990, to review current public school policy regarding disruptive students, suspensions, expulsions, and the use of disciplinary programs established pursuant to s. 230.2316, Florida Statutes. The task force shall make recommendations for providing safe and productive environments in all schools and for educating and keeping in school those students who might be disruptive in a traditional school environment.

(2) The task force shall consist of 15 members to be appointed as follows:

(a) The Governor shall appoint five members to the task force, including a member of student government, a member of a parent-teacher organization, a principal of a school for students who are disruptive in the traditional school environment, a representative of public school guidance counselors, and a district school board member.

(b) The Commissioner of Education shall appoint four members to the task force, including a superintendent from a school district with fewer than 20,000 students and a superintendent from a school district with more than 20,000 students, a teacher assigned to a dropout prevention disciplinary program established pursuant to s. 230.2316, Florida Statutes, and a representative of the Division of Public Schools of the Department of Education.

(c) The President of the Senate shall appoint three members to the task force, including a member of the Senate, a classroom teacher, and a representative of the juvenile justice system.

(d) The Speaker of the House of Representatives shall appoint three members to the task force, including a member of the House of Representatives, a classroom teacher, and a representative of a youth advocacy group.

(3) The task force shall review public school policies and programs for students who are disruptive in a traditional school environment and shall report its findings and recommendations to the Commissioner of Education, the President of the Senate, Senate Minority Leader, the Speaker of the House of Representatives, the House Minority Leader, and the Chairman of the appropriate committees of the House and Senate by March 1, 1990. The task force report shall include at least the following:

(a) Description of the factors in traditional school environments that are found to contribute to disruptive activity by students, including school discipline policy, curriculum, staff and staff training, school atmosphere and spirit, extracurricular opportunities, existence or lack of special programs, and other identifiable factors.

(b) Results of out-of-school suspensions and expulsions, including the impact of such suspensions and expulsions on students and on the school dropout rate.

(c) Results of a review of the research on disciplinary programs and a review of existing in-school suspension and disciplinary programs established pursuant to s. 230.2316, Florida Statutes, including the identification of characteristics of effective programs.

(d) Recommendations regarding changes in the traditional school environment which would prevent disruptive behavior by students, including restructuring, curriculum improvements, discipline policy changes, staff training, and other identifiable changes.

(e) Recommendations regarding the continued use of out-of-school suspensions and expulsions, including the feasibility of prohibiting or limiting out-of-school suspensions and expulsions or the establishment of state guidelines.

(f) Recommendations regarding the most effective disciplinary schools and programs, including guidelines for the establishment of future schools and programs.

(g) Recommendations regarding the expansion of disciplinary schools and programs, including whether these programs should be encouraged or mandated to replace out-of-school suspensions and expulsions.

(4) The task force is assigned to the Division of Public Schools for administrative purposes and shall be financed through appropriations made for this purpose in the General Appropriations Act. The director of the Division of Public Schools shall designate staff to assist the task force in performing its duties and responsibilities. Task force members shall be entitled to receive per diem and expenses for travel as provided in s. 112.061, Florida Statutes, while carrying out official business of the task force.

Section 2. Task Force on Child Abuse and Child Neglect Reports.—

(1) The Legislature hereby creates the Task Force on Child Abuse and Neglect Reports to serve from July 1, 1989, to July 1, 1990, to review current law, rules, and policies regarding the investigation, classification, and review of reports of child abuse and child neglect. The task force shall make recommendations for improvements in law, rules, and policies on the investigation, classification, and review of reports of child abuse and child neglect.

(2) The task force shall consist of 13 members to be appointed as follows:

(a) The President of the Senate shall appoint 3 members to the task force, including 2 members of the Senate, one of whom shall be a member of the minority party, and a legal services attorney.

(b) The Speaker of House of Representatives shall appoint 3 members to the task force, including 2 members of the House, one of whom shall be a member of the minority party, and an attorney with expertise in children's issues.

(c) The Governor shall appoint 3 members to the task force, including a member of the Educational Practices Commission; a representative of the local law enforcement; and a parent.

(d) The Secretary of the Department of Health and Rehabilitative Services shall appoint 4 members to the task force, including a member of a child protection team; a child protective investigator or other person with experience in investigating child abuse cases; a pediatrician with expertise in child abuse and neglect; and a family and child psychologist.

(3) The task force shall review policies and rules of the Department of Health and Rehabilitative Services and laws regarding the investigation, classification, and review of reports of child abuse and child neglect and shall report its findings and recommendations to the Governor, the Secretary of the Department of Health and Rehabilitative Services, the President of the Senate, and the Speaker of the House of Representatives by March 1, 1990. The task force report shall include at least the following:

(a) A description of the process for reporting child abuse and child neglect to the Department of Health and Rehabilitative Services; the process of receiving those reports at the department; the process of investigating those reports; the process of classification of those reports by the department; the process of review of those reports within the department including quality assurance procedures, and the process for asking for review of that classification. This description shall include a review of the numbers of cases at each step listed above, the percentage of reports classified as unfounded, indicated, and confirmed, and the number of requests for a review by the Secretary and for a hearing under chapter 120.

(b) A description of the chapter 120 hearing process, including but not limited to, representation of parties and outcome of the process.

(c) A description of services or assistance provided to family members, alleged victims, and alleged perpetrators to advise them of their rights; to assist them in understanding the process of investigation, classification and review of child abuse and neglect reports; and to assist them in dealing personally with the allegation, investigation, classification and review of the child abuse and neglect report, as well as the possible removal of the alleged victim.

(d) A study of the emotional and psychological effects on teachers and family members who are reported to the central abuse registry and on these persons' ability to discipline the child in question or disruptive children in general, and further; to study the emotional and psychological effects on teachers and family members reported to the central abuse registry in cases where the findings are "unfounded" or "indicated", as reported by the appropriate department, to determine if "unfounded" or "indicated" reports have a negative effect on the teacher or family member's responsibilities for disciplining of a child.

(e) A comparison of Florida's law, rule and procedures with other states or with model laws.

(f) Recommendations regarding the role of the Educational Practices Commission in the investigation and classification of reports of child abuse or child neglect involving teachers.

(g) Recommendations for improvements in the law, rule or policies on the investigation, classification and review of reports of child abuse or neglect.

(4) The task force is assigned to the Department of Health and Rehabilitative Services for administrative purposes. The Secretary of the department shall designate staff to assist the task force in performing its duties and responsibilities. Task force members shall be entitled to receive per diem and expenses for travel as provided in s. 112.061, Florida Statutes, while carrying out official business of the task force.

Section 3. *The Department of Health and Rehabilitative Services shall review and evaluate the effectiveness of the Short Term Residental Treatment Program and submit its report to the Legislature by February 1, 1990.*

Section 4. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 2—On page 1 in the title, lines 1-10, strike the entire title and insert: A bill to be entitled An act relating to child discipline; creating the Task Force on School Discipline; providing for appointment of members; providing duties of the task force; specifying contents of a task force report; providing for an appropriation; creating the Task Force on Child Abuse and Child Neglect Reports; providing for appointment of members; providing duties of the task force; specifying contents of a task force report; providing an effective date.

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

SB 825 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	Dudley	Kiser	Ros-Lehtinen
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Stuart
Brown	Girardeau	Margolis	Thomas
Bruner	Gordon	McPherson	Thurman
Casas	Grant	Meek	Walker
Childers, D.	Grizzle	Myers	Weinstein
Childers, W. D.	Jennings	Peterson	Weinstock
Davis	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Deratany, Kirkpatrick

SPECIAL ORDER, continued

SB 255—A bill to be entitled An act relating to social and economic assistance; amending s. 409.266, F.S.; authorizing the Department of Health and Rehabilitative Services to expand Medicaid coverage to include certain pregnant women and infants; providing an effective date.

—was read the second time by title.

Senator Malchon moved the following amendment:

Amendment 1—On pages 1-4, strike everything after the enacting clause and insert:

Section 1. Paragraph (f) of subsection (7) and paragraph (a) of subsection (8) of section 409.266, Florida Statutes, 1988 Supplement, are amended, paragraph (g) is added to subsection (8) of said section, subsection (18) of said section is amended, and new subsections (20), (21), (22), and (23) are 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:

(f) Beginning *July* ~~October~~ 1, *1989* ~~1987~~, the department shall provide by rule for the delivery of Medicaid services as specified in paragraph (j) to qualified pregnant women *and children under 1 year of age* whose family incomes are below *150* ~~100~~ percent of the federal nonfarm poverty level. *Notwithstanding the provisions of s. 409.267, counties are exempt from contributing toward the expansion of Medicaid eligibility from 100 to 150 percent of the federal nonfarm poverty level.*

(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 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. *However, reimbursement to physicians working in Regional Perinatal Intensive Care Centers designated pursuant to chapter 383, for services to certain pregnant Medicaid recipients with a high medical risk, shall be made as specified in paragraph (g).* 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 *and.* ~~Such determination~~ shall not *pay more based solely on the fact that* ~~include a consideration of whether~~ a caesarean section was performed *rather than a vaginal delivery*. 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.

(g) Beginning July 1, 1989, reimbursement for physicians rendering services in Regional Perinatal Intensive Care Centers designated pursuant to chapter 383, who are providing care to high-risk pregnant Medicaid recipients and to neonates with life-threatening conditions, shall be made according to obstetrical care and neonatal care groupings and rates established by the department. Such groupings shall take into account the relative amount of resources required to treat each type of condition and shall provide incentives to promote rapid rehabilitation and cost containment. The department shall contract with qualified providers to oversee the care provided under these care groupings and shall develop criteria to determine appropriate categorization and treatment of high-risk maternity and neonatal patients. If the Health Care Financing Administration disapproves such methodology, the department shall develop methodology which would distribute, through quarterly installments, not more than $1 million from the base grant as provided for in subsection (22) to physicians participating in the Regional Perinatal Intensive Care Center program.

(18) The department *shall eliminate the hospital inpatient day cap for a child under 1 year of age whose family income is below 150 percent of the federal non-farm poverty level* ~~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 extension from the 46th to the *365th* ~~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 2. Disproportionate share program.—Effective July 1, 1989, and for the 1989-1990 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 making quarterly Medicaid payments as required by this section. Notwithstanding the provisions of section 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 and section 3:

(a) "Adjusted patient days" means the sum of acute care patient days and intensive care patient days as reported to the Department of Health and Rehabilitative Services, 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 Department of Health and Rehabilitative Services which has been audited in accordance with generally accepted auditing standards by the department or representatives under contract with the department.

(c) "Base Medicaid per diem" means the hospital's Medicaid per diem rate as determined by the Department of Health and Rehabilitative Services from the hospital's audited 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) "Charity care" or "uncompensated charity care" means that portion of hospital charges reported to the Department of Health and Rehabilitative Services 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.

(e) "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.

(f) "Disproportionate share rate" means a rate of increase in the Medicaid per diem rate as calculated under this section.

(g) "Hospital" means a health care institution as defined in section 395.002(6), Florida Statutes.

(h) "Medicaid days" means the number of actual days attributable to Medicaid patients as reported to the Department of Health and Rehabilitative Services.

(2) The Department of Health and Rehabilitative Services 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 7 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 department shall use actual audited data for fiscal years ending in calendar year 1987 for calculation of disproportionate share payments under this section.

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.

5. The total amount calculated to be distributed under this section shall be made in quarterly payments subsequent to each quarter during fiscal year 1989-1990.

(b) The following formula shall be utilized by the Department of Health and Rehabilitative Services 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.

(c) The following formula shall be used by the Department of Health and Rehabilitative Services to calculate the total amount earned by all hospitals under this subsection:

$$TAE = DSR \times DMPD \times MD$$

where:

DMPD = base Medicaid per diem.

DSR = disproportionate share rate.

MD = Medicaid days.

TAE = total amount earned by each hospital.

(3) In addition to the payments made under subsection (2), the department shall design and implement a system of making disproportionate share payments to those hospitals that participate in the Regional Perinatal Intensive Care Center program established pursuant to chapter 383. This system of payments shall conform with federal requirements and shall distribute no less than $10 million in total funds in each fiscal year for which an appropriation is made by making quarterly Medicaid payments. Notwithstanding the provisions of section 409.267, counties shall be exempt from contributing toward the cost of this special reimbursement for hospitals serving a disproportionate share of low income patients.

(a) The following formula shall be utilized by the department to calculate the maximum additional disproportionate share rate for hospitals that participate in the Regional Perinatal Intensive Care Center program.

$$ADSR = \left(\frac{TAE}{STAE}\right)$$

Where:

ADSR = additional disproportionate share rate.

STAE = sum of total amount earned by each hospital that participates in the Regional Perinatal Intensive Care Center program.

TAE = total amount earned by a Regional Perinatal Intensive Care Center under the disproportionate share program specified in subsection (2) for each hospital.

(b) The total additional payment for hospitals that participate in the Regional Perinatal Intensive Care Center program shall be calculated by the department as follows:

$$TAP = ADSR \times A$$

Where:

A = amount appropriated for a Regional Perinatal Intensive Care Program hospital.

ADSR = additional disproportionate share rate for a Regional Perinatal Intensive Care Program hospital.

TAP = total additional payment.

(c) In order to receive payments under this subsection, a hospital must be participating in the Regional Perinatal Intensive Care Center program, pursuant to chapter 383, and must meet the following additional requirements:

1. Agree to conform to all departmental requirements to assure high quality in the provision of service, including criteria adopted by departmental rule concerning staffing ratios, medical records, standards of care, equipment, space, and such other standards and criteria as the department deems appropriate as specified by rule.

2. Agree to provide information to the department, in a form and manner to be prescribed by rule of the department, concerning the care provided to all patients in neonatal intensive care centers and high-risk maternity care.

3. Agree to accept all patients for neonatal intensive care and high-risk maternity care, regardless of ability to pay, on a functional space-available basis.

4. Agree to develop arrangements with other maternity and neonatal care providers in the hospital's region for the appropriate receipt and transfer of patients in need of specialized maternity and neonatal intensive care services.

5. Agree to establish and provide a developmental evaluation and services program for certain high-risk neonates, as prescribed and defined by rule of the department.

6. Agree to sponsor a program of continuing education in perinatal care for health care professionals within the region of the hospital, as specified by rule.

7. Agree to provide backup and referral services to the department's county public health units and other low income perinatal providers within the hospital's region, including the development of written agreements between these organizations and the hospital.

8. Agree to arrange for transportation for high-risk obstetrical patients and neonates in need of transfer from the community to the hospital or from the hospital to another more appropriate facility.

(d) Hospitals which fail to comply with any of the conditions in paragraph (c) or the applicable rules of the department shall not receive any payments under this subsection until full compliance is achieved. Any funds not distributed to one hospital for noncompliance in two or more consecutive quarters shall not receive its share of the funds.

Section 3. The Department of Health and Rehabilitative Services shall establish a grant program for the purpose of reimbursing the Regional Perinatal Intensive Care Center hospitals as established pursuant to chapter 383, Florida Statutes. A hospital may earn against the grant only if its total revenues for Regional Perinatal Intensive Care Center patients derived from the expansion of Medicaid eligibility from 100 to 150 percent of the federal poverty level and the Regional Perinatal Intensive Care Center disproportionate share payments, do not equal the revenues the hospital received from the Regional Perinatal Intensive Care Program for the fiscal year ending June 30, 1989. The total amount reimbursed to a Regional Perinatal Intensive Care Center hospital from the special base contracts may not exceed the difference necessary to reach that hospital's fiscal year 1988-1989 Regional Perinatal Intensive Care Center revenues.

Section 4. Funds distributed to a hospital pursuant to section 2 or section 3, shall not be considered as net revenues of such hospital in determining whether an excess has occurred pursuant to section 407.51, Florida Statutes. This subsection shall be applicable to any funds received by a hospital for fiscal year 1989-1990.

Section 5. Section 46 of chapter 88-294, Laws of Florida, is hereby repealed.

Section 6. Legislative findings and intent.—

(1) It is declared that access to adequate health care is a right which should be available to all Floridians. However, health care costs are increasing to a level that makes basic health care unavailable to many persons. The Legislature originally created the Public Medical Assistance Trust Fund for the purpose of providing health care to uninsured Floridians. Funds collected pursuant to section 395.101, Florida Statutes, and deposited into the Public Medical Assistance Trust Fund are used to finance health care services to Florida's uninsured population. However, the rapid increase in the number of uninsured persons in this state has resulted in a declining balance in the fund. Therefore, it is the intent of the Legislature to provide for the best use of Public Medical Assistance funds by ensuring that funds are not used to reimburse inefficiently operated hospitals at the expense of the uninsured poor, that the solvency of the fund is ensured over time, and that, whenever possible, cost containment measures are implemented which extend the dollars available for funding indigent health care.

Section 7. (1) There is hereby created the Florida Commission for the Funding of Indigent Health Care to be composed of the following 19 members:

(a) Six persons appointed by the Governor, including a person who is a member of an organization the primary purpose of which is advocating for health and social services for the poor;

(b) Five members of the House of Representatives and a representative of the acute care hospital industry, who has extensive knowledge of the provision of health care to indigents, to be appointed by the Speaker of the House of Representatives;

(c) Five members of the Florida Senate and a physician licensed under chapter 458 or chapter 459, Florida Statutes, who has experience in the provision of health services to the medically underserved, to be appointed by the President of the Senate; and

(d) The Commissioner of Insurance.

The Insurance Commissioner, consumer advocate, physician, and hospital representative shall be ex officio, nonvoting members of the commission. Appointments shall be made no later than August 1, 1989, by which date the Governor, the President of the Senate, and the Speaker of the House of Representatives shall jointly agree upon a chairman and a vice chairman. Staff shall be provided by the House of Representatives, the Senate, and the Governor.

(2) The commission shall, by December 15, 1989, submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the following issues:

(a) Sources of funding of health care for the poor including the merits of placing taxes on products that result in adverse health outcomes which thereby contribute to increased demand for health care services;

(b) Continued existence of the Public Medical Assistance Trust Fund and whether the fund should be subject to Sunset review wherein any dedicated revenue sources for indigent care would be deposited and all state-sponsored indigent health care services would be funded directly from general revenue; and

(c) The adequacy of existing reimbursement mechanisms and whether there is a need to modify these mechanisms to prevent the financing of excess bed capacity and the subsidization of health care providers which operate inefficiently.

(3) Members of the commission shall serve without compensation, but shall be entitled to be reimbursed for per diem and travel expenses while engaging in activities directly associated with the commission, as provided in section 112.061, Florida Statutes.

(4) There is hereby appropriated the sum of $100,000 from the Public Medical Assistance Trust Fund to the commission for the purpose of carrying out the provisions of this section.

Section 8. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

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

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

Section 1. Paragraph (x) of subsection (3) of section 119.07, Florida Statutes, 1988 Supplement, is amended to read:

119.07 Inspection and examination of records; exemptions.—

(3)

(x) A patient record obtained ~~from a hospital~~ by the Department of Health and Rehabilitative Services or its agent pursuant to *s. 395.035* ~~s. 395.031~~, which record contains the name, residence or business address,

telephone number, social security or other identifying number, or photograph of any person or the spouse, relative, or guardian of such person or which record is patient-specific or otherwise identifies the patient, either directly or indirectly, is exempt from the provisions of subsection (1).

Section 2. Subsection (3) of section 395.017, Florida Statutes, 1988 Supplement, is amended to read:

395.017 Patient records; copies; examination.—

(3) Patient records shall have a privileged and confidential status and shall not be disclosed without the consent of the person to whom they pertain, but appropriate disclosure may be made without such consent to:

(a) Hospital personnel for use in connection with the treatment of the patient;

(b) Hospital personnel only for internal hospital administrative purposes associated with the treatment;

(c) The *Health Care* ~~Hospital~~ Cost Containment Board;

(d) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice by the party seeking such records to the patient or his legal representative;

(e) The Department of Professional Regulation upon subpoena issued pursuant to s. 455.223, but the records obtained thereby shall be used solely for the purpose of the Department of Professional Regulation and the appropriate professional board in its investigation, prosecution, and appeal of disciplinary proceedings. If the Department of Professional Regulation requests copies of such records, the facility shall charge no more than its actual copying costs, including reasonable staff time. The records shall be sealed and shall not be available to the public pursuant to s. 119.07 or any other statute providing access to records, nor shall they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the Department of Professional Regulation or the appropriate regulatory board. However, the Department of Professional Regulation shall make available, upon written request by a practitioner against whom probable cause has been found, any such records which form the basis of the determination of probable cause; or

(f) The department or its agent, for the purpose of establishing and maintaining a trauma registry and for the purpose of ensuring that hospitals *and trauma centers* are in compliance with the standards *and rules established pursuant to ss. 395.031, 395.032, 395.035, and 395.036, and for the purpose of monitoring patient outcome at hospitals and trauma centers which provide trauma care services* ~~of s. 395.031(5)~~.

Section 3. Section 395.0175, Florida Statutes, is created to read:

395.0175 Proceedings in investigating complaints against hospitals for alleged violations.—

(1) The department shall investigate any complaint against a hospital for any violation of s. 395.0142, s. 395.0143, or s. 395.0144 which is filed before it if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts which show that a violation of this chapter or any rule adopted under this chapter by the department has occurred. The department may investigate or continue to investigate and may take appropriate final action on a complaint even though the original complainant withdraws his complaint or otherwise indicates his desire not to cause it to be investigated to completion. When an investigation of any person is undertaken, the department shall notify such person of the investigation and inform him of the substance of any complaint filed against him. The department may conduct an investigation without notification to any person if the act under investigation is a criminal offense.

(2) The department, or its agent, shall expeditiously investigate each complaint against a hospital for a violation of s. 395.0142, s. 395.0143, or s. 395.0144. When its investigation is complete, the department shall prepare an investigative report. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause.

(3) The complaint and all information obtained pursuant to the investigation by the department are exempt from s. 119.07(1) and may not be disclosed until 10 days after probable cause has been found to exist by the department, or until the person who is the subject of the investigation waives his privilege of confidentiality, whichever occurs first. This exemption from s. 119.07(1) is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 4. Section 395.031, Florida Statutes, 1988 Supplement, is amended to read:

395.031 Trauma ~~medical~~ services system plans; verification of trauma centers and pediatric trauma referral centers; procedures; renewal.—

(1) For the purposes of this section, *and ss. 395.032, 395.035, and 395.036*, the term:

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

(b) "Local or regional trauma agency" means an agency established and operated by the county, an entity with which the county contracts for the purposes of local trauma ~~medical~~ services administration, or a regional agency created for the administration of trauma ~~medical~~ services by agreement between counties.

(c) "Trauma center" means any hospital that has been determined by the department ~~or by a local or regional trauma agency~~ to be in substantial compliance with trauma center verification standards.

(d) "Level I trauma center" means a hospital that is determined by the department to be in substantial compliance with trauma center verification standards as established by rule of the department pursuant to subsection (5) and:

1. Has formal research and education programs for the enhancement of trauma care; and

2. Serves as a resource facility to level II trauma centers, pediatric trauma referral centers, and community hospitals.

(e) "Level II trauma center" means a hospital that is determined by the department to be in substantial compliance with trauma center verification standards as established by rule of the department pursuant to subsection (5) and:

1. Serves as a resource facility to community hospitals; and

2. Ensures an organized system of trauma care.

(f)~~(d)~~ "Pediatric trauma referral center" means a hospital that is determined to be in substantial compliance with pediatric trauma referral center standards as established by rule of the department pursuant to subsection (5).

(g)~~(e)~~ "Trauma scorecard" means a statewide methodology adopted by the department by rule under which a *person who has incurred a traumatic injury* ~~trauma victim~~ is graded as to the severity of his injuries or illness and which methodology is used as the basis for making destination decisions.

(h)~~(f)~~ "Trauma victim" means any person who has incurred a single or multisystem life-threatening injury due to blunt or penetrating means and who requires immediate medical intervention or treatment.

(i) "State-sponsored trauma centers" means those selected by the department to receive state funding for the purpose of furnishing trauma care services.

(2)(a) The local or regional trauma agency shall plan, implement, and evaluate a trauma ~~medical~~ services system, in accordance with this section and ss. 395.032, 395.035, and 395.036, which consists of an organized pattern of readiness and response services based on public and private agreements and operational procedures.

(b) The local or regional trauma agency shall develop and submit to the department ~~for review~~ a plan for a local or regional trauma ~~medical~~ services system. The plan must include, at a minimum, the following components:

1. The organizational structure of the trauma system.

2. Prehospital care management guidelines for triage and transportation of trauma cases.

3. Flow patterns of trauma cases and transportation system design and resources, including air transportation services, and provision for interfacility transfer.

4. The number and type of major trauma cases necessary to assure that trauma centers will provide quality care to trauma cases referred to them.

5. The resources and equipment needed by trauma facilities to treat trauma cases.

6. The availability and qualifications of the health care personnel, including physicians and surgeons, who comprise the trauma teams that treat major trauma cases within a trauma facility.

7. Data collection regarding system operation and patient outcome.

8. Periodic performance evaluation of the trauma system and its components.

9. The utilization of air transport services within the jurisdiction of the local trauma agency.

10. Public information and education about the trauma system.

11. Emergency medical services communication system usage and dispatching.

12. The coordination and integration between the verified trauma care facility and the nonverified health care facilities.

13. Medical control and accountability.

14. Quality control and system evaluation.

(c) The department shall receive plans for the implementation of trauma care systems from local or regional trauma agencies. The department may approve or not approve the local or regional *trauma agency* plans based on the conformance of the local or regional plans with this section and ss. 395.032, 395.035, and 395.036 and the rules adopted by the department pursuant to those sections. ~~A local or regional trauma agency shall implement the local plan developed pursuant to this section unless the department determines that the plan does not effectively meet the needs of the persons served and is not consistent with applicable rules of the department, or the local or regional trauma agency submits to the department written notice of intent to cease implementation of the local plan.~~

(d) A trauma agency shall not operate unless the department has approved the local or regional trauma services system plan of the agency.

(e)~~(d)~~ The department may grant an exception to a portion of the rules adopted pursuant to this section or s. 395.032 if the local or regional trauma agency proves that, as defined in the rules, compliance with that requirement would not be in the best interest of the persons served within the affected local *or regional* trauma area.

(f)~~(e)~~ A local or regional trauma agency may implement a trauma care system only if the system meets the minimum standards set forth in the rules for implementation established by the department and if the plan has been submitted to, and approved by, the department. Before the local or regional trauma agency submits the plan for the trauma care system to the department, the agency shall hold a public hearing and give adequate notice of the public meeting to all hospitals and other interested parties in the area ~~proposed~~ to be included in the *proposed* system.

~~(f)1. At the option of a local or regional trauma agency which is implementing a trauma care system approved by the department, the department may delegate to the local or regional trauma agency the hospital trauma center and pediatric referral center verification process within the geographic boundaries of the local or regional trauma agency.~~

~~2. For those local or regional trauma agencies selecting to verify hospital trauma centers and pediatric referral centers, the direct or indirect cost of verification shall be borne by the applicant, based on a fee schedule set up by the local or regional trauma agency; however, a fee may not exceed the reasonable cost of implementation, operation, maintenance, evaluation, and development of the verification process.~~

(g) Local or regional trauma agencies may enter into contracts for the purpose of implementing the local *or regional* plan. If local or regional agencies contract with hospitals, such agencies must contract only with hospitals *which are* ~~with~~ verified trauma centers ~~or those willing to seek verification~~.

(h) Local or regional trauma agencies providing service for more than one county shall, as part of their formation, establish interlocal agreements between or among the several counties in the regional system.

(i) This section does not restrict the authority of a health care facility to provide service for which it has received a license pursuant to this chapter.

(j) Any hospital which is verified as a trauma center shall accept all trauma victims that are appropriate for the facility regardless of race, sex, creed, or ability to pay.

(k) It is unlawful for any hospital or other facility to hold itself out as a trauma center unless it has been so verified.

(l) A county, upon the recommendations of the local or regional trauma agency, may adopt ordinances governing the transport of a patient who is receiving care in the field from prehospital emergency medical personnel when the patient meets specific criteria for trauma, burn, or pediatric centers adopted by the local or regional trauma agency. These ordinances shall, to the furthest possible extent, ensure that individual patients receive appropriate medical care while protecting the interests of the community at large by making maximum use of available emergency medical care resources.

(m) The local or regional trauma agency shall, consistent with *the regional trauma system* ~~such~~ plan, coordinate and otherwise facilitate arrangements necessary to develop a trauma ~~medical~~ services system.

(n) After the submission of the initial *local or regional* trauma care system plan, *each* ~~a~~ local or regional trauma agency ~~which has implemented a trauma care system~~ shall annually submit to the department *for approval* an updated plan which identifies the changes, if any, to be made in the trauma care system. A local or regional trauma agency shall submit to the department written notice of its intent to cease operation of the local or regional trauma agency within 90 days before the date on which the local or regional trauma agency will cease operation.

(o) This section does not preclude a local or regional trauma agency from adopting trauma care system standards ~~or trauma facilities standards~~ that are more stringent than those adopted by rule of the department.

(3) Any hospital licensed in the state that desires to be verified as a trauma center or as a pediatric trauma referral center must submit to the department *an application*~~, or to the appropriate local or regional trauma agency, a request~~ for verification as such a center. The *application* ~~request~~ shall be reviewed by the department ~~or the local or regional trauma agency~~ to determine whether the hospital is in substantial compliance with the standards specified in subsection (5). Within 30 days after receiving *an application* ~~a request~~ from a hospital for verification as a trauma center or pediatric trauma referral center, the department ~~or the local or regional trauma agency~~ shall notify the hospital of any apparent errors or omissions in its application and shall request any additional information necessary to determine the hospital's substantial compliance with this section and department rules. This additional information must be submitted within 60 days after the hospital's receipt of the request for additional information. Upon receipt of the additional information from the hospital, the department ~~or the local or regional trauma agency~~ shall deem the application to be complete. An application must be approved or denied within 90 days after receipt of the original application or receipt of documentation that apparent errors or omissions have been corrected. Upon determining that the hospital is in substantial compliance with the standards, the hospital shall be verified as a trauma center or pediatric trauma referral center. If the application is denied by the department, the hospital shall be notified of any right to a hearing pursuant to chapter 120.

(4) A verification, unless sooner suspended or revoked, automatically expires 2 years from the date of issuance and is renewable biennially upon application for renewal, provided the hospital is in substantial compliance with trauma center or pediatric trauma referral center verification standards in effect at the time of application. An application for renewal shall be processed in the same manner as prescribed for initial applications, except that the application must be made at least 180 days prior to expiration of the verification on a form provided by the department ~~or the appropriate local or regional trauma agency~~.

(5) The department shall adopt, by rule, standards for verification of trauma centers based on national guidelines, including those established by the American College of Surgeons entitled "Hospital and Prehospital Resources for Optimal Care of the Injured Patient" and published appendices thereto. Standards specific to pediatric trauma referral centers shall ~~also~~ be *developed in conjunction with Children's Medical Services and* adopted by rule of the department.

(6) The department may withdraw local or regional agency authority, prescribe corrective actions, or use the administrative remedies as provided in s. 395.018 for the violation of any provision of this section and ss. 395.032, 395.035, and 395.036 or rules adopted thereunder. All amounts collected pursuant to this subsection shall be deposited into the Emergency Medical Services Trust Fund provided in s. 401.34.

Section 5. Section 395.032, Florida Statutes, 1988 Supplement, is amended to read:

395.032 State regional trauma planning; trauma regions.—

(1) The department *shall establish a state trauma system plan. As part of the state trauma system plan, the department shall* ~~may~~ establish trauma regions *which cover all* ~~in those~~ geographical areas *of the state. These regions may serve as the basis for the development of* ~~where there are no~~ department-approved local or regional trauma ~~system agencies and~~ plans ~~and where the department determines there is need for organized trauma services for the residents of the geographical area~~. The department shall base its definition of the regions upon:

(a) Geographical considerations so as to ensure rapid access to trauma care by patients;

(b) Historical patterns of patient referral and transfer in an area;

(c) Inventories of available trauma care resources;

(d) Predicted population growth characteristics;

(e) Transportation capabilities, including ground and air transport;

(f) Medically appropriate ground and air travel times; and

(g) Other appropriate criteria.

(2) The department shall develop trauma systems plans for the department-defined trauma regions which include at a minimum the following components:

(a) An assessment of current and future trauma care needs of the population, based upon incidence rates and acuity indicators developed by the department, as well as other relevant characteristics of the region.

(b)~~(a)~~ The organizational structure of the *regional* trauma system, *including the identification of local trauma agency service areas within the region.*

(c)~~(b)~~ Prehospital care management guidelines for triage and transportation of trauma cases.

(d)~~(c)~~ Flow patterns of trauma cases and transportation system design and resources, including air transportation services, and provision for interfacility transfer.

(e)~~(d)~~ The *current and projected* number, *acuity level,* and *geographic location* ~~type~~ of trauma cases *expected so as* ~~necessary~~ to assure that *the assessed current and future trauma care needs of the population are adequately met and that state-sponsored* trauma *centers* ~~facilities~~ will *maintain the volume of cases sufficient to* provide quality care to trauma cases referred to them.

~~(e) The resources and equipment needed by trauma facilities to treat trauma cases.~~

(f) The availability ~~and qualifications~~ of *qualified* ~~the~~ health *professionals* ~~care personnel~~, including physicians and surgeons, *capable of staffing* ~~who treat~~ trauma *centers to the level of current and future assessed needs* ~~cases within a trauma facility~~.

(g) Data collection regarding system operation and patient outcome, *as well as the number, type, and generalized locations of state-sponsored trauma centers needed to meet the needs of the population.*

(h) Periodic performance evaluation of the trauma system and its components.

(i) The *type and extent* ~~utilization~~ of air transport services *available and needed in each* ~~within the service~~ region.

(j) Public information and education about the trauma system.

(k) Emergency medical services communication system usage and dispatching.

(l) The coordination and integration between the *state-sponsored* ~~designated~~ trauma *centers, verified trauma centers,* ~~care facility~~ and *other* ~~the nondesignated~~ health care facilities *which may provide services to trauma victims.*

(m) Medical control and accountability.

(n) Quality control and system evaluation.

(3) The department shall consider the advice and recommendations of any affected local or regional trauma agency in developing the state trauma systems plan. The department may, in lieu of specific regional components of its own plan, accept components developed by local or regional trauma agencies.

Section 6. The Department of Health and Rehabilitative Services is hereby directed to prepare and submit to the Legislature by February 1, 1990, a report and proposal for funding trauma centers in a manner which will maximize the effectiveness of funding dollars and will result in funding of the number of strategically placed trauma centers necessary to ensure adequate trauma care throughout the state. The proposal shall include an estimation of the needed funding for state-sponsored trauma centers, the approximate number and generalized location of state-sponsored trauma centers needed to ensure adequate trauma care throughout the state, and guidelines and procedures to be followed in selecting state-sponsored trauma centers and the recommended methodology for reimbursing state-sponsored trauma centers.

(1) There is hereby created the Committee on State-Sponsored Trauma Centers to assist the department in developing the proposal required by this section. The committee shall be composed of the following members appointed by the department:

(a) Two representatives from level I trauma centers.

(b) Two representatives from level II trauma centers.

(c) A trauma center nurse coordinator.

(d) Two representatives from nonverified trauma centers whose trauma patient volume equals or exceeds 200 cases per year.

(e) Two representatives from local or regional trauma agencies.

(f) A representative from the American College of Emergency Physicians.

(g) A representative from the American College of Surgeons.

(h) An emergency medical service provider.

(i) An air ambulance provider.

(j) A representative from a health planning council.

(k) Representatives from the department, including, but not limited to, Emergency Medical Services, Medicaid, Children's Medical Services, and Regulation and Health Facilities.

(l) A representative of the Association of Voluntary Hospitals of Florida, the Florida League of Hospitals, and the Florida Hospital Association.

(2) The committee shall consider and develop, to the maximum extent possible, criteria which give weighted value to applicants for state-sponsored trauma center funding whose proposals most closely embrace and support existing department-approved local or regional trauma services system plans.

(3) Members of the committee shall serve without compensation, but shall be entitled to be reimbursed for per diem and travel expenses while engaging in activities directly associated with the committee, as provided in section 112.061, Florida Statutes.

Section 7. The Department of Health and Rehabilitative Services shall adopt rules to implement sections 395.031, 395.032, 395.035, and 395.036, Florida Statutes.

Section 8. Section 401.101, Florida Statutes, is amended to read:

401.101 Short title.—This part shall be known and may be cited as the "Florida Emergency Medical Services Grant Act ~~of 1973~~."

Section 9. Section 401.107, Florida Statutes, is amended to read:

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

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

(2) "Local agency" means the board of county commissioners of the various counties in the state.

(3) "Emergency medical services" means the provision of medical care and transportation to sick, injured, or otherwise incapacitated persons on the streets, highways, waterways, or airways of this state.

(4) "Emergency medical services organizations" means public or private entities involved in emergency medical services systems.

Section 10. Section 401.111, Florida Statutes, is amended to read:

401.111 Emergency medical services grant program; authority.—The Department of Health and Rehabilitative Services is hereby authorized to make grants to local agencies *and emergency medical services organizations* in accordance with any agreement entered into pursuant to this part. These grants shall be designed to assist said agencies *and organizations* in providing emergency medical services. The cost of administering this program shall be paid by the department from funds appropriated to it.

Section 11. Subsection (2) of section 401.113, Florida Statutes, is amended to read:

401.113 Department; powers and duties.—

(2) The department shall annually dispense funds contained in the Emergency Medical Services Trust Fund as follows:

(a) Forty-five percent of such moneys shall be divided among the counties according to the proportion of the combined amount deposited in the trust fund from the county. These funds may not be used to match grant funds as identified in paragraph (b). An individual board of county commissioners may distribute these funds to licensed emergency medical service providers within the county, as it deems appropriate.

(b) Forty percent of such moneys shall be used by the department for making matching grants to *local agencies* ~~county governments~~, municipalities, ~~and nonprofit trauma centers~~ and emergency medical services organizations for the purpose of conducting research, increasing existing levels of emergency medical services, evaluation, community education, and training in cardiopulmonary resuscitation and other lifesaving and first-aid techniques. A grant made pursuant to this section shall be contingent upon the recipient providing a sum equal to the grant amount. The department shall develop procedures and standards for grant disbursement based on the need for emergency medical services, the requirements of the population to be served, and the objectives of the state emergency medical services plan.

(c) Fifteen percent of such moneys shall be used by the department for capital equipment outlay, personnel, community education, evaluation, and other costs associated with the administration of this chapter. Any moneys not annually used for this purpose shall be used for making additional grant funds available.

Section 12. Section 401.211, Florida Statutes, is amended to read:

401.211 Legislative intent.—Because emergency medical transportation services represent a constructive and essential investment in the state, it is the intent of the Legislature to provide for emergency medical transportation and nontransportation services that are essential to the health and well-being of all citizens of the state. ~~It is also the intent of the Legislature that the Department of Health and Rehabilitative Services contract with the Department of Professional Regulation for investigation, examination, licensing, technical assistance, and related support services.~~ The purpose of this act is to protect and enhance the public health, welfare, and safety through the provision and overseeing of such services in a positive manner.

Section 13. Subsection (2) of section 401.245, Florida Statutes, 1988 Supplement, is amended to read:

401.245 Emergency Medical Services Advisory Council.—

(2) Representation on the Emergency Medical Services Advisory Council shall include: two licensed physicians who are "medical directors" as defined in s. 401.23(15) or whose medical practice is closely related to emergency medical services; two emergency medical service administrators, one of whom is employed by a fire service; two certified paramedics, one of whom is employed by a fire service; two certified emergency medical technicians, one of whom is employed by a fire service; one emergency medical services educator; one emergency nurse; one hospital administrator; one representative of air ambulance services; one representative of a commercial ambulance operator; and two laypersons who are in no way connected with emergency medical services, one of whom is a representative of the elderly. Ex officio members of the advisory council from state agencies shall include, but shall not be limited to, representatives from the Department of Education, the Department of General Services, the Department of Insurance, *and* the Department of Community Affairs~~, and the Department of Professional Regulation~~.

Section 14. Subsection (2) of section 401.25, Florida Statutes, is amended to read:

401.25 Licensure as a basic life support or an advanced life support ground service.—

(2) The department shall issue a license for operation to any applicant who complies with the following requirements:

(a) The applicant has paid the fees required by s. 401.34.

(b) The ambulances, equipment, vehicles, personnel, communications systems, staffing patterns, and services of the applicant meet the requirements of this act, including the appropriate rules for either a basic life support service or an advanced life support service, whichever is applicable.

(c) The applicant has furnished evidence of adequate insurance coverage for claims arising out of injury to or death of persons and damage to the property of others resulting from any cause for which the owner of such business or service would be liable. The applicant shall provide insurance in such sums and under such terms as required by the department. In lieu of such insurance, the applicant may furnish a certificate of self-insurance evidencing that the applicant has established an adequate self-insurance plan to cover such risks and that the plan has been approved by the Department of Insurance.

(d) The applicant has obtained a certificate of public convenience and necessity from ~~or entered into a mutual aid agreement with~~ each county in which the applicant will operate. In issuing the certificate of public convenience and necessity, the governing body of each county shall consider the recommendations of municipalities within its jurisdiction.

Section 15. Subsection (2) of section 401.265, Florida Statutes, 1988 Supplement, is amended to read:

401.265 Medical directors.—

(2) *Each medical director shall establish a quality assurance committee to provide for quality assurance review of all emergency medical technicians and paramedics operating under his supervision. If the medical director has reasonable belief that conduct by an emergency medical technician or paramedic may constitute one or more grounds for discipline as provided by this chapter, he shall document facts and other information related to the alleged violation. The medical director* ~~Such responsibility~~ shall *report* ~~include reporting~~ to the Department of Health and Rehabilitative Services any emergency medical technician or paramedic *whom* ~~deemed, in the opinion of~~ the medical director *reasonably believes to have acted in a manner which might constitute grounds for disciplinary action*~~, to be incompetent in the performance of his duties~~. Such a report of *disciplinary concern* ~~alleged incompetency~~ shall include a statement *and documentation* of the specific acts of *the disciplinary concern* ~~alleged incompetency~~. Within 7 days *after* ~~of~~ receipt of such a report, the department shall provide the emergency medical technician or paramedic a copy of the report of *the disciplinary concern and documentation of the specific acts related to the disciplinary concern* ~~alleged incompetency~~. If the department determines that the report ~~of alleged incompetency~~ is insufficient for disciplinary action against the emergency medical technician or paramedic pursuant to s. 401.411, the report shall be expunged from the record of the emergency medical technician or paramedic.

Section 16. Section 401.425, Florida Statutes, is created to read:

401.425 Emergency medical services quality assurance; immunity from liability.—

(1) As used in this section, the term "emergency medical review committee" or "committee" means a committee of:

(a) An emergency medical service provider, a local or regional trauma agency as provided in s. 395.031, a quality assurance committee as provided in s. 401.265, or a local emergency medical services advisory council;

(b) A hospital licensed under chapter 395 which is directly responsible for a licensed emergency medical service provider; or

(c) The department, or employees, agents, or consultants of the department.

(2) An emergency medical review committee may review and evaluate the professional medical competence of emergency medical technicians and paramedics under the jurisdiction of such committee.

(3)(a) There shall be no monetary liability on the part of, and no cause of action shall arise against, any person, including any person acting as a witness, incident reporter to, or investigator for, an emergency medical review committee for any act or proceeding undertaken or performed within the scope of the functions of any emergency medical review committee if such action is taken without intentional fraud or malice.

(b) The provisions of this section shall not affect the provisions of s. 768.28.

(4) Except as provided in subsection (3), this section shall not be construed to confer immunity from liability on any person while performing services other than as a member of an emergency medical review committee, or upon any person acting as a witness, incident reporter to, or investigator for, an emergency medical review committee for any act or proceeding undertaken or performed outside the scope of the functions of such committee.

(5) The investigations, proceedings, and records of a committee providing quality assurance activities as described in subsections (1) through (4) shall not be subject to discovery or introduction into evidence in any civil action or disciplinary proceeding by the department or employing agency arising out of matters which are the subject of evaluation and review by the committee, and no person who was in attendance at a meeting of such committee shall be permitted or required to testify in any such civil action or disciplinary proceeding as to any evidence or other matters produced or presented during the proceedings of such committee or as to any findings, recommendations, evaluations, opinions, or other actions of such committee or any members thereof. However, information, documents, or records provided to the committee from sources external to the committee are not immune from discovery or use in any such civil action or disciplinary proceeding merely because they were presented during proceedings of such committee nor should any person who testifies before a committee or who is a member of such committee be prevented from testifying as to matters within his knowledge, but, such witness shall not be asked about his testimony before a committee or information obtained from or opinions formed by him as a result of participating in activities conducted by a committee.

(6)(a) If the defendant prevails in an action brought by a health care provider against any person who initiated, participated in, was a witness in, or conducted any review as authorized by this section, the court shall award reasonable attorney's fees and costs to the defendant.

(b) As a condition of any health care provider bringing any action against any person who initiated, participated in, was a witness in, or conducted any review as authorized by this section and before any responsive pleading is due, the health care provider must post a bond or other security, as set by the court having jurisdiction of the action, in an amount sufficient to pay the costs and attorney's fees.

(7) For the purpose of any disciplinary proceeding conducted by the department, the department shall have the power to issue subpoenas which shall compel the production of information, documents, or records from an Emergency Medical Review Committee. Challenges to, and enforcement of, the subpoenas and orders shall be handled as provided in s. 120.58.

(8) Any report or documentation maintained pursuant to this section relating to quality assurance activities is exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the department, or until the person who is the subject of the investigation or proceeding waives his privilege of confidentiality, whichever occurs first. This exemption from s. 119.07(1) is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 17. Section 401.445, Florida Statutes, is created to read:

401.445 Emergency examination and treatment of incapacitated persons.—

(1) No recovery shall be allowed in any court in this state against any emergency medical technician, paramedic, or physician as defined in this chapter, or any person acting under the direct medical supervision of a physician, in an action brought for examining or treating a patient without his informed consent if:

(a) The patient at the time of examination or treatment is intoxicated, under the influence of drugs, or otherwise incapable of providing informed consent as provided in s. 766.103;

(b) The patient at the time of examination or treatment is experiencing an emergency medical condition; and

(c) The patient would reasonably, under all the surrounding circumstances, undergo such examination, treatment, or procedure if he were advised by the emergency medical technician, paramedic, or physician in accordance with s. 766.103(3).

Examination and treatment provided under this paragraph shall be limited to reasonable examination of the patient to determine the medical condition of the patient and treatment reasonably necessary to alleviate the emergency medical condition or to stabilize the patient.

(2) In examining and treating a person who is apparently intoxicated, under the influence of drugs, or otherwise incapable of providing informed consent, the emergency medical technician, paramedic, or physician, or any person acting under the direct medical supervision of a physician, shall proceed wherever possible with the consent of the person. If the person reasonably appears to be incapacitated and refuses his consent, he may be examined, treated, or taken to a hospital or other appropriate treatment resource if he is in need of emergency attention, without his consent, but unreasonable force shall not be used.

(3) Nothing herein shall limit medical treatment provided pursuant to court order or treatment provided in accordance with the provisions of chapter 394, chapter 396, or chapter 397.

Section 18. Paragraph (dd) of subsection (1) of section 458.331, Florida Statutes, 1988 Supplement, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(dd) Failing to supervise adequately the activities of those physician's assistants, emergency medical technicians, *paramedics,* or advanced registered nurse practitioners acting under the supervision of the physician.

Section 19. The sum of $450,830 is hereby appropriated from the Emergency Medical Services Trust Fund to, and 4 positions are authorized for the Department of Health and Rehabilitative Services for the purposes of developing the state trauma plan and conducting the trauma funding study authorized pursuant to sections 5 and 6 of this act.

(Renumber subsequent sections.)

Amendment 1B—On page 4, line 2, strike "*subsection 22*" and insert: *section (3)*

Amendment 1C—On page 11, lines 13 and 14, strike all said language and insert: section shall be applicable to any funds received by a hospital for fiscal years 1988-1989 or 1989-1990.

Amendment 1 as amended was adopted.

Senator Malchon moved the following amendment:

Amendment 2—In title, on page 1, strike everything before the enacting clause and insert: A bill to be entitled An act relating to health care; amending s. 409.266, F.S.; increasing Medicaid funding to pregnant women and infants; eliminating the inpatient hospital limit for Medicaid eligible children up to the age of 1 year; providing Medicaid disproportionate share reimbursement to certain hospitals; providing a methodol-

ogy for determining rate of increase; providing requirements for receipt of funds; eliminating Sunset repeal of s. 409.266(7)(o), F.S., relating to the Medicaid medically needy program; creating the Florida Commission for the Funding of Indigent Health Care; specifying members to serve on the commission; directing the commission to submit recommendations by a specified date; providing an appropriation; providing an effective date.

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

Amendment 2A—In title, on page 1, line 14, after the semicolon (;) insert: amending s. 119.07, F.S.; providing an exemption from public disclosure requirements for certain patient records obtained by the Department of Health and Rehabilitative Services; amending s. 395.017, F.S.; providing conforming language; providing additional circumstances under which patient records may be disclosed; creating s. 395.0175, F.S.; requiring the department to investigate certain complaints against hospitals; providing for information pursuant to such investigations to remain confidential for a specified period of time; providing for review of such provision pursuant to the Open Government Sunset Review Act; amending s. 395.031, F.S.; revising definitions relating to the regulation of trauma services by the department; deleting provisions authorizing the department to delegate certain verification processes to local or regional trauma agencies; providing conforming language; amending s. 395.032, F.S.; authorizing the department to establish a state trauma system plan; revising requirements relating to regional trauma planning by the department; requiring the department to consider local or regional trauma system plans in developing the state plan; requiring the department to prepare a report and proposal for funding trauma centers; creating the Committee on State-Sponsored Trauma Centers; providing membership for and direction to the committee; authorizing the department to adopt rules relating to trauma care; amending s. 401.101, F.S.; revising a short title; amending s. 401.107, F.S.; defining the term "emergency medical services organizations"; amending s. 401.111, F.S.; authorizing the department to make grants to such organizations; amending s. 401.113, F.S.; revising provisions authorizing the disbursement of moneys in the Emergency Medical Services Trust Fund for the purpose of making matching grants; amending s. 401.211, F.S.; deleting language specifying that it is the intent of the Legislature that the department contract with the Department of Professional Regulation for certain services; amending s. 401.245, F.S.; removing the representative of the Department of Professional Regulation as an ex officio member of the Emergency Medical Services Advisory Council; amending s. 401.25, F.S.; revising requirements for licensure as a basic life support or an advanced life support ground service; amending s. 401.265, F.S.; providing for quality assurance review of emergency medical technicians and paramedics; requiring a medical director to report disciplinary concern regarding an emergency medical technician or paramedic rather than his alleged incompetency to the department; creating s. 401.425, F.S.; providing immunity from liability for emergency medical review committee personnel under certain circumstances; providing that certain records relating to quality assurance activities are not subject to discovery and may not be introduced into evidence in certain civil actions; providing for certain reports or documentation to remain confidential for a specified period of time; providing for review of such provision pursuant to the Open Government Sunset Review Act; creating s. 401.445, F.S.; providing immunity from liability for the emergency examination and treatment of incapacitated persons under certain circumstances; amending s. 458.331, F.S.; providing additional grounds for disciplinary action against persons licensed under ch. 458, F.S.; providing an appropriation for a specified purpose;

Amendment 2 as amended was adopted.

On motion by Senator Malchon, by two-thirds vote SB 255 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Casas	Forman	Jennings
Bankhead	Childers, D.	Gardner	Johnson
Beard	Childers, W. D.	Girardeau	Kiser
Brown	Deratany	Gordon	Langley
Bruner	Dudley	Grizzle	Malchon
Margolis	Peterson	Souto	Walker
McPherson	Plummer	Stuart	Weinstein
Meek	Ros-Lehtinen	Thomas	Weinstock
Myers	Scott	Thurman	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

Senator Peterson presiding

RECESS

On motion by Senator Scott, the Senate recessed at 8:29 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 10:10 p.m. A quorum present—30:

Mr. President	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Walker
Bruner	Girardeau	Margolis	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, D.	Grant	Myers	Woodson-Howard
Childers, W. D.	Grizzle	Peterson	
Davis	Kirkpatrick	Ros-Lehtinen	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 484 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 484—A bill to be entitled An act relating to water resources; reviving and readopting ss. 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, F.S., relating to governing and basin boards of water management districts, notwithstanding their scheduled repeal October 1, 1989, pursuant to s. 25 of ch. 88-242, Laws of Florida, and repealing said sections and s. 373.088, F.S., October 1, 1990, and providing for review of said sections in advance of that date; providing an effective date.

Amendment 1—On page 2, line 3, insert:

Section 3. Paragraph (b) of subsection (23) of section 187.201, Florida Statutes, 1988 Supplement, is amended to read:

187.201 State Comprehensive Plan adopted.—The Legislature hereby adopts as the State Comprehensive Plan the following specific goals and policies:

(23) AGRICULTURE.—

(b) Policies.—

1. Ensure that goals and policies contained in state and regional plans are not interpreted to permanently restrict the conversion of agricultural lands to other uses.

2. Encourage diversification within the agriculture industry, especially to reduce the vulnerability of communities that are largely reliant upon agriculture for either income or employment.

3. Promote and increase international agricultural marketing opportunities for all Florida agricultural producers.

4. Stimulate research, development, and application of agricultural technology to promote and enhance the conservation, production, and marketing techniques available to the agriculture industry.

5. Encourage conservation, wastewater recycling, and other appropriate measures to assure adequate water resources to meet agricultural and other beneficial needs.

6. Promote entrepreneurship in the agricultural sector by providing technical and informational services.

7. Stimulate continued productivity through investment in education and research.

8. Encourage development of biological pest controls to further the reduction in reliance on chemical controls.

9. Conserve soil resources to maintain the economic value of land for agricultural pursuits and to prevent sedimentation in state waters.

10. Promote the vitality of Florida's agricultural industry through continued funding of basic research, extension, inspection, and analysis services and of programs providing for marketing and technical assistance and the control and eradication of diseases and infestations.

11. Continue to promote the use of lands for agricultural purposes by maintaining preferential property tax treatment through the greenbelt law.

12. Ensure that coordinated state planning of road, rail, and waterborne transportation systems provides adequate facilities for the economical transport of agricultural products and supplies between producing areas and markets.

13. Eliminate the discharge of inadequately treated wastewater and stormwater runoff into waters of the state.

Section 4. Paragraphs (e), (f), (g), and (h) of subsection (2) of section 373.016, Florida Statutes, are redesignated as paragraphs (f), (g), (h), and (i), respectively, and a new paragraph (e) is added to said subsection to read:

373.016 Declaration of policy.—

(2) It is further declared to be the policy of the Legislature:

(e) To minimize degradation of water resources caused by the discharge of stormwater;

Section 5. Subsection (16) is added to section 373.019, Florida Statutes, to read:

373.019 Definitions.—When appearing in this chapter or in any rule, regulation, or order adopted pursuant thereto, the following words shall, unless the context clearly indicates otherwise, mean:

(16) "State water policy" means the comprehensive statewide policy as adopted by the department pursuant to ss. 373.026 and 403.061 setting forth goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources.

Section 6. Subsection (10) is added to section 373.026, Florida Statutes, to read:

373.026 General powers and duties of the department.—The Department of Environmental Regulation, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

(10) Adopt by rule a state water policy, which shall provide goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources. This state water policy shall be consistent with the State Comprehensive Plan and may include such department rules as are specifically identified in the policy.

Section 7. Section 373.0391, Florida Statutes, is created to read:

373.0391 Technical assistance to local governments.—

(1) The water management districts shall assist local governments in the development and future revision of local government comprehensive plan elements or public facilities report as required by s. 189.415, related to water resource issues.

(2) By July 1, 1991, each water management district shall prepare and provide information and data to assist local governments in the preparation and implementation of their local government comprehensive plans or public facilities report as required by s. 189.415, whichever is applicable. Such information and data shall include, but not be limited to:

(a) All information and data required in a public facilities report.

(b) A description of regulations, programs, and schedules implemented by the district.

(c) Identification of regulations, programs, and schedules undertaken or proposed by the district to further the State Comprehensive Plan.

(d) A description of surface water basins, including regulatory jurisdictions, flood-prone areas, existing and projected water quality in water management district operated facilities, as well as surface water runoff characteristics and topography regarding flood plains, wetlands, and recharge areas.

(e) A description of groundwater characteristics, including existing and planned wellfield sites, existing and anticipated cones of influence, aquifer recharge areas, deep well injection zones, contaminated areas, regional water resource needs and sources, and water quality.

(f) The identification of existing and potential water management district land acquisitions.

(g) Information reflecting the minimum flows for surface watercourses to avoid harm to water resources or the ecosystem and information reflecting the minimum water levels for aquifers to avoid harm to water resources or the ecosystem.

Section 8. Subsection (1) of section 373.103, Florida Statutes, 1988 Supplement, 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, *consistent with state water policy.*

Section 9. Section 373.109, Florida Statutes, is amended to read:

373.109 Permit application fees.—When a water management district governing board implements a *regulatory* ~~permit~~ system under this chapter or one which has been delegated to it pursuant to *chapter 403* ~~s. 403.812~~, it may establish a schedule of fees for filing applications for the required permits. Such fees shall not exceed the cost to the district for processing, *monitoring, and inspecting for compliance with the permit* ~~the application. However, permit fees shall not be required from any governmental entity~~.

(1) All moneys received under the provisions of this section shall be allocated for the use of the water management district and shall be in addition to moneys otherwise appropriated in any general appropriation act.

(2) The failure of any person to pay the fees established hereunder constitutes grounds for revocation or denial of *the* ~~his~~ permit.

Section 10. Subsections (9), (10), (11), (12), (13), and (14) are added to section 373.403, Florida Statutes, to read:

373.403 Definitions.—When appearing in this part or in any rule, regulation, or order adopted pursuant thereto, the following terms mean:

(9) "Drainage basin" means a subdivision of a watershed.

(10) "Stormwater management system" means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over drainage, environmental degradation and water pollution or otherwise affect the quantity and quality of discharges from the system.

(11) "State water quality standards" means water quality standards adopted pursuant to chapter 403.

(12) "Watershed" means the land area which contributes to the flow of water into a receiving body of water.

Section 11. Subsection (5) is added to section 373.406, Florida Statutes, to read:

373.406 Exemptions.—The following exemptions shall apply:

(5) The department or the governing board may by rule establish general permits for stormwater management systems which have, either singularly or cumulatively, minimal environmental impact. The department or the governing board also may establish by rule exemptions or general permits that implement interagency agreements entered into pursuant to s. 373.046, s. 378.202, s. 378.205, or s. 378.402.

Section 12. Section 373.413, Florida Statutes, is amended to read:

373.413 Permits for construction or alteration.—

(1) Except for the exemptions set forth herein, the governing board or the department may require such permits and impose such reasonable conditions as are necessary to assure that the construction or alteration of any *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works *will comply with the provisions of this part and applicable rules promulgated thereto and* will not be harmful to the water resources of the district. The department or the governing board may delineate areas within the district wherein permits may be required.

(2) A person proposing to construct or alter a *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works subject to such permit shall apply to the governing board or department for a permit authorizing such construction or alteration. The application shall contain the following:

(a) Name and address of the applicant.

(b) Name and address of the owner or owners of the land upon which the works are to be constructed and a legal description of such land.

(c) Location of the work.

(d) Sketches of construction pending tentative approval.

(e) Name and address of the person who prepared the plans and specifications of construction.

(f) Name and address of the person who will construct the proposed work.

(g) General purpose of the proposed work.

(h) Such other information as the governing board or department may require.

(3) After receipt of an application for a permit, the governing board ~~or department~~ shall cause a notice thereof to be published *by posting in the district headquarters, and each office of the district* ~~in a newspaper having general circulation within the affected area~~. In addition, ~~the governing board or department shall send~~ a copy of such notice *shall be sent* to any person who has filed a written request for notification of any pending applications affecting the particular designated area. *Such* ~~This~~ notice shall be sent by regular mail ~~prior to the date of publication~~. The notice shall contain:

(a) The name and address of the applicant or, in the case of a corporation, the address of its principal business office;

(b) A depiction of the work, works, dams, impoundments, or other regulated facilities proposed to be constructed under permit;

(c) A map, showing the location of the proposed structure;

(d) A statement of the number of acres of wetlands, if any, to be disturbed, filled, excavated, or otherwise affected;

(e) A statement of the mitigation proposed to be undertaken by the applicant, if any;

(f)~~(b)~~ The date of filing;

(g)~~(c)~~ The date set for a hearing, if any;

(h)~~(d)~~ The source of the water to be contained;

(i)~~(e)~~ The quantity of water to be contained;

(j)~~(f)~~ The use to be made of the water and any limitation thereon; and

(k)~~(g)~~ Such other information as the governing board ~~or the department~~ may deem necessary, *in accordance with duly adopted rules.*

(4) The notice provided for *by the governing board* in subsection (3) shall state that written objections to the proposed permit may be filed with the governing board ~~or department~~ by a specified date. The governing board ~~or department~~, at its discretion, may request further information from either applicant or objectors, and a reasonable time shall be allowed for such responses.

(5) If no substantial objection to the application is received, the governing board or the department, after proper investigation by its staff, may at its discretion approve the application without a hearing. Otherwise, it shall set a time for a hearing in accordance with the provisions of chapter 120.

(6) In addition to the notice required by subsection (3), the governing board or department may cause a notice thereof to be published in a newspaper of general circulation within the affected area.

Section 13. Section 373.416, Florida Statutes, is amended to read:

373.416 Permits for maintenance or operation.—

(1) Except for the exemptions set forth in this part, the governing board or department may require such permits and impose such reasonable conditions as are necessary to assure that the operation or maintenance of any *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works *will comply with the provisions of this part and applicable rules promulgated thereto,* will not be inconsistent with the overall objectives of the district and will not be harmful to the water resources of the district.

(2) Except as otherwise provided in ss. 373.426 and 373.429, a permit issued by the governing board or department for the maintenance or operation of a *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works shall be permanent, and the sale or conveyance of such dam, impoundment, reservoir, appurtenant work, or works, or the land on which the same is located, shall in no way affect the validity of the permit, provided the owner in whose name the permit was granted notifies the governing board or department of such change of ownership within 30 days of such transfer.

(3) The governing boards shall, by November 1, 1990, establish by rule requirements for the monitoring and maintenance of stormwater management systems.

Section 14. Section 373.418, Florida Statutes, is created to read:

373.418 Rulemaking; preservation of existing authority.—

(1) It is the intent of the Legislature that stormwater management systems be regulated under this part incorporating all of existing requirements contained in or adopted pursuant to chapters 373 and 403. Neither the department nor governing boards are limited or prohibited from amending any regulatory requirement applicable to stormwater management systems in accordance with the provisions of this part. It is further the intent of the Legislature that all current exemptions under chapters 373 and 403 shall remain in full force and effect and that this act shall not be construed to remove or alter these exemptions.

(2) In order to preserve existing requirements, all rules of the department or governing boards existing on the effective date of this act, except for Florida Administrative Code Rule 17-25.090, shall be applicable to stormwater management systems and continue in full force and effect unless amended or replaced by future rulemaking in accordance with this part.

(3) The department or governing boards may adopt such rules as are necessary to implement the provisions of this part. Such rules shall be consistent with state water policy and shall not allow harm to water resources, or be contrary to the policy set forth in s. 373.016, F.S.

(4) The department or the governing boards are authorized to adopt by rule performance criteria for the review of groundwater discharge of stormwater. Upon adoption of such performance criteria the department shall not require a separate groundwater permit for permitted stormwater facilities.

Section 15. Section 373.419, Florida Statutes, is amended to read:

373.419 Completion report.—Within 30 days after the completion of construction or alteration of any *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works, the permittee shall file a written statement of completion with the governing board or department. The governing board or department shall designate the form of such statement and such information as it shall require.

Section 16. Subsections (1) and (3) of section 373.423, Florida Statutes, are amended to read:

373.423 Inspection.—

(1) During the construction or alteration of any *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works, the governing board or department *pursuant to s. 403.091* shall make at its expense such periodic inspections as it deems necessary to ensure conformity with the approved plans and specifications included in the permit.

(3) Upon completion of the work, the executive director of the district or the Department of Environmental Regulation or its successor agency shall have periodic inspections made of permitted *stormwater management systems,* dams, reservoirs, impoundments, appurtenant work, or works to protect the public health and safety and the natural resources of the state. No person shall refuse immediate entry or access to any authorized representative of the governing board or the department who requests entry for purposes of such inspection and presents appropriate credentials.

Section 17. Section 373.426, Florida Statutes, is amended to read:

373.426 Abandonment.—

(1) Any owner of any *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works wishing to abandon or remove such work may first be required by the governing board or the department to obtain a permit to do so and may be required to meet such reasonable conditions as are necessary to assure that such abandonment will not be inconsistent with the overall objectives of the district.

(2) Where any permitted *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works is not owned nor directly controlled by the state or any of its agencies and is not used nor maintained under the authority of the owner for a period of 3 years, it shall be presumed that the owner has abandoned such *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works, and has dedicated the same to the district for the use of the people of the district.

(3) The title of the district to any such *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works may be established and determined in the court appointed by statute to determine the title to real estate.

Section 18. Section 373.429, Florida Statutes, is amended to read:

373.429 Revocation and modification of permits.—The governing board or the department may revoke or modify a permit at any time if it determines that a *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works has become a danger to the public health or safety or if its operation has become inconsistent with the objectives of the district. The affected party may file a written petition for hearing no later than 14 days after notice of revocation or modification is served. If the executive director of the district or the division determines that the danger to the public is imminent, he may order a temporary suspension of the construction, alteration, or operation of the works until the hearing is concluded, or may take such action as authorized under s. 373.439.

Section 19. Section 373.433, Florida Statutes, is amended to read:

373.433 Abatement.—Any *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works which violates the laws of this state or which violates the standards of the governing board or the department shall be declared a public nuisance. The operation of such *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works may be enjoined by suit by the state or any of its agencies or by a private citizen. The governing board or the department shall be a necessary party to any such suit. Nothing herein shall be construed to conflict with the provisions of s. 373.429.

Section 20. Subsection (1) of section 373.436, Florida Statutes, is amended to read:

373.436 Remedial measures.—

(1) Upon completion of any inspection provided for by s. 373.423(3), the executive director *or the department* shall determine what alterations or repairs are necessary and order that such alterations and repairs shall be made within a time certain, which shall be a reasonable time. The owner of such *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works may file a written petition for hearing before the governing board or the department no later than 14 days after such order is served. If, after such order becomes final, the owner shall fail to make the specified alterations or repairs, the governing board or the department may, in its discretion, cause such alterations or repairs to be made.

Section 21. Subsections (1) and (3) of section 373.439, Florida Statutes, are amended to read:

373.439 Emergency measures.—

(1) The executive director, with the concurrence of the governing board, or the department ~~of Environmental Regulation~~ shall immediately employ any remedial means to protect life and property if either:

(a) The condition of any *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works is so dangerous to the safety of life or property as not to permit time for the issuance and enforcement of an order relative to maintenance or operation.

(b) Passing or imminent floods threaten the safety of any *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works.

(3) The executive director or the Department of Environmental Regulation shall continue in full charge and control of such *stormwater management system,* dam, impoundment, reservoir, and its appurtenant works until they are rendered safe or the emergency occasioning the action has ceased.

Section 22. Section 373.443, Florida Statutes, is amended to read:

373.443 Immunity from liability.—No action shall be brought against the state or district, or any agents or employees of the state or district, for the recovery of damages caused by the partial or total failure of any *stormwater management system,* dam, impoundment, reservoir, appurtenant work, or works upon the ground that the state or district is liable by virtue of any of the following:

(1) Approval of the permit for construction or alteration.

(2) The issuance or enforcement of any order relative to maintenance or operation.

(3) Control or regulation of *stormwater management systems,* dams, impoundments, reservoirs, appurtenant work, or works regulated under this chapter.

(4) Measures taken to protect against failure during emergency.

Section 23. Subsections (5), (6), and (7) of section 373.451, Florida Statutes, are amended, and subsection (8) is added to said section, to read:

373.451 Short title; legislative findings and intent.—

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

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

(7) It is also the intent of the Legislature that *the department shall conduct or coordinate* statewide research *by the water management districts or others* ~~be conducted~~ to provide a better scientific understanding of the causes and effects of surface water pollution and of the destruction of natural systems in order to improve and manage surface waters and associated natural systems.

(8) The state, through the department, shall provide funds from the Surface Water Improvement and Management Trust Fund to assist with the implementation of the district plans and programs under this act. However, to achieve the goals of this act, cooperation and funding is necessary from the state, the water management districts, and local governments.

Section 24. Section 373.453, Florida Statutes, is amended to read:

373.453 Surface water improvement and management plans and programs.—

(1)*(a)* Each water management district, in cooperation with the department ~~of Environmental Regulation~~, *the Department of Agriculture and Consumer Services, the Department of Community Affairs,* the Game and Fresh Water Fish Commission, ~~and~~ the Department of Natural Resources, *and local governments* shall prepare *and maintain* a list~~, by March 1, 1988,~~ which shall prioritize water bodies of regional or statewide significance within each water management district. *The list shall be reviewed and updated every 3 years.* The list shall be based on criteria adopted by rule of the department ~~of Environmental Regulation~~ and shall assign priorities to the water bodies based on their need for protection and restoration.

(b) Criteria developed by the department ~~of Environmental Regulation~~ shall include, but need not be limited to, consideration of violations of water quality standards occurring in the water body, the amounts of nutrients entering the water body and the water body's trophic state, the existence of or need for a continuous aquatic weed control program in the water body, the biological condition of the *water body* ~~lake~~, reduced fish and wildlife values, and threats to agricultural and urban water supplies and *public* recreational opportunities. ~~The sum of $500,000 shall be available from the Surface Water Improvement and Management Trust Fund to the Department of Environmental Regulation for fiscal year 1987-1988 to be used cooperatively by the department and the water management districts to identify and prioritize water bodies within the district that are of regional and statewide significance and in need of restoration.~~

(c) In developing their respective priority lists, water management districts shall give consideration to the following priority areas:

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

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

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

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

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

(b) An identification of all governmental units that have jurisdiction over the water body and *its drainage basin within the approved surface water improvement and management plan area* ~~the land within a 1-mile perimeter of the water body,~~ including local, regional, state, and federal units;

(c) A description of ~~adjacent~~ land uses *within the drainage basin within the approved surface water improvement and management plan area* and those of important tributaries, point and nonpoint sources of pollution, and permitted discharge activities;

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

1. Operating without a permit;

2. Operating with a temporary operating permit; and

3. Presently violating effluent limits or water quality standards.

The plan shall also include *recommendations and schedules* ~~a timetable~~ for bringing all sources into compliance with state standards when not contrary to the public interest. This paragraph does not authorize any existing or future violation of any applicable statute, ~~or~~ regulation, *or permit requirement,* and does not diminish the authority of the department *or the water management district* ~~of Environmental Regulation~~;

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

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

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

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

(i) A schedule for restoration and protection of the water body; and

(j)~~(i)~~ An estimate of the funding needed to carry out the restoration *or protection* strategies.

(3) Each water management district shall be responsible for planning~~, implementing,~~ and coordinating restoration *or protection* strategies for the priority water bodies within the district which have been approved by the department ~~of Environmental Regulation~~ as water bodies of regional and statewide significance in need of *protection or* restoration. The governing board of the appropriate water management district shall hold at least one public hearing and public workshops in the vicinity of the water body under consideration as may be necessary for obtaining public input prior to finalizing the surface water improvement and management plans for the water bodies on the priority list. The water management district shall then forward a copy of the plans to the department ~~of Environmental Regulation~~ and to appropriate local governmental units.

(4) ~~By September of 1988 and~~ Each September *1* ~~thereafter,~~ the water management districts *shall submit a funding proposal for the next state fiscal year to the department for its review and approval. The proposal shall specify,* ~~in cooperation with the Department of Environmental Regulation, shall develop a funding proposal for the next fiscal year's water restoration activities for priority water bodies which specifies~~ the activities that need *state* funding and the amounts of funding, and *shall describe* ~~fully describes~~ the specific restoration *or protection* activities proposed. *The department shall review water management district funding proposals and shall consider them in making its annual budget request.*

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

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

Section 25. Section 373.455, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 373.455, F.S., for present text.)

373.455 Review of surface water improvement and management plans.—

(1) At least 60 days prior to consideration by the governing board pursuant to s. 373.456(1) of its surface water improvement and management plan, a water management district shall transmit its proposed plan to the department, the Department of Agriculture and Consumer Services, the Game and Fresh Water Fish Commission, the Department of Community Affairs, the Department of Natural Resources, and local governments.

(2)(a) The department shall review each plan to determine:

1. Whether the costs described in the plan, as projected by the water management districts, are reasonable estimates of the actual costs;

2. The likelihood that the plan will significantly improve or protect water quality and associated natural resources; and

3. Whether the plan activities can be funded based on available revenues within the Surface Water Improvement and Management Trust Fund or other funding which may be proposed by the department, the districts, or local governments.

(b) If the department determines that a plan does not meet these requirements, the department shall recommend to the district modifications or additions to the plan to the governing board at the time of its consideration of the plan pursuant to s. 373.456(1).

(3) The Game and Fresh Water Fish Commission shall review each proposed surface water improvement and management plan to determine the effects of the plan on wild animal life and fresh water aquatic life and their habitats. If the commission determines that the plan has adverse effects on these resources and that such adverse effects exceed the beneficial effects on these resources, the commission shall recommend modifications of or additions to the plan to the district governing board at the time it considers the plan pursuant to s. 373.456(1), or any modifications or additions which would result in additional beneficial effects on wild animal life or fresh water aquatic life or their habitats.

(4) The Department of Natural Resources shall review each proposed surface water improvement and management plan to determine the effects of the plan on state-owned lands and on marine and estuarine aquatic life and their habitats. If the Department of Natural Resources determines that the plan has adverse effects on these resources and that such adverse effects exceed the beneficial effects on these resources, the department shall recommend modifications of, or additions to, the plan to the district governing board at the time it considers the plan pursuant to s. 373.456(1).

(5) The Department of Agriculture and Consumer Services shall review each proposed surface water improvement and management plan to determine the effects of the plan on the agricultural resources of the area and the state. If the Department of Agriculture and Consumer Services determines that the plan has adverse effects on these resources and that such adverse effects exceed the beneficial effects on these resources, the department shall recommend modifications of, or additions to, the plan to the district governing board at the time it considers the plan pursuant to s. 373.456(1).

(6) The Department of Community Affairs shall review each proposed surface water improvement and management plan to determine the effects of the plan on the State Comprehensive Plan and Areas of Critical State Concern. If the Department of Community Affairs determines that the plan has adverse effects on the State Comprehensive Plan or these resources and that such adverse effects exceed the beneficial effects on these resources, the department shall recommend modifications of, or additions to, the plan to the district governing board at the time it considers the plan pursuant to s. 373.456(1).

(7) The local governments shall review each proposed surface water improvement and management plan and provide comments as to the effects of the plan on local resources consistent with the intent of this act. If the local government determines that the plan has adverse effects on these resources and that such adverse effects exceed the beneficial effects on these resources, the local government shall recommend modifications of or additions to the district governing board at the time it considers the plan pursuant to s. 373.456(1).

Section 26. Section 373.456, Florida Statutes, is created to read:

373.456 Approval of surface water improvement and management plans.—

(1) After consideration of the comments and recommendations submitted pursuant to s. 373.455 and any other public comments, the governing board shall approve the surface water improvement and management plan. Within 15 days of approval, the district shall transmit the plan to the department.

(2) The department shall have the exclusive authority to review the plan to ensure consistency with the state water policy and the State Comprehensive Plan.

(3) Within 30 days after receipt of an approved plan, the department shall submit a determination of consistency to the governing board. The determination of the department shall not constitute a rule or order.

(4) If the department determines that the plan is consistent, the district shall publish notice in the Florida Administrative Weekly. The plan shall be considered effective and shall constitute final agency action of the governing board on the date of advertisement.

(5) If the department determines that the plan is not consistent, the following procedure shall apply:

(a) The secretary shall notify the governing board of the changes recommended by the department to make the plan consistent. The governing board shall review the recommended change at its next regularly scheduled meeting.

(b) Upon conclusion of its review, the governing board shall either incorporate the recommended changes into the plan or state in the plan the reasons for not adopting the changes. The governing board's action shall then be effective and shall constitute final agency action. The plan shall be subject to review pursuant to s. 373.114 as of the date of the governing board action approving the plan after completion of any necessary reviews.

Section 27. Subsection (3) of section 373.457, Florida Statutes, is amended to read:

373.457 Implementation of surface water improvement and management plans and programs.—

(3) *To facilitate appropriate and timely implementation,* each water management district shall *coordinate the implementation of approved* ~~prepare detailed plans for and shall implement the programs in its~~ surface water improvement and management *plans* ~~plan upon the release of funds by the Department of Environmental Regulation~~.

Section 28. Subsections (1), (2), and (3) of section 373.459, Florida Statutes, are amended to read:

373.459 Surface Water Improvement and Management Trust Fund.—

(1) There is created, within the department ~~of Environmental Regulation~~, the Surface Water Improvement and Management Trust Fund to be used as a nonlapsing fund for the deposit of funds appropriated by the Legislature for the purposes of ss. 373.451-373.4595 *and are not subject to the provisions of s. 216.301.* The department shall administer all funds appropriated to or received for the Surface Water Improvement and Management Trust Fund. The moneys in the Surface Water Improvement and Management Trust Fund are continually appropriated for the purposes of ss. 373.451-373.4595. Expenditure of the moneys shall be limited to the costs of detailed planning for and implementation of programs prepared for priority surface waters. Moneys from the fund shall not be expended for planning for, or construction or expansion of, treatment facilities for domestic or industrial waste disposal.

(2) The secretary of the department ~~of Environmental Regulation~~ shall authorize the release of money from the Surface Water Improvement and Management Trust Fund within 30 days after receipt of a *request* ~~resolution~~ adopted by the governing board of a water management district *or by the executive director when authority has been delegated by the governing board,* certifying that the money is needed for detailed planning for or implementation of *plans* ~~programs~~ approved pursuant to *ss. 373.425,* ~~s.~~ 373.453, *373.455, and 373 456. A water management district may not receive more than 50 percent of the moneys in*

the Surface Water Improvement and Management Trust Fund in any fiscal year unless otherwise provided for by law. Beginning in fiscal year 1990-1991, and each year after funds are appropriated, each water management district shall receive the amount requested pursuant to s. 373.453(4), or 10 percent of the money in the appropriation, whichever is less. The department shall allocate the remaining money in the appropriation annually, based upon the specific needs of the districts. The department, at its discretion, may include any funds allocated to a district in previous years which remain unencumbered by the district on July 1, to the amount of money to be distributed based upon specific needs of the districts. ~~Beginning with the state fiscal year 1988-1989 and annually thereafter, a water management district may not receive more than 30 percent of the moneys in the Surface Water Improvement and Management Trust Fund in any fiscal year unless otherwise provided by law.~~

(3) The amount of money that may be released to a water management district from the Surface Water Improvement and Management Trust Fund for approved *plans* ~~programs~~, or continuations of approved *plans* ~~programs~~, to improve and manage the surface waters described in ss. 373.451-373.4595 is limited to not more than 80 percent of the amount of money necessary for the approved *plans* ~~programs~~. The district shall provide at least 20 percent of the amount of money necessary for the *plans* ~~programs~~.

Section 29. Subsections (13), (14), (15), (16), and (17) are added to section 403.031, Florida Statutes, to read:

403.031 Definitions.—In construing this chapter, or rules and regulations adopted pursuant hereto, the following words, phrases, or terms, unless the context otherwise indicates, have the following meanings:

(13) "State water policy" means the comprehensive statewide policy as adopted by the department pursuant to ss. 373.026 and 403.061, setting forth goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources.

(14) "Stormwater management program" means the institutional strategy for stormwater management, including urban, agricultural, and other stormwater.

(15) "Stormwater management system" means a system which is designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use, or reuse water to prevent or reduce flooding, over drainage, environmental degradation and water pollution or otherwise affect the quantity and quality of discharges from the system.

(16) "Stormwater utility" means the funding of a stormwater management program by assessing the cost of the program to the beneficiaries based on their relative contribution to its need. It is operated as a typical utility which bills services regularly, similar to water and wastewater services.

(17) "Watershed" means the land area which contributes to the flow of water into a receiving body of water.

Section 30. Subsections (32) and (33) are added to section 403.061, Florida Statutes, 1988 Supplement, to read:

403.061 Department; powers and duties.—The department shall have the power and the duty to control and prohibit pollution of air and water in accordance with the law and rules and regulations adopted and promulgated by it and, for this purpose, to:

(32) Coordinate the state's stormwater program.

(33) Adopt by rule a state water policy, which shall provide goals, objectives, and guidance for the development and review of programs, rules, and plans relating to water resources. This state water policy shall be consistent with the State Comprehensive Plan and may include such department rules as are specifically identified in the policy.

Section 31. Section 403.0891, Florida Statutes, is amended to read:

403.0891 *State, regional, and local stormwater management plans and programs* ~~Assessment of stormwater management systems.~~—*The department, the water management districts, and local governments shall have the responsibility for the development of mutually compatible stormwater management programs.*

(1) The department shall include goals in the state water policy for the proper management of stormwater.

(2) Each water management district to which the state's stormwater management program is delegated shall establish district and, where appropriate, watershed or drainage basin stormwater management goals which are consistent with the goals adopted by the state and with plans adopted pursuant to ss. 373.451-373.4595, the Surface Water Improvement and Management Act.

(3)(a) Each local government required by chapter 163 to submit a comprehensive plan, whose plan is submitted after July 1, 1992, and the others when updated after July 1, 1992, in the development of its stormwater management program described by elements within its comprehensive plan shall consider state water policy, district stormwater management goals, plans approved pursuant to the Surface Water Improvement and Management Act, ss. 373.451-373.4595, and technical assistance information provided by the water management districts pursuant to s. 373.0391.

(b) Local governments are encouraged to consult with the water management districts, the Department of Transportation, and the department before adopting or updating their local government comprehensive plan or public facilities report as required by s. 189.415, whichever is applicable.

(4) The Department of Transportation shall inventory and map primary stormwater management systems constructed, operated, or maintained by the Department of Transportation in each water management district. The inventory shall include available design calculations, conditions, capacity, photographic and drainage maps, and other pertinent information and shall be submitted to the water management district in which the system is located by July 1, 1993. However, completion of both the inventory and the mapping effort shall be by July 1, 1991, for systems which affect designated priority water bodies under ss. 373.451-373.4595, the Surface Water Improvement and Management Act. The Department of Transportation shall submit an annual report of progress on the mapping effort to the Department of Environmental Regulation.

(5)~~(1)~~ The department, in coordination and cooperation with water management districts and local governments, shall *conduct a continuing review of the costs of* ~~perform an assessment of the impacts of existing~~ stormwater management systems *and the effect* on water quality and *quantity, and fish and wildlife values* ~~the estimated cost of treatment~~. The *department, the water management districts, and local governments shall use the review for planning purposes and to establish priorities for* ~~assessment shall be used to establish a prioritization of~~ watersheds and ~~existing~~ stormwater *management* systems which require better management and treatment of stormwater *with emphasis on the costs and benefits of needed improvements to stormwater management systems to better meet needs for flood protection and protection of water quality, and fish and wildlife values*~~, and shall specify applicable performance standards~~.

(6)~~(2)~~ The results of the *review shall be maintained by the department and the water management districts and shall be provided to appropriate local governments or other parties on request. The results also shall be used in the development of the goals developed pursuant to subsections (1) and (2)* ~~stormwater assessment shall be presented in a report to be submitted to the Speaker of the House of Representatives and the President of the Senate by no later than March 1, 1987~~.

Section 32. Section 403.0893, Florida Statutes, is amended to read:

403.0893 Stormwater *funding; dedicated funds for stormwater management* ~~utility~~.—In addition to any other funding mechanism legally available to local government to construct, operate, or maintain stormwater systems, a county or municipality may:

(1) *Create one or more stormwater utilities and* adopt ~~a~~ stormwater utility *fees sufficient to plan, construct, operate, and maintain stormwater management systems set out in the local program required pursuant to s. 403.0891(3)* ~~fee~~; or

(2) *Establish and set aside, as a continuing source of revenue, other funds sufficient to plan, construct, operate, and maintain stormwater management systems set out in the local program required pursuant to s. 403.0891(3); or*

(3) Create, *alone or in cooperation with counties, municipalities, and special districts pursuant to the Interlocal Cooperation Act, s. 163.01, one or more* ~~a~~ stormwater *management system* ~~facility~~ benefit *areas* ~~area~~. All property owners within said area may be assessed a per acreage fee to fund the *planning,* construction, operation, maintenance, and administration of a public stormwater *management system for* ~~facility which serves~~ the benefited area. Any ~~facility~~ benefit area containing different land uses which receive substantially different levels of stormwater benefits shall include *stormwater management system* ~~facility~~ benefit subareas which shall be assessed different per acreage fees from subarea to subarea based upon a reasonable relationship to benefits received. *The fees shall be calculated to generate sufficient funds to plan, construct, operate, and maintain stormwater management systems called for in the local program required pursuant to s. 403.0891(3). For fees assessed pursuant to this section, counties or municipalities may use the non-ad valorem levy, collection, and enforcement method as provided for in chapter 197.*

Section 33. Subsection (3) of section 403.1822, Florida Statutes, is amended to read:

403.1822 Definitions for ss. 403.1821-403.1832.—As used in ss. 403.1821-403.1832, the term:

(3) "Local governmental agencies" refers to any municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing, acting jointly in connection with a project, having jurisdiction over collection, transmission, treatment, or disposal of sewage, industrial wastes, *stormwater,* or other wastes and includes a district or authority the principal responsibility of which is to provide airport, industrial or research park, or port facilities to the public.

Section 34. Subsection (8) of section 403.1826, Florida Statutes, is amended to read:

403.1826 Grants, requirements for eligibility.—

(8) Any local governmental agency receiving assistance under ss. 403.1821-403.1832 shall keep such records as the department prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with such assistance given or used, the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The department and the Auditor General or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to grants received under ss. 403.1821-403.1832. *Upon project completion, the local governmental agency shall submit to the department a separate audit, by an independent certified public accountant, of the grant expenditures.*

Section 35. Subsections (1), (2), and (3), paragraph (a) of subsection (5), paragraph (b) of subsection (6), and subsection (9) of section 403.1835, Florida Statutes, are amended, paragraph (f) is added to subsection (6), and subsection (10) is added to said section, to read:

403.1835 *Wastewater facilities and stormwater management systems* ~~Sewage treatment facilities~~ revolving loan program.—

(1) The purpose of this section is to assist in implementing the legislative declaration of public policy as contained in s. 403.021 by establishing a loan program to accelerate construction of *wastewater facilities and stormwater management systems* ~~sewage treatment facilities~~ by local governmental agencies *and to assist local governmental agencies in implementing stormwater management programs and to develop and implement estuary conservation and management plans.*

(2) For the purposes of this section, the following terms, unless the context otherwise indicates, shall have the meanings ascribed to them in this subsection:

(a) "Local governmental agencies" means local governmental agencies as defined in s. 403.1822(3).

(b) "*Wastewater* ~~Sewage treatment~~ facilities" means all facilities necessary, including land, for the collection, treatment, *or* ~~and~~ disposal of *domestic* wastewater.

(c) "Bonds" means state bonds, certificates, or other obligations of indebtedness issued by the Division of Bond Finance of the Department of General Services pursuant to this section and the State Bond Act.

(3) The department is authorized to make loans to local governmental agencies to assist said agencies in the planning, designing, and construction of *wastewater facilities and stormwater management systems* ~~sewage treatment facilities~~ and in the acquisition of land necessary for such construction. *The department is also authorized to make loans to local governmental agencies for the implementation of stormwater management programs under 319 of the Federal Water Pollution Control Act and for development and implementation of estuary conservation and management plans under s 320 of the Federal Water Pollution Control Act, as amended.* The department is authorized to use the funds to provide loan guarantees, to purchase loan insurance, and to refinance local debt through the issue of new loans for projects approved by the department. Local governmental agencies are authorized to borrow funds made available pursuant to this section and may pledge any revenue available to them to repay any funds borrowed.

(5)(a) The department is authorized to make rules necessary to carry out the purpose of this section, *including rules to administer the state revolving fund authorized pursuant to the Federal Water Pollution Control Act, as amended.*

(6) Prior to approval of a loan, the local government shall:

(b) Submit plans and specifications for *wastewater facilities or stormwater management systems* ~~sewage treatment facilities~~.

(f) Provide assurance that annual financial audit reports, and a separate project audit prepared by an independent certified public accountant upon project completion, will be submitted to the department.

(9) A trust fund with revolving loan provisions to be known as the "*Wastewater Treatment and Stormwater Management Revolving* ~~Sewage Treatment~~ Loan Fund" is hereby established in the State Treasury to be used as a revolving fund by the department to carry out the purpose of this section. Any funds therein *which are* not needed on an immediate basis for loans may be invested pursuant to s. 215.49. *The cost of administering the program shall, to the extent possible, be paid from federal funds and, when federal funds become no longer available, from reasonable service fees that may be imposed upon loans.* ~~The cost of administering this program shall be paid by the department from funds appropriated to it.~~ Grants awarded by the Federal Government to fund revolving loans for local governmental agencies' *wastewater facilities and stormwater management systems* ~~sewage treatment facilities~~ shall be deposited in the ~~Sewage Treatment Loan~~ fund. All funds available in the ~~sewage treatment loan~~ fund are hereby designated to carry out the purpose of this section.~~, and~~ The principal *and interest* of all loans repaid *and investment earnings* ~~or investments made~~ shall be deposited into this fund.

(10) Funds available in, or to become available in, the Wastewater Treatment and Stormwater Management Revolving Loan Fund and loan repayments to the department from local governmental agencies may be used to pay debt service on, or fund debt service reserve funds, rebate obligations, or other amounts with respect to bonds issued for purposes of the Wastewater Treatment and Stormwater Management Facilities Revolving Loan Program. Such bonds are hereby authorized to be issued pursuant to the provisions of s. 14, Art. VII of the State Constitution and s. 403.1834. All bonds issued pursuant to this section shall be issued by the Division of Bond Finance pursuant to the State Bond Act. Such bonds shall be secured by a debt service reserve which shall be funded at a level which is equal to the maximum annual debt service or the maximum sinking fund requirement where there are no annual payments of principal and interest, but shall not exceed the maximum amount allowed pursuant to the Internal Revenue Code of 1986, as amended. In lieu of such debt service reserve, the Division of Bond Finance may obtain a letter of credit, insurance policy, or other credit enhancement facility at the required level.

Section 36. Subsection (7) is added to section 403.1838, Florida Statutes, to read:

403.1838 Small Community Sewer Construction Assistance Act.—

(7) Any local government agency which receives assistance under this section shall keep such records as the department prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of such assistance, the total cost of the project, the amount of that portion of the project supplied by other sources, and such other records as will facilitate effective audit. The department and

the Auditor General or any of their duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to grants received under this section. Upon project completion, the local government agency shall submit to the department a separate audit, by an independent certified public accountant, of the grant expenditures.

Section 37. Section 403.812, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 403.812, F.S., for present text.)

403.812 Dredge and fill permitting in stormwater management systems.—The department shall not require dredge and fill permits for stormwater management systems where such systems are located landward of the point of connection to waters of the state and are designed, constructed, operated, and maintained for stormwater treatment, flood attenuation, or irrigation. The waters within such systems, unless designed, constructed, operated, and maintained for in-water recreational uses, such as swimming and boating, shall not be considered waters of the state; however, if the system provides other incidental uses and is accessible to the public, then the department may require reasonable assurance that water quality within the system will not adversely impact public health, fish and wildlife in adjacent waters, or adjacent waters. The department shall not require dredge and fill permits for structures designed solely to connect stormwater management systems to waters of the state provided that the connection of such system to waters of the state is regulated pursuant to chapter 373. The department shall initiate rulemaking to implement the provisions of this section.

Section 38. *The state, through the Department of General Services, the Department of Transportation, and other agencies, shall construct, operate, and maintain buildings, roads, and other facilities it owns, leases, or manages to fully comply with state, water management district, and local government stormwater management programs.*

Section 39. Subsection (3) is added to section 373.046, Florida Statutes, to read:

373.046 Interagency agreements.—

(3) Each water management district is authorized to adopt rules or enter into interagency agreements with the Department of Natural Resources providing that the water management districts shall have an opportunity to review and comment upon matters within the jurisdiction of each district that are addressed by reclamation activities subject to the provisions of ss. 378.201-378.212 or s. 378.601. Activities covered by such rules or interagency agreements shall not be subject to the permitting requirement of part IV of this chapter. However, to the extent that any dam, impoundment, dike, levee, work, or appurtenant work remains after completion of all reclamation activities, such facilities shall be subject to the requirments of part IV of this chapter pertaining to operation, maintenance, and abandonment. A water management district, upon entering into such interagency agreement with the Department of Natural Resources shall provide notice of such action by publication in a newspaper having general circulation in the affected area.

(Renumber subsequent section.)

Amendment 1 to House Amendment 1—On page 32, line 13 after the period insert:

Section 32. Section 403.0896, Florida Statutes, is created to read:

403.0896 Training and assistance for stormwater management system personnel.—The Stormwater Management Assistance Consortium of the State University System, working in cooperation with the community colleges in the state, interested accredited private colleges and universitities, the department, the water management districts, and local governments, shall develop training and assistance programs for persons responsible for designing, building, inspecting, or operating and maintaining stormwater management systems.

(Renumber subsequent sections.)

Amendment 2 to House Amendment 1—On page 1, line 12, insert:

Section 3. Subsection (3) is added to section 253.01, Florida Statutes, to read:

253.01 Internal Improvement Trust Fund established.—

(3) The Trustees of the Internal Improvement Trust Fund are authorized to spend up to one hundred percent of the revenue received from leases of state land in the Everglades Agriciultural Area to assist the cleanup and protection of Lake Okeechobee and the Everglades by providing grants to the South Florida Water Management District.

(Renumber subsequent sections.)

Amendment 2—On page 1, line 13, after the semicolon (;) insert: relating to stormwater; amending s. 187.201, F.S.; revising provisions of law relating to the State Comprehensive Plan to include reference to stormwater and wastewater runoff provisions relating to agriculture; providing intent; amending ss. 373.016, 373.019, 373.026, 373.103, 373.109, 373.403, 373.406, 373.413, 373.416, 373.419, 373.423, 373.426, 373.429, 373.433, 373.436, 373.439, 373.443, 373.451, 373.453, 373.455, 373.457, and 373.459, F.S., and creating ss. 373.0391, 373.418, and 373.456, F.S.; revising the Florida Water Resources Act of 1972; providing legislative policy; providing definitions; providing additional powers of the Department of Environmental Regulation; providing for technical assistance to local governments; revising language with respect to certain powers which may be vested in the governing board of a water management district; including monitoring and inspecting in language relating to permit fees; providing exemptions; providing permits for certain construction or alterations; including stormwater management systems in language dealing with permits for maintenance or operation; providing for rulemaking; preserving existing rules; providing for certain completion reports; providing for inspection, abandonment, revocation, and modification of permits; providing for abatement, remedial, and emergency measures with respect to stormwater management systems; providing immunity from liability; revising the Surface Water Improvement and Management Act; revising language with respect to plans and programs; providing for review of such plans; providing for approval of such plans; revising language with respect to the Surface Water Improvement and Management Trust Fund; amending s. 373.046, F.S.; authorizing interagency agreements between water management districts and the Department of Natural Resources; amending s. 403.031, F.S.; revising the Florida Air and Water Pollution Control Act; providing definitions; amending s. 403.061, F.S.; increasing duties of the Department of Environmental Regulation; amending s. 403.0891, F.S.; providing for state, regional, and local stormwater management plans and programs; amending s. 403.0893, F.S.; providing for stormwater funding and dedicated funds for stormwater management; creating s. 403.0896, F.S.; providing for training and assistance for stormwater management system personnel; amending s. 403.1822, F.S.; redefining the term "local governmental agencies"; amending s. 403.1826, F.S.; revising language with respect to certain grants; amending s. 403.1835, F.S.; providing for wastewater facilities and stormwater management revolving loans; amending s. 403.1838, F.S.; revising language with respect to the Small Community Sewer Construction Assistance Act; amending s. 403.812, F.S.; providing for dredge and fill permitting in stormwater management systems; creating the Stormwater Management Trust Fund; providing for quarterly transferral of funds into the Surface Water Improvement and Management Trust Fund; providing a directive to the state to comply with certain stormwater management programs;

Amendment 3 to House Amendment 2—In title, on page 1, line 12, after the first semicolon (;) insert: amending s. 253.01, F.S.; authorizing the Trustees of the Internal Improvement Trust Fund to spend certain revenue to assist the cleanup and protection of certain areas;

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

CS for SB 484 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	Brown	Childers, D.	Davis
Bankhead	Bruner	Childers, W. D.	Dudley
Beard	Casas	Crenshaw	Forman

Gardner	Kirkpatrick	Meek	Souto
Girardeau	Kiser	Myers	Thomas
Gordon	Langley	Peterson	Thurman
Grant	Malchon	Plummer	Walker
Grizzle	Margolis	Ros-Lehtinen	Weinstein
Johnson	McPherson	Scott	Woodson-Howard

Nays—1

Weinstock

Vote after roll call:

Nay to Yea—Weinstock

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 1525 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 1525—A bill to be entitled An act relating to the State Infrastructure Fund; amending s. 212.235, F.S.; providing for reversion of receipts to the General Revenue Fund; providing for transfer of additional funds into the State Infrastructure Fund; providing an effective date.

Amendment 1—On page 1, lines 11-24, strike everything after the enacting clause and insert:

Section 1. Subsections (3) and (4) are added to section 212.235, Florida Statutes, 1988 Supplement, to read:

212.235 State Infrastructure Fund; deposits.—

(3) Notwithstanding other provisions of this section, funds received pursuant to s. 201.15(5) and paragraph (1)(a) in excess of $350 million shall revert to the General Revenue Fund.

(4) Notwithstanding the maximum receipts specified in paragraph (1)(b) and in addition to said amount, additional funds may be transferred into the State Infrastructure Fund and may be appropriated for the purposes specified in subsection (2). At least $150 million of such funds shall be deposited annually into the State Infrastructure Fund from capital outlay sources or from nonrecurring funds available.

Section 2. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

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

SB 1525 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	Dudley	Malchon	Thomas
Bankhead	Forman	Margolis	Thurman
Beard	Gardner	McPherson	Walker
Brown	Girardeau	Meek	Weinstein
Bruner	Gordon	Myers	Weinstock
Casas	Grant	Peterson	Woodson-Howard
Childers, D.	Grizzle	Ros-Lehtinen	
Childers, W. D.	Kiser	Souto	
Davis	Langley	Stuart	

Nays—None

On motions by Senator W. D. Childers, by two-thirds vote CS for HB 767 was withdrawn from the Committee on Insurance.

On motion by Senator W. D. Childers, by unanimous consent—

CS for HB 767—A bill to be entitled An act relating to motor vehicle personal injury protection benefits; amending s. 627.736, F.S.; providing maximum reimbursement allowance for certain procedures; providing an effective date.

—was taken up out of order. On motions by Senator W. D. Childers, by two-thirds vote CS for HB 767 was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Langley	Scott
Beard	Forman	Malchon	Souto
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Stuart

On motion by Senator Gardner, by unanimous consent—

CS for HB 1119—A bill to be entitled An act relating to airports; amending s. 332.004, F.S.; providing definitions; amending s. 332.006, F.S.; providing for separate identification of development projects and discretionary capacity improvement projects in the statewide aviation system plan; permitting expenditure of funds on road and rail transportation systems which are on airport property; amending s. 332.007, F.S.; providing funding priority for specified airport development projects; authorizing expenditure of funds for projects which provide for construction of an automatic weather observation station; authorizing retroactive reimbursement for the nonfederal share of certain land acquisition projects; authorizing participation by the Department of Transportation in the capital cost of eligible public airport and aviation discretionary capacity improvement projects; authorizing expenditure of funds for projects which provide public rail transit access; limiting the amount of discretionary capacity improvement project funds that a single airport may receive; allowing the department to transfer funds for discretionary capacity improvement projects within the discretionary capacity improvements program; setting the rate of participation by the department in the costs of eligible discretionary capacity improvement projects, including land acquisition projects; amending s. 332.01, F.S.; revising the definition of "airport" to include access to airport facilities; amending s. 334.046, F.S.; revising department program objectives to include meeting capacity needs of the airport and aviation system; amending s. 339.08, F.S.; authorizing the use of moneys in the State Transportation Trust Fund to pay for aviation projects; amending s. 333.01, F.S.; providing definitions; amending s. 333.02, F.S.; providing for regulation of land uses in the vicinity of airports; amending s. 333.03, F.S.; providing for adoption of zoning regulations for runway clear zones and airport land use compatibility; creating s. 333.031, F.S.; providing for a study commission; amending s. 333.05, F.S.; providing for adoption of zoning regulations in runway clear zones; amending s. 333.06, F.S.; providing for zoning requirements; amending s. 333.07, F.S.; providing for variance requirements; providing an effective date.

—was taken up out of order. On motions by Senator Gardner, by two-thirds vote CS for HB 1119 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—38

Mr. President	Dudley	Langley	Souto
Bankhead	Forman	Malchon	Stuart
Beard	Gardner	Margolis	Thomas
Brown	Girardeau	McPherson	Thurman
Bruner	Gordon	Meek	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Johnson	Plummer	Woodson-Howard
Crenshaw	Kirkpatrick	Ros-Lehtinen	
Davis	Kiser	Scott	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 582 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 582—A bill to be entitled An act relating to criminal law and procedure; amending s. 775.084, F.S.; providing that prior convictions for qualified offenses outside of the state may be used to determine if a defendant is a habitual felony offender; expanding the definition of qualified offense for purposes of habitual felony offender; adding aggravated battery to the list of previous convictions for which habitual violent felony offender penalties may be imposed; amending s. 775.0842, F.S.; providing for career criminal prosecution of arrestees who qualify as habitual felony offenders or habitual violent felony offenders, and reenacting s. 775.0843(1) and (5), F.S., relating to policies for career criminal cases, to incorporate said amendment in references; amending s. 493.30, F.S.; defining the term "repossession"; amending s. 493.306, F.S.; limiting the number of repossessor interns a repossessor may supervise; amending s. 493.317, F.S.; revising prohibited acts; creating s. 493.3175, F.S.; providing procedures for the sale of repossessed property; providing a penalty; amending s. 493.318, F.S; providing procedures for the disposition of certain recovered property not covered by a security agreement; amending s. 493.321, F.S.; providing penalties; requiring certain information to be displayed on certain vehicles; providing for review and repeal; amending s. 901.15, F.S.; providing for when arrest by a law enforcement officer without a warrant is lawful; amending s. 741.30, F.S.; providing for holding certain respondents in actions for injunction for protection against domestic violence in custody; amending s. 784.046, F.S.; providing for holding certain respondents in actions by victims of repeat violence for protective injunction in custody; providing an effective date.

Amendment 2—On page 11, line 29, through page 13, line 6, strike all of said lines.

Amendment 3—On page 2, lines 2-10, strike all of said lines through "custody" on line 10.

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

SB 582 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	Kiser	Ros-Lehtinen
Bankhead	Forman	Langley	Souto
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Meek	Weinstein
Childers, D.	Grizzle	Myers	Weinstock
Childers, W. D.	Johnson	Peterson	Woodson-Howard
Davis	Kirkpatrick	Plummer	

Nays—None

Vote after roll call:

Yea—Stuart

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 2 and 5, has refused to concur in Senate Amendments 1, 3 and 4 and requests the Senate to recede and has passed HB 1326 as amended and requests the concurrence of the Senate.

John B. Phelps, Clerk

HB 1326—A bill to be entitled An act relating to substance abuse prevention; creating the "Juvenile Substance Abuse Prevention Act of 1989"; creating ss. 396.1816 and 397.215, F.S.; providing legislative findings and intent; providing definitions; providing for establishment or designation of juvenile substance abuse prevention and early intervention councils; providing membership, purpose, and contractual authority; requiring annual reporting; providing an effective date.

On motions by Senator Girardeau, the Senate receded from Senate Amendments 1, 3 and 4.

HB 1326 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Dudley	Langley	Souto
Bankhead	Forman	Malchon	Thomas
Beard	Gardner	Margolis	Thurman
Brown	Girardeau	McPherson	Walker
Bruner	Gordon	Meek	Weinstock
Casas	Grizzle	Myers	Woodson-Howard
Childers, W. D.	Johnson	Peterson	
Crenshaw	Kirkpatrick	Plummer	
Davis	Kiser	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Stuart

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has amended Senate amendment to House amendment, concurred in same and passed as amended CS for SB 1141 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1141—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; amending s. 35.06, F.S.; increasing the number of judges for specified district courts of appeal; amending s. 25.241, F.S.; providing additional filing fees; amending s. 28.241, F.S.; providing an additional service charge; amending s. 35.22, F.S.; increasing certain filing fees; providing an appropriation; amending s. 34.041, F.S.; providing additional filing fees; providing effective dates.

Amendment 1 to Senate Amendment 1 to House Amendment 1—On page 1, line 23, strike "10" and insert: *11*

On motion by Senator Weinstein, the Senate refused to concur in House Amendment 1 to Senate Amendment 1 to House Amendment 1 and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 675 and requests the concurrence of the Senate.

John B. Phelps, Clerk

SB 675—A bill to be entitled An act relating to medical telecommunications and transportation; amending s. 401.23(19), F.S., redefining the term "physician" with respect to medical transportation services; providing an effective date.

Amendment 1—On page 1, strike lines 20 and 21, and insert:

Section 2. Paragraph (x) of subsection (3) of section 119.07, Florida Statutes, 1988 Supplement, is amended to read:

119.07 Inspection and examination of records; exemptions.—

(3)

(x) A patient record obtained ~~from a hospital~~ by the Department of Health and Rehabilitative Services or its agent pursuant to *s. 395.035* ~~s. 395.031~~, which record contains the name, residence or business address, telephone number, social security or other identifying number, or photograph of any person or the spouse, relative, or guardian of such person or which record is patient-specific or otherwise identifies the patient, either directly or indirectly, is exempt from the provisions of subsection (1).

Section 3. Paragraphs (c) and (f) of subsection (3) of section 395.017, Florida Statutes, 1988 Supplement, are amended to read:

395.017 Patient records; copies; examination.—

(3) Patient records shall have a privileged and confidential status and shall not be disclosed without the consent of the person to whom they pertain, but appropriate disclosure may be made without such consent to:

(c) The *Health Care* ~~Hospital~~ Cost Containment Board;

(f) The department or its agent, for the purpose of establishing and maintaining a trauma registry and for the purpose of ensuring that hospitals *and trauma centers* are in compliance with the standards *and rules established pursuant to ss. 395.031, 395.032, 395.035, and 395.036, and for the purpose of monitoring patient outcome at hospitals and trauma centers which provide trauma care services* ~~of s. 395.031(5)~~.

Section 4. Section 395.0175, Florida Statutes, is created to read:

395.0175 Proceedings in investigating complaints against hospitals for alleged violations.—

(1) The department shall investigate any complaint against a hospital for any violation of s. 395.0142, s. 395.0143, or s. 395.0144 which is filed before it, if the complaint is in writing, signed by the complainant, and legally sufficient. A complaint is legally sufficient if it contains ultimate facts which show that a violation of this chapter, or any rule adopted under this chapter by the department, has occurred. The department may investigate, or continue to investigate, and may take appropriate final action on a complaint, even though the original complainant withdraws his complaint or otherwise indicates his desire not to cause it to be investigated to completion. When an investigation of any person or facility is undertaken, the department shall notify such person of the investigation and inform the person or facility of the substance of any complaint filed against him. The department may conduct an investigation without notification to any person if the act under investigation is a criminal offense.

(2) The department or its agent shall expeditiously investigate each complaint against a hospital for a violation of s. 395.0142, s. 395.0143, or 395.0144. When its investigation is complete, the department shall prepare an investigative report. The report shall contain the investigative findings and the recommendations of the department concerning the existence of probable cause.

(3) The complaint and all information obtained pursuant to the investigation by the department are exempt from s. 119.07(1) and may not be disclosed until 10 days after probable cause has been found to exist by the department, or until the person who is the subject of the investigation waives his privilege of confidentiality, whichever occurs first. This exemption from s. 119.07(1) is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 5. Section 395.031, Florida Statutes, 1988 Supplement, is amended to read:

395.031 Trauma ~~medical~~ services system plans; verification of trauma centers and pediatric trauma referral centers; procedures; renewal.—

(1) For the purposes of this section, *and ss. 395.032, 395.035, and 395.036*, the term:

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

(b) "Local or regional trauma agency" means an agency established and operated by the county, an entity with which the county contracts for the purposes of local trauma ~~medical~~ services administration, or a regional agency created for the administration of trauma ~~medical~~ services by agreement between counties.

(c) "Trauma center" means any hospital that has been determined by the department ~~or by a local or regional trauma agency~~ to be in substantial compliance with trauma center verification standards.

(d) "Level I trauma center" means a hospital that is determined by the department to be in substantial compliance with trauma center and pediatric trauma referral center verification standards as established by rule of the department pursuant to subsection (5), which:

1. Has formal research and education programs for the enhancement of trauma care.

2. Serves as a resource facility to level II trauma centers, pediatric trauma referral centers, and community hospitals.

3. Ensures an organized system of trauma care.

(e) "Level II trauma center" means a hospital that is determined by the department to be in substantial compliance with trauma center verification standards as established by rule of the department pursuant to subsection (5), which:

1. Serves as a resource facility to community hospitals.

2. Ensures an organized system of trauma care.

(f)~~(d)~~ "Pediatric trauma referral center" means a hospital that is determined to be in substantial compliance with pediatric trauma referral center standards as established by rule of the department pursuant to subsection (5).

(g)~~(e)~~ "Trauma scorecard" means a statewide methodology adopted by the department by rule under which a *person who has incurred a traumatic injury* ~~trauma victim~~ is graded as to the severity of his injuries or illness and which methodology is used as the basis for making destination decisions.

(h)~~(f)~~ "Trauma victim" means any person who has incurred a single or multisystem life-threatening injury due to blunt or penetrating means and who requires immediate medical intervention or treatment.

(2)(a) The local or regional trauma agency shall plan, implement, and evaluate a trauma ~~medical~~ services system, in accordance with this section and ss. 395.032, 395.035, and 395.036, which consists of an organized pattern of readiness and response services based on public and private agreements and operational procedures.

(b) The local or regional trauma agency shall develop and submit to the department ~~for review~~ a plan for a local or regional trauma ~~medical~~ services system. The plan must include, at a minimum, the following components:

1. The organizational structure of the trauma system.

2. Prehospital care management guidelines for triage and transportation of trauma cases.

3. Flow patterns of trauma cases and transportation system design and resources, including air transportation services, and provision for interfacility transfer.

4. The number and type of major trauma cases necessary to assure that trauma centers will provide quality care to trauma cases referred to them.

5. The resources and equipment needed by trauma facilities to treat trauma cases.

6. The availability and qualifications of the health care personnel, including physicians and surgeons, who comprise the trauma teams that treat major trauma cases within a trauma facility.

7. Data collection regarding system operation and patient outcome.

8. Periodic performance evaluation of the trauma system and its components.

9. The utilization of air transport services within the jurisdiction of the local trauma agency.

10. Public information and education about the trauma system.

11. Emergency medical services communication system usage and dispatching.

12. The coordination and integration between the verified trauma care facility and the nonverified health care facilities.

13. Medical control and accountability.

14. Quality control and system evaluation.

(c) The department shall receive plans for the implementation of trauma care systems from local or regional trauma agencies. The department may approve or not approve the local or regional *trauma agency* plans based on the conformance of the local or regional plans with this section and ss. 395.032, 395.035, and 395.036 and the rules adopted by the department pursuant to those sections. ~~A local or regional trauma agency shall implement the local plan developed pursuant to this section unless the department determines that the plan does not effectively meet the needs of the persons served and is not consistent with applicable rules of the department, or the local or regional trauma agency submits to the department written notice of intent to cease implementation of the local plan.~~

(d) A trauma agency shall not operate unless the department has approved the local or regional trauma services system plan of the agency.

(e)~~(d)~~ The department may grant an exception to a portion of the rules adopted pursuant to this section or s. 395.032 if the local or regional trauma agency proves that, as defined in the rules, compliance with that requirement would not be in the best interest of the persons served within the affected local *or regional* trauma area.

(f)~~(e)~~ A local or regional trauma agency may implement a trauma care system only if the system meets the minimum standards set forth in the rules for implementation established by the department and if the plan has been submitted to, and approved by, the department. Before the local or regional trauma agency submits the plan for the trauma care system to the department, the agency shall hold a public hearing and give adequate notice of the public meeting to all hospitals and other interested parties in the area ~~proposed~~ to be included in the *proposed* system.

~~(f)1. At the option of a local or regional trauma agency which is implementing a trauma care system approved by the department, the department may delegate to the local or regional trauma agency the hospital trauma center and pediatric referral center verification process within the geographic boundaries of the local or regional trauma agency.~~

~~2. For those local or regional trauma agencies selecting to verify hospital trauma centers and pediatric referral centers, the direct or indirect cost of verification shall be borne by the applicant, based on a fee schedule set up by the local or regional trauma agency; however, a fee may not exceed the reasonable cost of implementation, operation, maintenance, evaluation, and development of the verification process.~~

(g) Local or regional trauma agencies may enter into contracts for the purpose of implementing the local *or regional* plan. If local or regional agencies contract with hospitals, such agencies must contract only with hospitals *which are* ~~with~~ verified trauma centers ~~or those willing to seek verification~~.

(h) Local or regional trauma agencies providing service for more than one county shall, as part of their formation, establish interlocal agreements between or among the several counties in the regional system.

(i) This section does not restrict the authority of a health care facility to provide service for which it has received a license pursuant to this chapter.

(j) Any hospital which is verified as a trauma center shall accept all trauma victims that are appropriate for the facility regardless of race, sex, creed, or ability to pay.

(k) It is unlawful for any hospital or other facility to hold itself out as a trauma center unless it has been so verified.

(l) A county, upon the recommendations of the local or regional trauma agency, may adopt ordinances governing the transport of a patient who is receiving care in the field from prehospital emergency medical personnel when the patient meets specific criteria for trauma, burn, or pediatric centers adopted by the local or regional trauma agency. These ordinances shall, to the furthest possible extent, ensure that individual patients receive appropriate medical care while protecting the interests of the community at large by making maximum use of available emergency medical care resources.

(m) The local or regional trauma agency shall, consistent with *the regional trauma system* ~~such~~ plan, coordinate and otherwise facilitate arrangements necessary to develop a trauma ~~medical~~ services system.

(n) After the submission of the initial *local or regional* trauma care system plan, *each* a local or regional trauma agency ~~which has implemented a trauma care system~~ shall annually submit to the department *for approval* an updated plan which identifies the changes, if any, to be made in the trauma care system. A local or regional trauma agency shall submit to the department written notice of its intent to cease operation of the local or regional trauma agency within 90 days before the date on which the local or regional trauma agency will cease operation.

(o) This section does not preclude a local or regional trauma agency from adopting trauma care system standards or trauma facilities standards ~~that are more stringent than those adopted by rule of the department~~.

(3) Any hospital licensed in the state that desires to be verified as a trauma center or as a pediatric trauma referral center must submit to the department *an application* ~~, or to the appropriate local or regional trauma agency, a request~~ for verification as such a center. The *application* ~~request~~ shall be reviewed by the department ~~or the local or regional trauma agency~~ to determine whether the hospital is in substantial compliance with the standards specified in subsection (5). Within 30 days after receiving *an application* ~~a request~~ from a hospital for verification as a trauma center or pediatric trauma referral center, the department ~~or the local or regional trauma agency~~ shall notify the hospital of any apparent errors or omissions in its application and shall request any additional information necessary to determine the hospital's substantial compliance with this section and department rules. This additional information must be submitted within 60 days after the hospital's receipt of the request for additional information. Upon receipt of the additional information from the hospital, the department ~~or the local or regional trauma agency~~ shall deem the application to be complete. An application must be approved or denied within 90 days after receipt of the original application or receipt of documentation that apparent errors or omissions have been corrected. Upon determining that the hospital is in substantial compliance with the standards, the hospital shall be verified as a trauma center or pediatric trauma referral center. If the application is denied by the department, the hospital shall be notified of any right to a hearing pursuant to chapter 120.

(4) A verification, unless sooner suspended or revoked, automatically expires 2 years from the date of issuance and is renewable biennially upon application for renewal, provided the hospital is in substantial compliance with trauma center or pediatric trauma referral center verification standards in effect at the time of application. An application for renewal shall be processed in the same manner as prescribed for initial applications, except that the application must be made at least 180 days prior to expiration of the verification on a form provided by the department ~~or the appropriate local or regional trauma agency~~.

(5) The department shall adopt, by rule, standards for verification of trauma centers based on national guidelines, including those established by the American College of Surgeons entitled "Hospital and Prehospital Resources for Optimal Care of the Injured Patient" and published appendices thereto. Standards specific to pediatric trauma referral centers shall also be adopted by rule of the department.

(6) The department may withdraw local or regional agency authority, prescribe corrective actions, or use the administrative remedies as provided in s. 395.018 for the violation of any provision of this section and ss. 395.032, 395.035, and 395.036 or rules adopted thereunder. All amounts collected pursuant to this subsection shall be deposited into the Emergency Medical Services Trust Fund provided in s. 401.34.

Section 6. Section 401.101, Florida Statutes, is amended to read:

401.101 Short title.—This part shall be known and may be cited as the "Florida Emergency Medical Services Grant Act ~~of 1973~~."

Section 7. Subsection (4) is added to section 401.107, Florida Statutes, to read:

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

(4) "Emergency medical services organizations" means public or private entities involved in emergency medical services systems.

Section 8. Section 401.111, Florida Statutes, is amended to read:

401.111 Emergency medical services grant program; authority.—The Department of Health and Rehabilitative Services is hereby authorized to make grants to local agencies *and emergency medical services organizations* in accordance with any agreement entered into pursuant to this part. These grants shall be designed to assist said agencies *and organizations* in providing emergency medical services. The cost of administering this program shall be paid by the department from funds appropriated to it.

Section 9. Paragraph (b) of subsection (2) of section 401.113, Florida Statutes, is amended to read:

401.113 Department; powers and duties.—

(2) The department shall annually dispense funds contained in the Emergency Medical Services Trust Fund as follows:

(b) Forty percent of such moneys shall be used by the department for making matching grants to *local agencies* ~~county governments~~, municipalities, ~~and nonprofit trauma centers~~ and emergency medical services organizations for the purpose of conducting research, increasing existing levels of emergency medical services, evaluation, community education, and training in cardiopulmonary resuscitation and other lifesaving and first-aid techniques. A grant made pursuant to this section shall be contingent upon the recipient providing a sum equal to the grant amount. The department shall develop procedures and standards for grant disbursement based on the need for emergency medical services, the requirements of the population to be served, and the objectives of the state emergency medical services plan.

Section 10. Section 401.211, Florida Statutes, is amended to read:

401.211 Legislative intent.—Because emergency medical transportation services represent a constructive and essential investment in the state, it is the intent of the Legislature to provide for emergency medical transportation and nontransportation services that are essential to the health and well-being of all citizens of the state. ~~It is also the intent of the Legislature that the Department of Health and Rehabilitative Services contract with the Department of Professional Regulation for investigation, examination, licensing, technical assistance, and related support services.~~ The purpose of this act is to protect and enhance the public health, welfare, and safety through the provision and overseeing of such services in a positive manner.

Section 11. Subsection (2) of section 401.245, Florida Statutes, 1988 Supplement, is amended to read:

401.245 Emergency Medical Services Advisory Council.—

(2) Representation on the Emergency Medical Services Advisory Council shall include: two licensed physicians who are "medical directors" as defined in s. 401.23(15) or whose medical practice is closely related to emergency medical services; two emergency medical service administrators, one of whom is employed by a fire service; two certified paramedics, one of whom is employed by a fire service; two certified emergency medical technicians, one of whom is employed by a fire service; one emergency medical services educator; one emergency nurse; one hospital administrator; one representative of air ambulance services; one representative of a commercial ambulance operator; and two laypersons who are in no way connected with emergency medical services, one of whom is a representative of the elderly. Ex officio members of the advisory council from state agencies shall include, but shall not be limited to, representatives from the Department of Education, the Department of General Services, the Department of Insurance, *and* the Department of Community Affairs~~, and the Department of Professional Regulation~~.

Section 12. Paragraph (d) of subsection (2) of section 401.25, Florida Statutes, is amended to read:

401.25 Licensure as a basic life support or an advanced life support ground service.—

(2) The department shall issue a license for operation to any applicant who complies with the following requirements:

(d) The applicant has obtained a certificate of public convenience and necessity from ~~or entered into a mutual aid agreement with~~ each county in which the applicant will operate. In issuing the certificate of public convenience and necessity, the governing body of each county shall consider the recommendations of municipalities within its jurisdiction.

Section 13. Subsection (2) of section 401.265, Florida Statutes, 1988 Supplement, is amended to read:

401.265 Medical directors.—

(2) *Each medical director shall establish a quality assurance committee to provide for quality assurance review of all emergency medical technicians and paramedics operating under his supervision. If the medical director has reasonable belief that conduct by an emergency medical technician or paramedic may constitute one or more grounds for discipline as provided by this chapter, he shall document facts and other information related to the alleged violation. The medical director* ~~Such responsibility~~ shall *report* ~~include reporting~~ to the Department of Health and Rehabilitative Services any emergency medical technician or paramedic *whom* ~~deemed, in the opinion of~~ the medical director *reasonably believes to have acted in a manner which might constitute grounds for disciplinary action*~~, to be incompetent in the performance of his duties~~. Such a report of *disciplinary concern* ~~alleged incompetency~~ shall include a statement *and documentation* of the specific acts of *the disciplinary concern* ~~alleged incompetency~~. Within 7 days *after* ~~of~~ receipt of such a report, the department shall provide the emergency medical technician or paramedic a copy of the report of *the disciplinary concern and documentation of the specific acts related to the disciplinary concern* ~~alleged incompetency~~. If the department determines that the report ~~of alleged incompetency~~ is insufficient for disciplinary action against the emergency medical technician or paramedic pursuant to s. 401.411, the report shall be expunged from the record of the emergency medical technician or paramedic.

Section 14. Section 401.425, Florida Statutes, is created to read:

401.425 Emergency medical services quality assurance; immunity from liability.—

(1) As used in this section, the term "emergency medical review committee" or "committee" means a committee of:

(a) An emergency medical service provider, a local or regional trauma agency as provided in s. 395.031, a quality assurance committee as provided in s. 401.265, or a local emergency medical services advisory council;

(b) A hospital licensed under chapter 395 which is directly responsible for a licensed emergency medical service provider; or

(c) The department, or employees, agents, or consultants of the department.

(2) An emergency medical review committee may review and evaluate the professional medical competence of emergency medical technicians and paramedics under the jurisdiction of such committee.

(3)(a) There shall be no monetary liability on the part of, and no cause of action shall arise against, any person, including any person acting as a witness, incident reporter to, or investigator for, an emergency medical review committee for any act or proceeding undertaken or performed within the scope of the functions of any emergency medical review committee if such action is taken without intentional fraud or malice.

(b) The provisions of this section shall not affect the provisions of s. 768.28.

(4) Except as provided in subsection (3), this section shall not be construed to confer immunity from liability on any person while performing services other than as a member of an emergency medical review committee, or upon any person acting as a witness, incident reporter to, or investigator for, an emergency medical review committee for any act or proceeding undertaken or performed outside the scope of the functions of such committee.

(5) The investigations, proceedings, and records of a committee providing quality assurance activities as described in subsections (1) through (4) shall not be subject to discovery or introduction into evidence in any civil action or disciplinary proceeding by the department or employing agency arising out of matters which are the subject of evaluation and review by the committee, and no person who was in attendance at a meeting of such committee shall be permitted or required to testify in any such civil action or disciplinary proceeding as to any evidence or other matters produced or presented during the proceedings of such committee or as to any findings, recommendations, evaluations, opinions, or other actions of such committee or any members thereof. However, information, documents, or records provided to the committee from sources external to the committee are not immune from discovery or use in any such civil action or disciplinary proceeding merely because they were presented during proceedings of such committee nor should any person who testifies before a committee or who is a member of such committee be prevented from testifying as to matters within his knowledge, but, such witness shall not be asked about his testimony before a committee or information obtained from or opinions formed by him as a result of participating in activities conducted by a committee.

(6)(a) If the defendant prevails in an action brought by a health care provider against any person who initiated, participated in, was a witness in, or conducted any review as authorized by this section, the court shall award reasonable attorney's fees and costs to the defendant.

(b) As a condition of any health care provider bringing any action against any person who initiated, participated in, was a witness in, or conducted any review as authorized by this section and before any responsive pleading is due, the health care provider must post a bond or other security, as set by the court having jurisdiction of the action, in an amount sufficient to pay the costs and attorney's fees.

(7) For the purpose of any disciplinary proceeding conducted by the department, the department shall have the power to issue subpoenas which shall compel the production of information, documents, or records from an Emergency Medical Review Committee. Challenges to, and enforcement of, the subpoenas and orders shall be handled as provided in s. 120.58.

(8) Any report or documentation maintained pursuant to this section relating to quality assurance activities is exempt from s. 119.07(1) until 10 days after probable cause has been found to exist by the department, or until the person who is the subject of the investigation or proceeding waives his privilege of confidentiality, whichever occurs first. This exemption from s. 119.07(1) is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 15. Section 401.445, Florida Statutes, is created to read:

401.445 Emergency examination and treatment of incapacitated persons.—

(1) No recovery shall be allowed in any court in this state against any emergency medical technician, paramedic, or physician as defined in this chapter, or any person acting under the direct medical supervision of a physician, in an action brought for examining or treating a patient without his informed consent if:

(a) The patient at the time of examination or treatment is intoxicated, under the influence of drugs, or otherwise incapable of providing informed consent as provided in s. 766.103;

(b) The patient at the time of examination or treatment is experiencing an emergency medical condition; and

(c) The patient would reasonably, under all the surrounding circumstances, undergo such examination, treatment, or procedure if he were advised by the emergency medical technician, paramedic, or physician in accordance with s. 766.103(3).

Examination and treatment provided under this paragraph shall be limited to reasonable examination of the patient to determine the medical condition of the patient and treatment reasonably necessary to alleviate the emergency medical condition or to stabilize the patient.

(2) In examining and treating a person who is apparently intoxicated, under the influence of drugs, or otherwise incapable of providing informed consent, the emergency medical technician, paramedic, or physician, or any person acting under the direct medical supervision of a physician, shall proceed wherever possible with the consent of the person. If the person reasonably appears to be incapacitated and refuses his consent, he may be examined, treated, or taken to a hospital or other appropriate treatment resource if he is in need of emergency attention, without his consent, but unreasonable force shall not be used.

(3) Nothing herein shall limit medical treatment provided pursuant to court order or treatment provided in accordance with the provisions of chapter 394, chapter 396, or chapter 397.

Section 16. Paragraph (dd) of subsection (1) of section 458.331, Florida Statutes, 1988 Supplement, is amended to read:

458.331 Grounds for disciplinary action; action by the board and department.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(dd) Failing to supervise adequately the activities of those physician's assistants, *paramedics,* emergency medical technicians, or advanced registered nurse practitioners acting under the supervision of the physician.

Section 17. The Department of Health and Rehabilitative Services is authorized to adopt rules governing the provisions of ss. 395.031, 395.032, 395.035, and 395.036, Florida Statutes.

Section 18. Regional poison control centers.—

(1) There shall be created three accredited regional poison control centers, one each in the north, central, and southern regions of the state. Each regional poison control center shall be affiliated and physically located in a certified level I trauma center. Each regional poison control center shall be affiliated with an accredited medical school or college of pharmacy. The regional poison control centers shall be coordinated under the aegis of the Childrens Medical Services Office in the Department of Health and Rehabilitative Services.

(2) Each regional poison control center shall provide the following services:

(a) Toll-free access by the public for poison information.

(b) Case management of poison cases.

(c) Professional consultation to health care practitioners.

(d) Prevention education to the public.

(e) Data collection and reporting.

Section 19. This act shall take effect October 1, 1989, except that section 1 of this act shall take effect upon becoming a law.

Amendment 2—On page 1, line 5, after the semicolon insert: amending s. 119.07, F.S.; modifying an exemption from public disclosure; amending s. 395.017, F.S.; providing additional circumstances under which patient records may be disclosed; creating s. 395.0175, F.S.; requiring the Department of Health and Rehabilitative Services to investigate certain complaints against hospitals; specifying procedures and timeframes; providing an exemption from public disclosure; providing for review and repeal; amending s. 395.031, F.S.; modifying provisions relating to local and regional trauma plans; deleting certain delegation of authority to local or regional trauma agencies; authorizing the department to approve annual trauma care systems plans; amending s. 401.101, F.S.; revising a short title; amending s. 401.107, F.S.; defining "emergency medical services organizations"; amending s. 401.111, F.S.; authorizing the department to make grants to such organizations; amending s. 401.113, F.S.; revising disbursement of matching grant moneys in the Emergency Medical Services Trust Fund; amending s. 401.211, F.S.; modifying legislative intent; amending s. 401.245, F.S.; removing the representative of the Department of Professional Regulation as an ex officio member of the Emergency Medical Services Advisory Council; amending s. 401.25, F.S.; revising requirements for licensure as a basic life support or advanced life support ground service; amending s. 401.265, F.S.; requiring medical directors to provide for quality assurance review of emergency medical technicians and paramedics; requiring report of disciplinary concerns to the Department of Health and Rehabilitative Services; creating s. 401.425, F.S.; authorizing medical directors and emergency medical review committees to review and evaluate professional competence of emergency medical technicians and paramedics; providing certain immunity from liability for participants in quality assurance activities; protecting certain proceedings from discovery and introduction into evidence in certain civil actions; providing for award of attorney's fees and costs to participants in quality assurance activities and who prevail in certain actions brought by a health care provider; requiring a bond; providing an exemption from public records law; providing for review and repeal; creating s. 401.445, F.S.; providing certain immunity for examination and emergency medical treatment of a patient without informed consent, under specified circumstances; providing procedure for attempting to obtain consent; providing limitations of treatment; amending s. 458.331, F.S.; providing certain grounds for disciplinary action against a physician; authorizing the Department of Health and Rehabilitative Services to adopt rules; creating regional poison control centers; providing an effective date.

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

SB 675 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	Beard	Bruner	Childers, D.
Bankhead	Brown	Casas	Childers, W. D.

Crenshaw	Grizzle	Meek	Thurman
Davis	Johnson	Myers	Walker
Dudley	Kirkpatrick	Peterson	Weinstein
Forman	Kiser	Plummer	Weinstock
Gardner	Langley	Ros-Lehtinen	Woodson-Howard
Girardeau	Malchon	Souto	
Gordon	Margolis	Stuart	
Grant	McPherson	Thomas	

Nays—None

On motion by Senator Kirkpatrick, by unanimous consent—

CS for HB 990—A bill to be entitled An act relating to environmental regulation; amending s. 253.01, F.S.; authorizing the Trustees of the Internal Improvement Trust Fund to spend certain revenue to assist the cleanup and protection of certain areas; amending s. 403.813, F.S.; providing exception to permitting requirments for specified activities; amending s. 403.812, F.S.; directing the Department of Environmental Regulation to prepare a report regarding dredge and fill delegation; amending s. 403.813, F.S.; revising provisions relating to issuance of certain dredge and fill permits by district centers; providing exceptions to permitting requirements for specified activities; amending 403.914, F.S.; extending period during which a declaratory statement of the dredge and fill jurisdiction of the department is binding; amending ss. 403.816 and 403.921, F.S.; correcting cross references; creating s. 403.064, F.S.; requiring certain applicants for wastewater treatment facilities to evaluate the costs and benefits of reuse of reclaimed water; providing for local reuse programs; authorizing allocation and recovery of costs; requiring consideration of the local reuse program as a condition for a comsumptive use permit; requiring developer compliance with the local reuse program as a condition for obtaining a local government development order; amending s. 403.161, F.S.; providing clarification with respect to certain violations of chapter 403, F.S.; authorizing the Department of Environmental Regulation to require certification of certain activities by a professional engineer or regulated professional; providing for costs; amending s. 403.852, F.S.; providing a definition; amending s. 403.853, F.S.; providing for additional standards for nontransient noncommunity water systems; eliminating testing for contaminants for community water supply systems; amending s. 403.862, F.S.; requiring certain county health departments to approve or disapprove the construction or modification of a public water system; amending s. 381.112, F.S.; providing an administrative fine for violations relating to construction, installation, or operation of onsite sewage disposal systems, or septic tank contracting; amending s. 381.272, F.S.; prohibiting construction permits for such systems in certain areas; providing condition for issuance of certain occupational licenses in such areas; requiring approval of the Department of Health and Rehabilitative Services; requiring annual operating permits for certain businesses; requiring notice of change of ownership or tenancy; providing for evaluation of the continued use of systems; providing for enforcemnt actions if toxic, hazardous, or industrial wastes are found; creating s. 252.90, F.S.; prescribing duties of the State Hazardous Materials Emergency Response Commission; amending s. 403.718, F.S.; providing that the fee on new tires has to be stated separately; subjecting new tires to the fee which come with new motor vehicles; providing an effective date.

—was taken up out of order. On motions by Senator Kirkpatrick, by two-thirds vote CS for HB 990 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—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

Motions

On motion by Senator Scott, by two-thirds vote SB 247 was placed on the special order calendar.

On motions by Senator Thurman, by two-thirds vote CS for HB's 356 and 1449 was withdrawn from the Committees on Judiciary-Criminal and Appropriations.

On motion by Senator Thurman, by unanimous consent—

CS for HB's 356 and 1449—A bill to be entitled An act relating to criminal penalties; amending s. 775.082, F.S.; authorizing imposition of a sentence of life imprisonment without the possibility of parole for a capital felony when the death penalty is not imposed or is held unconstitutional; requiring that persons sentenced to life imprisonment for noncapital felonies serve 25 years before becoming parole eligible; amending s. 775.15, F.S., to conform; amending s. 921.141, F.S.; authorizing imposition of a sentence of life imprisonment without the possibility of parole for capital felonies and requiring imposition of such sentence when, upon review, the judgment of conviction is upheld but the death sentence is overturned; providing effective dates.

—a companion measure was substituted for SB 247 and read the second time by title. On motion by Senator Thurman, by two-thirds vote CS for HB's 356 and 1449 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dudley	Kiser	Souto
Bankhead	Forman	Langley	Stuart
Beard	Gardner	Malchon	Thomas
Brown	Girardeau	Margolis	Thurman
Bruner	Gordon	McPherson	Walker
Casas	Grant	Myers	Weinstein
Childers, D.	Grizzle	Peterson	Weinstock
Childers, W. D.	Johnson	Plummer	Woodson-Howard
Crenshaw	Kirkpatrick	Ros-Lehtinen	

Nays—1

Davis

Motion

On motion by Senator Kiser, by two-thirds vote CS for SB's 699 and 838 was placed on the special order calendar.

SPECIAL ORDER, continued

CS for SB's 699 and 838—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; providing thresholds for levels of development that can take place pursuant to a preliminary development agreement; providing procedures for abandoning a preliminary development agreement; requiring developments of regional impact outside of Areas of Critical State Concern to be consistent with the State Comprehensive Plan; providing requirements for determining substantial deviation to an approved development of regional impact; providing for the express designation of lands to be used to mitigate the impacts of development; authorizing regional planning agencies to assess fees to fund costs of the review process; authorizing the land planning agency to adopt rules concerning a developer's abandoning a development of regional impact; amending s. 380.0651, F.S.; providing statewide guidelines for waterport or marina facilities; amending s. 944.095, F.S.; providing exceptions for review of correctional facilities as developments of regional impact; amending s. 380.061, F.S.; revising the circumstances which cause the 90-day time period for designation as a Florida Quality Development to cease to run; modifying the procedures for review of an application for designation as a Florida Quality Development and execution of a development order; providing for exemption from development of regional impact review upon said designation; revising procedures for appeal; providing an effective date.

—was read the second time by title.

Two amendments were adopted to CS for SB's 699 and 838 to conform the bill to CS for HB's 1460 and 1273.

Pending further consideration of CS for SB's 699 and 838 as amended, on motion by Senator Kiser, by two-thirds vote—

CS for HB's 1460 and 1273—A bill to be entitled An act relating to developments of regional impact; amending s. 380.06, F.S.; modifying conditions for preliminary development agreements; providing for consistency with the State Comprehensive Plan for certain developments; modifying provision relating to credits against local impact fees; modifying provisions relating to proposed changes which create a substantial deviation from an approved development; authorizing regional planning agencies to collect fees for the conduct of development-of-regional-impact and Florida Quality Development review; providing for uniform criteria for and limitations on fees; providing an exemption; authorizing the state land planning agency to establish a local government process relating to the abandonment of a development of regional impact by a developer; amending s. 380.061, F.S.; modifying procedure for review and issuance of development orders under the Florida Quality Developments program; providing for appeal of development orders; amending s. 380.0651, F.S.; modifying an exemption from development-of-regional-impact review for certain port facilities; amending s. 944.095, F.S.; providing an exemption for the siting of state correctional facilities; providing an effective date.

—a companion measure, was substituted for CS for SB's 699 and 838 and by two-thirds vote read the second time by title. On motion by Senator Kiser, by two-thirds vote CS for HB's 1460 and 1273 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	

Nays—None

RECESS

On motion by Senator Scott, the Senate recessed at 10:55 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 11:28 p.m. A quorum present—38:

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Scott
Beard	Forman	Langley	Souto
Brown	Gardner	Malchon	Thomas
Bruner	Girardeau	Margolis	Walker
Casas	Gordon	McPherson	Weinstein
Childers, D.	Grant	Meek	Weinstock
Childers, W. D.	Grizzle	Myers	Woodson-Howard
Crenshaw	Jennings	Peterson	
Davis	Johnson	Plummer	

On motion by Senator Forman, by unanimous consent—

CS for CS for HB 1388—A bill to be entitled An act relating to beach and shore preservation; amending s. 161.56, F.S.; authorizing the State Land Planning Agency to charge registration fees for the coastal building zone training program; deleting certain authority to provide grants; amending s. 161.58, F.S.; modifying a requirement for local government authorization of vehicular traffic on coastal beaches; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Forman, by two-thirds vote CS for CS for HB 1388 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Davis	Kiser	Ros-Lehtinen
Bankhead	Dudley	Langley	Souto
Beard	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Thurman

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB's 481 and 314 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB's 481 and 314—A bill to be entitled An act relating to coastal and marine environmental protection; providing legislative intent; amending s. 206.9935, F.S.; increasing the cap on the Coastal Protection Trust Fund and providing for halting the tax or imposing the tax at prescribed levels in the balance in the fund; amending s. 376.11, F.S.; deleting requirements for the Coastal Protection Trust Fund to be used for spoil disposal sites; prescribing purposes of the fund; providing requirements for use of interest earned on the trust fund; amending s. 253.61, F.S.; specifying additional lands not subject to lease; amending ss. 377.24, 377.242, F.S.; prohibiting permits for drilling and associated construction for exploration or production of oil, gas, or other petroleum products in a specified area; amending s. 380.19, F.S.; clarifying a reference to the Department of Environmental Regulation; authorizing the department to create an interagency management committee to advise and assist in coastal zone protection and management; amending s. 380.0558, F.S.; providing that damages recovered for injury to coral reefs that otherwise would be deposited into the Internal Improvement Trust Fund be deposited into the Florida Area of Critical State Concern Restoration Trust Fund; amending s. 253.04, F.S.; authorizing the Department of Natural Resources to develop by rule a schedule for assessing civil penalties for damage to coral reefs and providing for additional penalties; amending s. 161.142, F.S.; providing an exemption for certain inlets from requirements relating to sand replacement; amending s. 161.053, F.S.; extending the deadline for the reestablishment of coastal construction control lines; amending s. 403.413, F.S.; prohibiting dumping litter in canals; providing penalties; creating s. 403.4135, F.S.; requiring ports, terminal facilities, boatyards, marinas, and other similar commercial facilities to provide litter receptacles; providing for enforcement of violations; amending s. 229.8055, F.S.; expanding the environmental education program to provide such education in community colleges and state universities; requiring the Commissioner of Education, the Board of Regents, and the State Board of Community Colleges to administer the program; requiring the Department of Education to disseminate information regarding environmental education for adults to the school districts; amending s. 229.8058, F.S.; creating the Advisory Council on Environmental Education within the Legislature; providing membership and authorization for the council to employ staff; transferring certain equipment and materials to the council; providing responsibilities of the Advisory Council on Environmental Education; directing the Governor to administer a grant program for environmental education; authorizing certain organizations and projects to be eligible for the grants; creating the Interagency Environmental Education Coordinating Committee to coordinate the environmental education programs of certain state agencies and water management districts; providing for appointments; providing for payment of per diem and travel expenses; providing for regular meetings of members and staff of specified entities; creating the Save Our State Environmental Education Trust Fund; authorizing the Executive Office of the Governor to establish a nonprofit support corporation for certain purposes; requiring an annual audit of the records of the corporation; exempting from public records requirements information in the audit report; providing for future legislative review of such exemption; creating s. 220.187, F.S.; providing for a credit against the corporate

income tax for contributions to such corporation; providing for application; amending s. 220.02, F.S.; specifying the order of taking such credit; providing for future abolition and legislative review of the Advisory Council on Environmental Education and the Interagency Coordinating Committee for Environmental Education; providing for the Advisory Council on Environmental Education to propose projects to the Governor and Cabinet for approval; providing for the Governor and Cabinet to act on such recommendations within a specified time; providing additional positions; providing appropriations; authorizing the Governor to enter, on behalf of the state, into a Southern Atlantic and Gulf States' Coastal Protection Compact with one or more specified states; specifying the form of such compact; specifying within such compact that the states must receive the consent of the Congress of the United States to enter into such compact, that the signatory states of the compact agree to the creation of a commission comprised of members from each state, that the commission is to recommend to the states uniform laws for the preservation, management, and conservation of marine and coastal environments, that the states are not bound by such recommendations, that each state agrees to pay a pro rata share of the expenses of the commission, and that the commission will file a financial report with the governor and legislature of, and is subject to an audit by, each state that agrees to the compact; providing for membership of the commission from this state; requiring state agencies to cooperate with the commission and to provide information, personnel, and equipment to the commission; providing for the creation of an advisory committee by the Governor to advise commission members from this state; providing for the issuance of license plates to commemorate the manatee; providing fees; providing for certain fees to be used for the purpose of protecting and caring for manatees in the state; providing for the manatee license plate to be issued for a specified period of time; amending s. 327.22, F.S.; providing for deposit of funds; amending s. 327.25, F.S.; providing for voluntary contributions; amending s. 327.28, F.S.; providing for the transfer of revenue in a specified amount for certain purposes; amending s. 370.12, F.S.; providing for funding of programs for marine animals; providing that it is unlawful to release or cause to be released into the atmosphere a specified number of balloons within a specified period of time; providing exceptions; providing a penalty; providing for the adoption of rules; providing for injunctive relief; providing effective dates.

Amendment 1—On page 12, lines 7-31, and on pages 13-52 strike all of said lines and insert:

Section 4. *It is the intent of the Legislature to preserve and protect Florida's sensitive coastal and marine resources from the environmental impacts of oil and gas exploration and development activities conducted in state and federal waters.*

Section 5. Paragraph (d) is added to subsection (1) of section 253.61, Florida Statutes, to read:

253.61 Lands not subject to lease.—

(1) Regardless of anything to the contrary contained in this law in any previous section or part thereof, no board or agency mentioned therein or the state shall have the power or authority to sell, execute or enter into any lease of the type covered by this law relating to any of the following lands, submerged or unsubmerged, except under the circumstances and conditions as hereinafter set out in this section, to wit:

(d) Without exception, after July 1, 1989, no lease of the type covered by this law shall be granted, sold or executed south of 26 degrees north latitude off Florida's west coast and south of 27 degrees north latitude off Florida's east coast, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. 1301, subsection (6).

Section 6. Subsection (9) is added to section 377.24, Florida Statutes, to read:

377.24 Notice of intention to drill well; permits; abandoned wells and dry holes.—

(9) Without exception, after July 1, 1989, no permit to drill a well in search of oil or gas shall be granted south of 26 degrees north latitude off Florida's west coast and south of 27 degrees north latitude off Florida's east coast, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. 1301, subsection (6).

Section 7. Paragraphs (a) and (c) of subsection (1) of section 377.242, Florida Statutes, are amended to read:

377.242 Permits for drilling or exploring and extracting through well holes or by other means.—The department is vested with the power and authority:

(1)(a) To issue permits for the drilling for, exploring for, or production of oil, gas, or other petroleum products which are to be extracted from below the surface of the land, including submerged land, only through the well hole drilled for oil, gas, and other petroleum products.

1. No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed on any submerged land within any bay or estuary.

2. No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed within 1 mile seaward of the coastline of the state.

3. No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed within 1 mile of the seaward boundary of any state, local, or federal park or aquatic or wildlife preserve or on the surface of a freshwater lake, river, or stream.

4. No structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed within 1 mile inland from the shoreline of the Gulf of Mexico, the Atlantic Ocean, or any bay or estuary or within 1 mile of any freshwater lake, river, or stream unless the department is satisfied that the natural resources of such bodies of water and shore areas of the state will be adequately protected in the event of accident or blowout.

5. Without exception, after July 1, 1989, no structure intended for the drilling for, or production of, oil, gas, or other petroleum products may be permitted or constructed south of 26 degrees north latitude off Florida's west coast and south of 27 degrees north latitude off Florida's east coast, within the boundaries of Florida's territorial seas as defined in 43 U.S.C. 1301, subsection (6).

(c) The prohibitions *of subparagraphs (a)1.-4.* in this subsection do not include "infield gathering lines," provided no other placement is reasonably available and all other required permits have been obtained.

Section 8. Sections 380.31, 380.32, and 380.33, Florida Statutes, are created to read:

380.31 Coastal Resources Interagency Management Committee established.—There is established a Coastal Resources Interagency Management Committee composed of: the Secretary of Commerce, the Secretary of Community Affairs, the Secretary of Environmental Regulation, the Secretary of Transportation, the Assistant State Health Officer for Environmental Health in the Department of Health and Rehabilitative Services, the executive director of the Department of Natural Resources, the executive director of the Marine Fisheries Commission, the executive director of the Game and Fresh Water Fish Commission, the director of the Division of Historical Resources of the Department of State, the director of the Division of Forestry of the Department of Agriculture and Consumer Services, and the director of the Governor's Office of Planning and Budgeting. Each member shall attend the meetings of the committee or appoint a designee. A designee shall be a policy-making administrator who can speak for the agency.

380.32 Duties and responsibilities of the Coastal Resources Interagency Management Committee.—The Coastal Resources Interagency Management Committee shall:

(1) Have the primary responsibility for addressing problem issues and developing means of resolving conflicts and inconsistencies in the implementation of laws, research, and funding programs under the jurisdictions of the member agencies. The committee shall make recommendations to the Governor and Cabinet on specific actions necessary to implement improvements to the state coastal management program.

(2) Develop a priority list of work items and a time schedule for the resolution of each item. Members of the committee shall direct their respective program staffs who serve on the Coastal Resources Interagency Advisory Committee to participate in the implementation of the approved priority work items and completion of specific coastal zone management grant work tasks to the extent compatible with statutory responsibilities of the agencies. Cooperation among agencies and coordination of agency activities shall be conducted in a manner consistent with the state coastal management program.

(3) Give special attention to the management and protection of coastal resources, including wetlands, watersheds, estuarine and marine systems, beaches, and cultural resources by working to improve natural storm hazard prevention and mitigation, discouraging research and funding practices which create conflicts with natural resource management policies, and ensuring a more efficient, effective, and coordinated administration of environmental laws and guidelines.

(4) Conduct thorough and timely reviews of proposed direct federal activities and development projects, federal assistance projects, federally licensed and permitted activities, and outer continental shelf exploration and development plans to ensure that such activities and uses are conducted in a manner consistent with the state coastal management program.

(5) Work together to implement the State Comprehensive Plan within member agencies. Each agency shall ensure that its functional plan and management processes achieve and are consistent with the legislatively approved State Comprehensive Plan in chapter 187 and with the policy plans set out in chapter 186.

(6) Submit a report by March 1, 1990, to the Governor and Cabinet, the Speaker of the House of Representatives, the President of the Senate and the minority leaders of the House of Representatives and the Senate on the status of the Florida Coastal Management Act of 1978, ss. 380.21-380.25. The report shall include legislative and administrative recommendations regarding ways to improve the provisions and implementation of the act and shall address:

(a) The progress of the integration of the state coastal zone management plan into the State Comprehensive Plan.

(b) Ways in which local governments can implement coastal management policies through existing processes guiding growth and development.

(c) Ways to coordinate and integrate the Florida Coastal Management Act with the state, regional, and local plans authorized by the Local Government Comprehensive Planning and Land Development Regulation Act.

(d) The impact on the Florida Coastal Management Act of past and proposed changes to the Federal Coastal Zone Management Act of 1972.

All agencies are encouraged to enter into memoranda of understanding and rulemaking to further define the specific implementation, cooperation, and planning activities related to coastal issues necessary to implement this section.

380.33 Meetings, organization, and staff.—

(1) The first meeting of the Coastal Resources Interagency Management Committee shall be held no later than 30 days after the effective date of this act at the call of the chairperson. The committee shall meet at least quarterly, and more often as necessary, at the call of the chairperson. The committee shall establish procedures for the conduct of committee business. The chairperson shall provide the minutes of each meeting to the Governor and Cabinet and shall make presentations annually or as often as the Governor and Cabinet request.

(2) The Secretary of Environmental Regulation shall serve as chairperson and the executive director of the Department of Natural Resources shall serve as vice chairperson for the first year. Thereafter, the positions of committee chairperson and vice chairperson shall rotate annually, each July, among the executive director of the Department of Natural Resources, the Secretary of Community Affairs, and the Secretary of Environmental Regulation, in that order. The vice chairperson shall be the next committee chairperson.

(3) The Department of Environmental Regulation shall furnish staff to the committee through the department's Coastal Zone Management Section. Staff shall keep the Coastal Resources Interagency Management Committee apprised of the member agencies' progress toward their assignments and shall perform such other liaison and administrative functions as the committee directs.

Section 9. Subsection (5) of section 380.0558, Florida Statutes, is amended to read:

380.0558 Florida Area of Critical State Concern Restoration Trust Fund.—

(5) CREATION OF TRUST FUND.—All damages recovered by or on behalf of this state for injury to, or destruction of, the coral reefs or natural resources of the state that would otherwise be deposited in the general revenue accounts of the State Treasury *or in the Internal Improvement Trust Fund*, shall be deposited in the Florida Area of Critical State Concern Restoration Trust Fund which is hereby created in the Department of Natural Resources, and shall remain in such account until expended by the department for the purposes of this section.

Section 10. Subsections (3), (4), and (5) of section 253.04, Florida Statutes, are renumbered as subsections (4), (5), and (6), respectively, and a new subsection (3) is added to said section to read:

253.04 Duty of board to protect, etc., state lands; state may join in any action brought.—

(3) The Department of Natural Resources is authorized to develop by rule a schedule for the assessment of civil penalties for damage to coral reefs in state waters. The highest penalty shall not exceed $1,000 per square meter of reef area damaged. The schedule may include additional penalties for aggravating circumstances, not to exceed $250,000 per occurrence. A determination of aggravating circumstances shall be based on factors relating to the cause of the damage such as, but not limited to:

(a) Absence of attenuating circumstances, such as weather conditions or other factors beyond the control of the vessel operator.

(b) Disregard for safe boating practices.

(c) Whether the vessel operator was under the influence of alcohol or drugs.

(d) Navigational error.

(e) Disregard for speed limits or other boating regulations.

(f) Failure to use available charts and equipment or to have such equipment on board.

(g) Willful or intentional nature of the violation.

(h) Previous coral reef damage caused by the vessel operator.

Penalties assessed according to this section may be doubled for damage to coral reefs located within the boundaries of John Pennekamp Coral Reef State Park.

Section 11. Subsection (3) of section 161.053, Florida Statutes, 1988 Supplement, is amended to read:

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

(3) It is the intent of the Legislature that any coastal construction control line that has not been updated since June 30, 1980, shall be considered a critical priority for reestablishment by the department. In keeping with this intent, the department shall notify the Legislature if all such lines cannot be reestablished by *December 31, 1991* ~~June 30, 1989~~, so that the Legislature may subsequently consider interim lines of jurisdiction for the remaining counties.

Section 12. Paragraph (b) of subsection (4) of section 403.413, Florida Statutes, 1988 Supplement, is amended to read:

403.413 Florida Litter Law.—

(4) DUMPING LITTER PROHIBITED.—Unless otherwise authorized by law or permit, it is unlawful for any person to dump litter in any manner or amount:

(b) In or on any freshwater lake, river, *canal,* or stream or tidal or coastal water of the state, *including canals.* When any litter is thrown or discarded from a boat, the operator or owner of the boat, or both, shall be deemed in violation of this section; or

(5) PENALTIES; ENFORCEMENT.—

(a) Any person who dumps litter in violation of subsection (4) in an amount not exceeding 15 pounds in weight or 27 cubic feet in volume and not for commercial purposes is guilty of a noncriminal infraction, punishable by a civil penalty of $50. In addition, the court may require the violator to pick up litter or perform other labor commensurate with the offense committed.

(b) Any person who dumps litter in violation of subsection (4) in an amount exceeding 15 pounds in weight or 27 cubic feet in volume, but not exceeding 500 pounds in weight or 100 cubic feet in volume and not for commercial purposes is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the court shall require the violator to pick up litter or perform other community service commensurate with the offense committed. Further, if the violation involves the use of a motor vehicle, upon a finding of guilt, whether or not adjudication is withheld or whether imposition of sentence is withheld, deferred, or suspended, the court shall forward a record of the finding to the Department of Highway Safety and Motor Vehicles, which shall record a penalty of three points on the violator's driver's license pursuant to the point system established by s. 322.27.

(c) Any person who dumps litter in violation of subsection (4) in an amount exceeding 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes, or dumps litter which is a hazardous waste as defined in s. 403.703, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. In addition, the court may order the violator to:

1. Remove or render harmless the litter that he dumped in violation of this section;

2. Repair or restore property damaged by, or pay damages for any damage arising out of, his dumping litter in violation of this section; or

3. Perform public service relating to the removal of litter dumped in violation of this section or to the restoration of an area polluted by litter dumped in violation of this section.

Section 13. Effective October 1, 1989, section 403.4135, Florida Statutes, is created to read:

403.4135 Litter receptacles.—

(1) DEFINITIONS.—As used in this section "litter" and "vessel" have the same meanings as provided in s. 403.413.

(2) RECEPTACLES REQUIRED.—All ports, terminal facilities, boatyards, marinas, and other commercial facilities which house vessels and from which vessels disembark shall provide or ensure the availability of litter receptacles of sufficient size and capacity to accommodate the litter and other waste materials generated on board the vessels using its facilities, except for large quantities of spoiled or damaged cargos not usually discharged by a ship. The Department of Environmental Regulation may enforce violations of this section pursuant to ss. 403.121 and 403.131.

Section 14. Section 380.28, Florida Statutes, is created to read:

380.28 The South Atlantic and Gulf States Coastal Protection Compact; implementing legislation.—

(1) FORM.—The Governor is hereby authorized and directed to execute a compact on behalf of Florida with any one or more of the States of North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Texas, legally joining therein in the form substantially as follows:

SOUTH ATLANTIC AND GULF STATES COASTAL PROTECTION COMPACT

The contracting states solemnly agree:

ARTICLE I

FINDINGS, PURPOSES, AND RESERVATIONS OF POWERS.—

A. Findings.—Signatory states hereby find and declare:

1. The marine and coastal waters of all states bordering on the Gulf of Mexico and the South Atlantic Ocean, and adjacent coastal lands, marshes, and estuaries, are interrelated and require interstate attention and solutions.

2. Certain environmental problems transcend state boundaries and thereby become common to adjacent states and require cooperative efforts.

B. Purposes.—The purposes of the signatories in enacting this compact are:

1. To preserve the marine and coastal waters of the South Atlantic Ocean and the Gulf of Mexico, and their adjacent coastal lands, marshes, and estuaries, through coordination of interstate research, management, and conservation efforts and by the prevention of pollution of the subject land and waters in any form from any cause.

2. To develop, implement, and integrate uniform policies for the protection, use, and conservation of the marine and coastal waters of the South Atlantic Ocean and the Gulf of Mexico, and their adjacent coastal lands, marshes, and estuaries.

3. To plan for the welfare and development of marine and coastal resources, including fisheries, and coastal lands of the South Atlantic and the Gulf of Mexico, identifying those areas which require distinct protective efforts.

4. To secure and maintain a proper balance among industrial, commercial, agricultural, residential, recreational, and other legitimate uses of the marine and coastal resources in the affected states and waters.

C. Powers of the United States.—

1. Nothing contained in this compact shall impair, affect, or extend the constitutional authority of the United States.

2. The signatories hereby recognize the power and right of the Congress of the United States at any time by any statute expressly enacted for that purpose to revise the terms and conditions of its consent.

D. Powers of the states.—Nothing contained in this compact shall impair or extend the constitutional authority of any signatory state, nor shall the police powers of any signatory state be affected except as expressly provided in this compact.

The enumerated purposes shall not act to limit the scope of this compact.

ARTICLE II

EFFECTIVE DATE.—

This agreement shall become operative immediately as to those states executing it whenever any two or more of the States of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas have executed it in the form that is in accordance with the laws of the executing state and the Congress has given its consent. Any coastal state contiguous with any of such states may become a party hereto with approval by a majority vote of the commission as a whole.

ARTICLE III

COMPACTING STATES' AUTHORITY.—

Each state bound hereby agrees that within a reasonable time it will review and consider the commission's recommendations for future enactment and implementation.

ARTICLE IV

COMMISSION; CREATION AND COMPOSITION.—

Each state joining this compact shall appoint three representatives to a commission hereby constituted and designated as the South Atlantic and Gulf States Coastal Protection Commission. One representative shall be the executive officer of the administrative agency of such state charged with the enforcement of environmental regulations to which this compact pertains or, if there is more than one office or agency, the official of the state named by the governor thereof. The second representative shall be a member of the legislature of such state, appointed by the legislature of such state. The third representative shall be a citizen who has a knowledge of and an interest in marine and coastal environmental problems, appointed by the governor. The commission shall be a body corporate with the powers and duties set forth in this compact.

ARTICLE V

COMMISSION; DUTIES.—

The duties of the commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions necessary for bringing about the development and implementation of uniform policies for the protection of the South Atlantic Ocean and the Gulf of Mexico, and adjacent coastal lands, marshes, and estuaries.

The commission shall have the power to recommend the coordination of the exercise of the powers of the several states within their respective jurisdiction to carry out the purposes of this compact. To that end, the commission shall draft and recommend to the governors of the various signatory states legislation dealing with the preservation, management, conservation, control, and supervision of marine and coastal waters and their adjacent coastal lands, marshes, and estuaries. The commission shall, more than 2 months prior to any regular meeting of the legislature in any signatory state, present to the governor of the state its recommendations relating to enactments to be made by the legislature of that state in furthering the intent and purposes of this compact. The commission shall consult with and advise the pertinent administrative agencies in the states party to this compact with regard to problems connected with the preservation, management, conservation, control, and supervision of the South Atlantic Ocean and the Gulf of Mexico, and related coastal lands, marshes, and estuaries.

ARTICLE VI

COMMISSION; ELECTIONS.—

The commission shall elect from its number a chairman and a vice chairman and shall appoint, remove, or discharge, at its pleasure, such officers and employees as may be required to carry the provisions of this compact into effect and shall fix and determine their duties, qualifications, and compensation. The commission shall adopt rules and regulations for the conduct of its business. It may establish and maintain one or more offices for the transaction of its business and may meet at any time or place, but must meet at least once a year.

ARTICLE VII

COMMISSION; VOTING.—

No action shall be taken by the commission in regard to its general affairs except by the affirmative vote of a majority of the whole number of compacting states present at any meeting. No recommendation shall be made by the commission in regard to the promulgation of uniform laws promoting the preservation, management, conservation, control, supervision, and use of the marine and coastal resources of the South Atlantic and the Gulf of Mexico, and adjacent coastal lands, marshes, and estuaries, except by affirmative vote of a majority of the interested compacting states. The commission shall define what shall be an interested compacting state.

ARTICLE VIII

RESERVATION OF POWER.—

Nothing in this compact shall be construed to limit the powers of any signatory state to repeal or prevent the enactment of any legislation or to impose additional conditions to preserve, maintain, conserve, control, or supervise the marine and coastal waters and coastal lands of the South Atlantic Ocean and the Gulf of Mexico. This compact shall authorize the compacting parties to do all things reasonably necessary for carrying out the purposes of this act, but the compact shall be entered into solely for the purpose of empowering the duly appointed representatives of the compacting states to meet, consult with, and make recommendations to their respective governors, legislative bodies, or governmental agencies with respect to the preservation, management, conservation, control, and supervision of the marine and coastal waters and coastal lands, marshes, and estuaries of the South Atlantic Ocean and the Gulf of Mexico. However, it is distinctly provided that any such recommendation and any decision or agreement arrived at among the compacting parties shall at no time have any force of law or be binding on any compacting party.

ARTICLE IX

COMMISSION; EXPENSES.—

Each compacting party shall pay for the expenses of its representatives on the commission and each compacting party shall pay to the secretary of the commission a pro rata share of the expenses of the commission. No expenditures shall be authorized under the provisions of this compact unless and until moneys are appropriated therefor by the legislatures of the compacting states.

ARTICLE X

COMPACT; TERM.—

This compact shall continue in force and remain binding upon each compacting state until renounced by it. Renunciation of this compact shall be preceded by sending 6 months' notice in writing of intention to withdraw from the compact to the other states party to this compact.

ARTICLE XI

A. POWERS OF COMMISSION AND COMMISSIONERS.—

There is hereby granted to the commission and the commissioners all the powers provided for in this compact and all the powers necessary or incidental to the carrying out of this compact.

B. POWERS OF COMMISSION SUPPLEMENTAL.—

Any powers granted to the commission by this compact shall be regarded as in aid of and supplemental to, and in no case a limitation upon, any of the powers vested in the commission by other laws of the State of Florida or by the laws of the States of North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Texas or by the Congress or the terms of this compact.

C. ACCOUNTS TO BE KEPT BY COMMISSION.—

The commission shall keep accurate accounts of all receipts and disbursements and shall report to the governor and the legislature of each signatory state on or before the 10th day of December in each year, setting forth in detail the transactions conducted by it during the 12 months preceding December 1 of that year.

(2) COMMISSIONERS; APPOINTMENT AND REMOVAL.—In pursuance of Article IV, there shall be three members of the South Atlantic and Gulf Coast States Coastal Protection Commission from this state. The first commissioner from this state shall be the Secretary of Environmental Regulation, and the term of such commissioner shall terminate at the time he ceases to hold the office of Secretary of Environmental Regulation, and his successor as commissioner shall be his successor as secretary. The second commissioner from this state shall be a legislator, appointed alternately by the Speaker of the House of Representatives and the President of the Senate, and the term of such commissioner shall be 3 years. If the legislative member ceases to hold office before the expiration of his commission membership, the vacancy shall be filled for the remainder of the term by appointment by the appropriate presiding officer. The Governor shall appoint as a third commissioner a citizen who has a knowledge of and an interest in marine and coastal environmental problems. The term of the third commissioner shall be 3 years and he shall hold office until his successor is appointed and qualified. Vacancies occurring in the office of such commissioner for any reason or cause shall be filled by appointment by the Governor for the unexpired term. The Secretary of Environmental Regulation may delegate, from time to time, to any deputy or other subordinate in his department or office, the power to be present and participate, including the power to vote, as his representative or substitute at any meeting of or hearing by or other proceeding of the commission. The terms of each of the initial three members shall begin at the date the compact becomes operative as defined in Article II. The commissioners whom the Governor appoints shall serve at the pleasure of the Governor and may be removed by the Governor for any reason.

(3) STATE POLICY.—It is hereby declared to be the policy of the State of Florida to perform and carry out this compact and to accomplish the purposes thereof. All officers, bureaus, departments, and persons of and in the state government or administration of the State of Florida are hereby authorized and directed at convenient times and upon request of the commission to furnish the commission with information and data possessed by them, subject to the confidentiality provisions of chapter 119, and to aid the commission by loan of personnel or other means within their legal rights respectively.

(4) EXAMINATION OF COMMISSION ACCOUNTS.—The Department of Banking and Finance is hereby authorized and empowered from time to time to examine the accounts and books of the commission, including its receipts and disbursements, and such other items referring to its financial standing as the department may deem proper, and to report the results of such examination to the Governor.

(5) ADVISORY COMMITTEE.—An advisory committee to be representative of the recreational and commercial fishing interests, coastal and marine industries, petroleum industry, and conservation interests, and such other interests of this state as the Governor deems advisable, shall be established by the Governor as soon as practicable for the purpose of advising this state's members of the commission upon such recommendations as they may desire to make.

Section 15. *(1) There is created the Spill Response Task Force consisting of twelve members to be appointed as follows. There shall be one representative from the Department of Natural Resources, who shall serve as committee chairperson; one representative from the Department of Environmental Regulation; and the Governor shall request the United States Coast Guard to designate a Coast Guard representative, stationed in Florida. The Speaker of the House of Representatives, the President of the Senate and the Governor shall each appoint three members and shall consider choosing from among the following: the ports and spillage cooperatives in the state; groups advocating the protection of the environment; and the petroleum industry. The Speaker of the House of Representatives and the President of the Senate may each choose one legislative member as one of their three appointees.*

(2) Each task force member shall be entitled to receive per diem and expenses for travel, as provided in s. 112.061, Florida Statutes, while carrying out official business of the task force.

(3) The task force shall be staffed by the Department of Natural Resources.

(4) Appointments shall be made no later than July 15, 1989, and the task force shall continue to exist and appointed members shall continue to serve until June 1, 1990.

(5) The Spill Response Task Force shall:

(a) Investigate and evaluate Florida's readiness to respond to oil and hazardous material spills in coastal waters with regard to:

1. Prevention, including pilot training and certification, channel markings, safety regulations, and other prevention factors;

2. Containment of spilled material;

3. Removal of spilled material; and

4. Cleanup and disposal of waste and residual material from spills.

(b) Determine the existence of or need for a coordinated plan, and what elements the plan should contain, to implement prevention, containment, removal, and cleanup of oil and hazardous material spills.

(c) Meet with parties which have some responsibility in the prevention of and response to oil and hazardous material spills to receive comments and input relative to the task force's investigations.

(d) Consider in its investigation the capabilities and spill response program of the United States Government.

(e) Compile and review current inquiries, recent and ongoing studies, and legislation pertinent to spill response readiness.

(f) Submit to the Speaker of the House of Representatives, the President of the Senate, the minority leaders of the House of Representatives and the Senate, and the Governor by February 1, 1990, a report that clearly states recommendations necessary to improve the state's readiness to prevent, contain, remove, and clean up petroleum and hazardous material spills in coastal waters. The task force shall recommend in its report the designation of an existing or proposed governmental entity to be a central review and coordinating body for inquiries into and studies on spill response readiness. In addition to specific recommendations, the report shall include legislation needed to implement the recommendations.

(6) All meetings of the committee shall be noticed and open to the public.

Section 16. Paragraph (d) of subsection (10) of section 253.03, Florida Statutes, is renumbered as (e) and a new paragraph (d) is added to read:

253.03 Board of trustees to administer state lands; lands enumerated.—

(10) The Board of Trustees of the Internal Improvement Trust Fund and the state through any of its agencies are hereby prohibited from levying any charge, by whatever name known, or attaching any lien, on any and all materials dredged from state-sovereignty tidal lands or submerged bottom lands or on the lands constituting the spoil areas on which such dredged materials are placed, except as otherwise provided for in this subsection, when such materials are dredged by or on behalf of the United States or the local sponsors of active federal navigation projects in the pursuance of the improvement, construction, maintenance, and operation of such projects or by a public body authorized to operate a public port facility (all such parties referred to herein shall hereafter be called "public body") in pursuance of the improvement, construction, maintenance, and operation of such facility, including any public transfer and terminal facilities, which actions are hereby declared to be for a public purpose. The term "local sponsor" means the local agency designated pursuant to an act of Congress to assume a portion of the navigation project costs and duties. Active federal navigation projects are those congressionally approved projects which are being performed by the United States Army Corps of Engineers or maintained by the local sponsors.

(a) Except for beach nourishment seaward of existing lines of vegetation on privately owned or publicly owned uplands fronting on the waters of the Atlantic Ocean or Gulf of Mexico and authorized pursuant to the provisions of part I of chapter 161, no materials dredged from state-sovereignty tidal or submerged bottom lands by a public body shall be deposited on private lands until:

1. The United States Army Corps of Engineers or the local sponsor has first certified that no public lands are available within a reasonable distance of the dredging site; and

2. The public body has published notice of its intention to utilize certain private lands for the deposit of materials, in a newspaper published and having general circulation in the appropriate county at least three times within a 60-day period prior to the date of the scheduled deposit of any such material, and therein advised the general public of the opportunity to bid on the purchase of such materials for deposit on the purchaser's designated site, provided any such deposit shall be at no increased cost to the public body. Such notice shall state the terms, location, and conditions for receipt of bids and shall state that the public body shall accept the highest responsible bid. All bids shall be submitted to the Board of Trustees of the Internal Improvement Trust Fund. All moneys obtained from such purchases of materials shall be remitted forthwith to the Board of Trustees of the Internal Improvement Trust Fund. Compliance with this subsection shall vest, without any obligation, full title to the materials in the owner of the land where deposited.

(b) When public lands on which are deposited materials dredged from state-sovereignty tidal or submerged bottom lands by the public body are sold or leased for a period in excess of 20 years, which term includes any options to a private party, 50 percent of any remuneration received shall forthwith be remitted to the Board of Trustees of the Internal Improvement Trust Fund and the balance shall be retained by the public body owning the land.

(c) Any materials which have been dredged from state-sovereignty tidal or submerged bottom lands by the public body and deposited on public lands may be removed by the public body to private lands or interests only after due advertisement for bids, which means a notice published at least three times within a 60-day period in a newspaper published and having general circulation in the appropriate county. The purchase price submitted by the highest responsible bidder shall be remitted to the Board of Trustees of the Internal Improvement Trust Fund. If no bid is received, the public body shall have the right to fully convey title to, and dispose of, any such material on its land, with no requirement of payment to the Board of Trustees of the Internal Improvement Trust Fund.

(d) *Notwithstanding the provisions of paragraphs (a) through (c), the Board of Trustees of the Internal Improvement Trust Fund shall allow private or public entities to remove, at no charge and with no public notice requirements, spoil site material dredged from state sovereignty tidal lands or submerged bottom lands and to place the material upon public or private lands when:*

1. Such removal and placement is done pursuant to a spoil site rejuvenation plan the board of trustees approves; and

2. The board of trustees finds that the removal and placement is in the public interest and would rejuvenate a site for continued spoil disposal. The board of trustees may give priority to requests for spoil site material, which would result in the environmental restoration or enhancement of the new placement site.

(e) Nothing in this subsection shall affect any preexisting contract or permit to engage in dredging of materials from state-sovereignty tidal and submerged bottom lands, nor shall it be construed to void any preexisting agreement or lien against the lands upon which dredged materials have been placed or to have any retroactive effect.

Section 17. Subsections (5)-(7) of section 370.06, Florida Statutes, are renumbered as (6)-(8) and a new subsection (5) is added to read:

370.06 Licenses.—

(5) *APALACHICOLA BAY OYSTER HARVESTING LICENSE.—*

(a) For purposes of this section, the following definitions shall apply:

1. "Person" means an individual.

2. "Resident" means a citizen of the United States who has continuously resided in this state for one year immediately preceding the making of his application for an Apalachicola Bay oyster harvesting license.

(b) No person shall harvest oysters from the Apalachicola Bay without a valid Apalachicola Bay oyster harvesting license issued by the department. This requirement shall not apply to anyone harvesting noncommercial quantities of oysters in accordance with chapter 46-27 of the Florida Administrative Code or to any person less than 18 years old.

(c) Any person wishing to obtain an Apalachicola Bay oyster harvesting license shall submit an annual fee for the license during a 45-day period from May 17 to June 30 of each year preceding the license year for which the license is valid. Failure to pay the annual fee within the required time period shall result in a $500 late fee being imposed before issuance of the license. The provisions of this paragraph shall expire on July 1, 1994.

(d) The department shall collect an annual fee of $100 from residents and $500 from nonresidents for the issuance of an Apalachicola Bay oyster harvesting license. The license year shall begin on July 1 of each year and end on June 30 of the following year. However, in 1989, the license application period shall begin September 1 and end on October 15, and first-year license fees shall be prorated. The license shall be valid only for the licensee. Only bona fide residents of Florida may obtain a resident license pursuant to this subsection.

(e) Each person who applies for an Apalachicola Bay oyster harvesting license shall, before receiving the license, attend an educational seminar, of not more than 16 hours length, developed and conducted jointly by the Apalachicola National Estuarine Research Reserve, the department's Division of Law Enforcement, and the department's Apalachicola District Shellfish Environmental Assessment Laboratory. The seminar shall address, among other things, oyster biology, conservation of the Apalachicola Bay, sanitary care of oysters, small business management, and water safety. The seminar shall be offered five times per year and each person attending shall receive a certificate of participation to present when obtaining an Apalachicola Bay oyster harvesting license.

(f) Each person, while harvesting oysters in Apalachicola Bay, shall have in possession a valid Apalachicola Bay oyster harvesting license, or proof of having applied for a license within the required time period, and shall produce such license or proof of application upon request of any law enforcement officer.

(g) Each person that obtains an Apalachicola Bay oyster harvesting license shall prominently display the license number upon any vessel he owns which is used for the taking of oysters, in numbers which are at least 10 inches high and 1 inch wide, so that the permit number is readily identifiable from the air and water. Only one vessel displaying a given number may be used at any time. A licensee may harvest oysters from the vessel of another licensee.

(h) Any person holding a saltwater products license shall receive credit for the license fee against the Apalachicola Bay oyster harvesting license fee.

(i) The proceeds from Apalachicola Bay oyster harvesting license fees shall be deposited in the Apalachicola Bay Conservation Trust Fund and, less reasonable administrative costs, shall be used or distributed by the department for the following purposes in Apalachicola Bay:

1. Relaying and transplanting live oysters.

2. Shell planting to construct or rehabilitate oyster bars.

3. Education programs for licensed oyster harvesters on oyster biology, aquaculture, boating and water safety, sanitation, resource conservation, small business management, and other relevant subjects.

4. Research directed toward the enhancement of oyster production in the bay and the water management needs of the bay.

(j) Any person violating any of the provisions of paragraphs (b) and (d)-(g) shall be guilty of a misdemeanor of the second degree, punishable as provided in s.775.082 and s.775.083. Nothing in this subsection shall limit the application of existing penalties.

(k) Paragraph (c) of this subsection shall expire on July 1, 1994.

Section 18. Subsections (3)-(5) of section 370.07, Florida Statutes, are renumbered as (4)-(6), a new subsection (3) is added, and subsection (7) is added to read:

370.07 Wholesale and retail saltwater products dealers; regulation.—

(3) APALACHICOLA BAY OYSTER SURCHARGE.—

(a) For purposes of this section, "bag" means an amount of oysters with shells weighing approximately 60 pounds.

(b) Effective October 1, 1989, and notwithstanding the provisions of s. 370.16(21), there shall be assessed a surcharge of 50 cents on each bag of oysters, to be paid by the wholesale dealer first receiving, using or selling the oysters after harvesting from the waters of Apalachicola Bay.

(c)1. Each wholesale dealer shall certify, on such forms as may be prescribed by the Department of Revenue, to any subsequent purchasing wholesale dealer or other purchaser that the surcharge imposed by this subsection has been paid or will be paid by such wholesale dealer first receiving the oysters.

2. In the case where the harvester is also the wholesale dealer, such wholesale dealer shall maintain documentation, on forms as may be prescribed by the Department of Revenue, adequate to establish that the surcharge has been paid or will be paid by such wholesale dealer.

3. In such case where the wholesale dealer is also the retail dealer under s. 370.07(1)(b), Florida Statutes, such wholesale dealer shall maintain documentation, on forms as may be prescribed by the Department of Revenue, adequate to establish that the surcharge has been paid or will be paid by such wholesale dealer.

(d) Except for the collection allowance pursuant to s. 212.12 and estimated tax filing requirements pursuant to 212.11, the same duties and privileges imposed by Chapter 212 upon dealers of tangible personal property respecting the remission of the surcharge, the making of returns, penalties and interest, the keeping of books, records and accounts, and the compliance with the rules of the Department of Revenue in the administration of Chapter 212 shall apply and be binding upon all wholesale dealers who are subject to the surcharge imposed by this subsection.

(e) The Department of Revenue shall keep records showing the amount of the surcharge collected.

(f) The Department of Revenue shall collect the surcharge for transfer into the Apalachicola Bay Conservation Trust Fund of the Department of Natural Resources.

(g) The Department of Revenue is empowered to promulgate rules, establish audit procedures for the audit of wholesale dealers, assess for delinquency, and prescribe and publish such forms as may be necessary to effectuate the provisions of this subsection.

(h) Annually, the Department of Natural Resources shall furnish the Department of Revenue with a current list of wholesale dealers in the state.

(i) Collections received by the Department of Revenue from the surcharge shall be transferred quarterly to the Department of Natural Resources Apalachicola Bay Conservation Trust Fund, less the costs of administration.

(j) The Executive Director of the Department of Revenue is hereby authorized to adopt emergency rules pursuant to s. 120.54(9), Florida Statutes, for purposes of implementing this subsection. Notwithstanding any other provisions of law, such emergency rules shall remain effective for 6 months from the date of adoption. Other rules of the Department of Revenue related to and in furtherance of the orderly implementation of this subsection shall not be subject to s. 120.54(4), Florida Statutes, rule challenge or s. 120.54(17), Florida Statutes, drawout proceeding, but, once adopted, shall be subject to s. 120.56, Florida Statutes, invalidity challenge. Such rules shall be adopted by the Governor and Cabinet and shall become effective upon filing with the Department of State, notwithstanding the provisions of s. 120.54(13), Florida Statutes.

(k) The Department of Natural Resources shall use or distribute funds generated by this surcharge, less reasonable costs of collection and administration, to fund the following oyster management and restoration programs in Apalachicola Bay:

1. The relaying and transplanting of live oysters.

2. Shell planting to construct or rehabilitate oyster bars.

3. Education programs for licensed oyster harvesters on oyster biology, aquaculture, boating and water safety, sanitation, resource conservation, small business management, and other relevant subjects.

4. Research directed toward the enhancement of oyster production in the bay and the water management needs of the bay.

(7) PURCHASE OF SALTWATER PRODUCTS AT TEMPORARY LOCATION.—*Wholesale dealers purchasing saltwater products at any site other than a site located in a county where the dealer has a permanent address must notify the Division of Law Enforcement of the location of the temporary site of business for each day business is to be conducted at such site.*

Section 19. Paragraph (d) of subsection (4) and subsection (9) of section 370.16, Florida Statutes, are amended, subsection (14) of said section is repealed, subsections (15) through (38) are renumbered as (16) through (39), new subsections (14) and (15) are added, and renumbered subsection (16) is amended, to read:

370.16 Oysters and shellfish; regulation.—

(4) LEASES IN PERPETUITY; RENT; STIPULATIONS; TAXES; CULTIVATION, ETC.—

(d) When evidence is gathered by the division and such evidence conclusively shows a lack of effective cultivation, the division may revoke leases and return the bottoms in question to the public domain. *The department shall monitor the cultivation of perpetual shellfish grants and leaseholds in the Apalachicola Bay by assigning a Marine Patrol officer or other department staff to the lease area during any planting activities on the lease area. The leaseholder or grantholder shall notify the Division of Marine Resources no less than 48 hours prior to the day or days of planting so that the division may arrange for such monitoring.*

(9) WHEN NATURAL REEFS MAY BE INCLUDED IN LEASE.—When an application for oyster or clam bedding grounds is filed and upon survey of such bedding ground, it should develop that the area applied for contains natural oyster or clam reefs or beds less in size than 100 square yards, or oyster or clam reefs or bars of greater size, but not of sufficient quantity to constitute a stratum, and it should further be made to appear to the Division of Marine Resources by the affidavit of the applicant, together with such other proof as the division may require, that the natural reef, bed, or bar could not be excluded, and the territory applied for properly protected or policed, the division may, if it deems it for the best interest of the state and the oyster industry so to do, permit the including of such natural reefs, beds, or bars; and it shall fix a reasonable value on the same, to be paid by the applicant for such bedding ground; provided, that no such natural reefs shall be included in any lease hereafter granted to the bottom or bed of waters of this state contiguous to Franklin County. There shall be no future oyster leases issued in Franklin County *except for purposes of oyster aquaculture activities approved under ss. 253.67-253.75. However, such aquaculture leases shall be for an area not larger than one acre and shall not be transferred or subleased. Only the flexible belt system or off-bottom methods may be used for aquaculture on these lease areas and no cultch materials shall be placed on the bottom of the lease areas. Under no circumstances shall mechanical dredging devices be used to harvest oysters on such lease areas. Oyster aquaculture leases issued in Franklin County shall be issued only to Florida residents.*

(14) *SHELLFISH HARVESTING SEASONS; DAYS: SPECIAL PROVISIONS RELATING TO APALACHICOLA BAY.—*

(a) The Marine Fisheries Commission shall consider setting the shellfish harvesting seasons in the Apalachicola Bay as follows:

1. The open season shall be from October 1 to July 31 of each year.

2. The entire bay, including private leased or granted grounds, shall be closed to shellfish harvesting from August 1 to September 30 of each year for the purpose of oyster relaying and transplanting and shell planting.

(b) If the commission changes the harvesting seasons by rule as set forth in this subsection, for three years after the rule takes effect, the department shall monitor the impacts of the new harvesting schedule on the bay and on local shellfish harvesters to determine whether the new harvesting schedule should be discontinued, retained, or modified. In monitoring the new schedule and in preparing its report, the department shall consider the following:

1. Whether the bay benefits ecologically from being closed to shellfish harvesting from August 1 to September 30 of each year.

2. Whether the new harvesting schedule enhances the enforcement of shellfish harvesting laws in the bay.

3. Whether the new harvesting schedule enhances natural shellfish production, oyster relay and planting programs, and shell planting programs in the bay.

4. Whether the new harvesting schedule has more than a short-term adverse economic impact, if any, on local shellfish harvesters.

(c) The Marine Fisheries Commission by rule shall consider restricting harvesting on shellfish grants or leases to the same days of the week as harvesting on public beds.

(15) APALACHICOLA BAY CONSERVATION TRUST FUND.—There is created within the Department of Natural Resources the Apalachicola Bay Conservation Trust Fund to be used as a nonlapsing, revolving fund for oyster rehabilitation in the Apalachicola Bay and for the conservation of the bay as an oyster resource. The fund shall be credited with the following:

(a) Proceeds from the Apalachicola Bay oyster harvesting license established in s. 370.06(5).

(b) Proceeds from the oyster surcharge established in s. 370.07(3).

(c) Moneys that the Legislature appropriates for oyster rehabilitation programs, research and education programs, and other programs or purposes related to the conservation of Apalachicola Bay.

(16) REMOVING OYSTERS, CLAMS, OR MUSSELS FROM NATURAL REEFS; LICENSES, ETC., PENALTY.—

(a) It is unlawful to use a dredge or any means or implement other than hand tongs in removing oysters from the natural or artificial state reefs. *This restriction shall apply to all areas of the Apalachicola Bay for all shellfish harvesting, excluding private grounds leased or granted by the state prior to July 1, 1989, if the lease or grant specifically authorizes the use of implements other than hand tongs for harvesting. Except in the Apalachicola Bay, u*~~U~~pon the payment of $25 annually, for each vessel or boat using a dredge or machinery in the gathering of clams or mussels, a special activity license may be issued by the division pursuant to s. 370.06 for such use to such person.

(b) Lessees of bedding grounds, *other than those grounds leased or granted after July 1, 1989, in Apalachicola Bay,* shall have the right to use in such bedding grounds any implements or appliances that they may desire. The division shall require that such lessees procure special activity licenses pursuant to s. 370.06 to use such implements and shall require of the lessees that they furnish a bond payable to the Governor of the State of Florida, to be approved by the division, in the sum of $3,000, that such implements or appliances shall not be used on the natural oyster reefs contrary to law. When such implements or appliances are used exclusively on private propagating or bedding grounds, no charge shall be made for the license. Anyone who violates this section is guilty of a felony

of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. *Special activity licenses issued to harvest shellfish by dredge or other mechanical means from privately held shellfish leases or grants in Apalachicola Bay shall include, but not be limited to, the following conditions:*

1. The use of any mechanical harvesting device other than ordinary hand tongs for taking shellfish for any purpose from public shellfish beds in Apalachicola Bay shall be unlawful.

2. The possession of any mechanical harvesting device on the waters of Apalachicola Bay from 5:00 p.m. until sunrise shall be unlawful.

3. Leaseholders or grantees shall telephonically notify the Division of Law Enforcement and the Division of Marine Resources no less than 48 hours prior to each day's use of a dredge or scrape in order to arrange for a Marine Patrol officer to be present on the lease or grant area while a dredge or scrape is used on the lease or grant. Under no circumstances may a dredge or scrape be used without a Marine Patrol officer present.

4. Only two dredges or scrapes per lease or grant may be possessed or operated at any time.

5. Each vessel used for the transport or deployment of a dredge or scrape shall prominently display the lease or grant number or numbers, in numerals which are at least twelve inches high and six inches wide, in such a manner that the lease or grant number or numbers are readily identifiable from both the air and the water. The department shall apply other statutes, rules, or conditions necessary to protect the environment and natural resources from improper transport, deployment, and operation of a dredge or scrape. Any violation of this paragraph or of any other statutes, rules, or conditions referenced in the special activity license shall be considered a violation of the license and shall result in revocation of the license and forfeiture of the bond submitted to the department as a prerequisite to the issuance of this license.

(c) Oysters may be harvested from natural or public *or private leased or granted* grounds by common hand tongs or by hand, by scuba diving, free diving, leaning from vessels, or wading. *In the Apalachicola Bay, this provision shall apply to all shellfish.*

Section 20. Subsection (1) of section 403.816, Florida Statutes, is amended to read:

403.816 Permits for maintenance dredging of deepwater ports and beach restoration projects.—

(1) The department shall establish a permit system under this chapter and chapter 253 which provides for the performance, for up to 25 years from the issuance of the original permit, of maintenance dredging of permitted navigation channels, port harbors, turning basins, harbor berths, and beach restoration projects approved pursuant to chapter 161. *However, permits issued for dredging river channels which are not a part of a deepwater port shall be valid for no more than five years.* No charge shall be exacted by the state for material removed during such maintenance dredging by a public port authority except as provided in s. 403.813(1)(f).

Section 21. Paragraph (a) of subsection (1) of section 403.921, Florida Statutes, is amended to read:

403.921 Permits; duration; fees.—

(1)(a) A permit issued under ss. 403.91-403.929 shall be valid for a period not to exceed 10 years. However, *except for permits issued for dredging river channels,* the department may issue a permit for a period not to exceed 25 years if the applicant provides the department with reasonable assurances that:

1. The activity for which the permit is granted cannot reasonably be expected to be completed within 10 years after commencement of construction; or

2. The activity for which the permit is granted will cover an area of such size that it would not allow the department to accurately assess the total impact of the project and the potential for mitigation or restoration, if permitted by separate permits;

and the applicant supplies the department with sufficient information to allow the department to accurately assess the impact of the project for the permitted period.

Section 22. *The Northwest Florida Water Management District, pursuant to its activities under the Surface Water Improvement and Management Act, shall, in cooperation with the Department of natural Resources, conduct an assessment of the freshwater needs of the Apalachicola Bay. At a minimum, the assessment shall include a compilation of all existing data on the bay relevant to determining its freshwater needs and the collection of additional data necessary to produce a reliable scientific assessment of the bay's freshwater requirements.*

Section 23. Paragraph (b) of subsection (1) of section 253.01, Florida Statutes, is amended to read:

253.01 Internal Improvement Trust Fund established.—

(1)

(b) All revenues derived from application fees charged by the Division of State Lands for the use in any manner, lease, conveyance, or release of any interest in or for the sale of state lands, *except revenues from such fees charged for aquaculture leases pursuant to s. 253.71(2),* shall be placed into the Internal Improvement Trust Fund. The fees charged by the division for reproduction of records relating to state lands shall also be placed into the fund.

Section 24. Subsections (1), (2), and (4) of section 253.71, Florida Statutes, 1988 Supplement, are amended to read:

253.71 The lease contract.—When the board has determined that the proposed lease is not incompatible with the public interest and that the applicant has demonstrated his capacity to perform the operations upon which the application is based, it may proceed to consummate a lease contract having the following features in addition to others deemed desirable by the board:

(1) TERM.—The maximum initial terms shall be 10 years. Leases shall be renewable for successive terms up to the same maximum upon agreement of the parties. ~~However, before renewing the term of any lease, the board shall invite objections by following the publication procedures of s. 253.70.~~

(2) RENTAL FEES.—

(a) The lease contract shall specify such amount of rental per acre of leased bottom as may be agreed to by the parties and shall take the form of:

~~1.~~ fixed rental to be paid throughout the term of the lease. *Beginning January 1, 1990, a surcharge of $5 per acre, or any fraction of an acre, per annum shall be levied upon each lease according to the guidelines set forth in s. 370.16(4)(b).*~~; or~~

~~2. A basic rental charge which will be supplemented by royalties after the productivity of the aquaculture enterprise has been established.~~

~~(b) In setting the amount of the rental charge or royalties the board shall consider such factors as the probable rates of productivity and the marketability and value of the product of the enterprise.~~

(b)~~(c)~~ All leases shall stipulate for the payment of the *initial term's first year's* annual rental *within 30 days of the date of execution of the lease instrument, and payment of the annual rental fee for all succeeding years throughout the term of the lease on or before the anniversary date* ~~in advance on or before January 1~~. Failure of the lessee to pay such rent within 30 days of such date shall constitute ground for cancellation of the lease and forfeiture to the state of all works, improvements, and animal and plant life in and upon the leased land and water column.

(4) PERFORMANCE REQUIREMENTS~~; BOND~~.—Failure of the lessee to perform *effective cultivation* ~~substantially the aquaculture activities for which the lease was granted~~ shall constitute ground for cancellation of the lease and forfeiture to the state of all the works, improvements, and animal and plant life in and upon the leased land and water column. *Effective cultivation shall consist of the grow-out of the aquaculture product according to the guidelines set forth in s. 370.16(4)(e).* ~~In addition, the board shall require each lessee to execute one of the following: a surety bond, a performance bond, or a letter of credit or money in escrow in favor of the board of trustees, to ensure development of the leases in accordance with lease terms and conditions and to ensure removal of the structures or improvements upon cancellation or forfeiture of the lease. Such requirements shall be imposed in accordance with standards and amounts established by rule.~~

Section 25. Section 270.22, Florida Statutes, is amended to read:

270.22 Proceeds of state lands to go into Internal Improvement Trust Fund; *exception.*—

(1) Except as provided in subsection (2), the proceeds of state land, whether from sale, lease, rental, or the sale, lease, or rental of products in, on, or under such land, title to which has been or may be vested in the Board of Trustees of the Internal Improvement Trust Fund by the Legislature of this state, or of land which has been or may be received by the board of trustees from other sources, shall be paid into the Internal Improvement Trust Fund to become a part of that fund, subject to disposition as is provided by the laws of this state relating thereto.

(2) Rental fees for aquaculture leases pursuant to s. 253.71(2) shall be deposited into the Marine Biological Research Trust Fund of the Department of Natural Resources. Such fees generated by shellfish-related aquaculture leases shall be used for shellfish-related aquaculture activities, including research, lease compliance inspections, mapping, and siting.

Section 26. Subsections (4), (5), and (21) of section 370.16, Florida Statutes, are amended to read:

370.16 Oysters and shellfish; regulation.—

(4) LEASES IN PERPETUITY; RENT; STIPULATIONS; TAXES; CULTIVATION, ETC.—

(a) All leases made under the provisions of this chapter shall begin on the day executed and continue in perpetuity under such restrictions as shall herein be stated. The rent for the first 10 years shall be $5 per acre, or any fraction of an acre, per year. *Beginning January 1, 1990, the actual rate charged for all leases shall consist of the minimum rate of $15 per acre, or any fraction of an acre, per year and shall be adjusted on January 1, 1995, and every 5 years thereafter, based upon the 5-year average change in the Consumer Price Index.* However, the rent for any lease currently in effect shall not be increased during the first 10 years of said lease. This rent shall be paid in advance at the time of signing the lease up to January 1 following, and annually thereafter in advance on or before January 1, whether the lease be held by the original lessee or by an heir, assignee, or transferee. ~~No taxes, assessments, or other licenses other than those imposed in this chapter shall be levied or imposed on the leases or leased lands, but the annual rental exacted and paid shall be held and considered all that can or shall be exacted by the state or county, subordinate political corporations, or municipalities.~~

(b) Beginning January 1, 1990, a surcharge of $5 per acre, or any fraction of an acre, per annum shall be levied upon each lease and deposited in the Marine Biological Research Trust Fund. Funds from this surcharge shall be segregated within the Marine Biological Research Trust Fund. The surcharge shall be levied until the balance of these segregated funds equals or exceeds $30,000. For the fiscal year immediately following the year in which the balance of these segregated funds equals or exceeds $30,000, no surcharge shall be levied unless the balance in these segregated funds is less than or equal to $20,000. For the fiscal year immediately following the year in which the balance of such segregated funds is less than or equal to $20,000, the surcharge shall be and shall remain $5 per acre, or any fraction of an acre, per annum until the balance of such segregated funds again is equal to or exceeds $30,000. The surcharge and segregated funds shall be controlled as when the balance of such segregated funds first was equal to or exceeded $30,000. The purpose of the surcharge is to provide a mechanism to have financial resources immediately available for cleanup and rehabilitation of abandoned or vacated lease sites. The department is authorized to promulgate rules necessary to carry out the provisions of this subsection.

(c) Moneys in the fund that are not needed currently for cleanup and rehabilitation of abandoned or vacated lease sites shall be deposited with the Treasurer to the credit of the fund and may be invested in such manner as is provided for by statute. Interest received on such investment shall be credited to the fund.

(d) Segregated funds within the Marine Biological Research Trust Fund from the surcharge established by paragraph (b) shall be disbursed for the following purposes and no others:

1. Administrative expenses, personnel expenses, and equipment costs of the department related to cleanup and rehabilitation of abandoned or vacated aquaculture lease sites and enforcement of provisions of subsections (1)-(13).

2. All costs involved in the cleanup and rehabilitation of abandoned or vacated lease sites.

3. All costs and damages which are the proximate results of lease abandonment or vacation.

4. The department shall recover to the use of the fund from the person or persons abandoning or vacating the lease, jointly and severally, all sums owed or expended from the fund. Requests for reimbursement to the fund for the above costs, if not paid within 30 days of demand, shall be turned over to the Department of Legal Affairs for collection.

(e)~~(b)~~ Effective cultivation shall consist of the growing of the oysters or clams in a density suitable for commercial harvesting over the amount of bottom prescribed by law. This commercial density shall be accomplished by the planting of seed oysters, shell, and cultch of various descriptions. The Division of Marine Resources may stipulate in each individual lease contract the types, shape, depth, size, and height of cultch materials on lease bottoms according to the individual shape, depth, location, and type of bottom of the proposed lease. Each tenant leasing from the state water bottoms under the provisions of this section shall have begun, within 1 year from the date of such lease, bona fide cultivation of the same, and shall, by the end of the second year from the commencement of his lease, have placed under cultivation at least one-fourth of the water bottom leased and shall each year thereafter place in cultivation at least one-fourth of the water bottom leased until the whole, suitable for bedding of oysters or clams, shall have been put in cultivation by the planting thereon of not less than 200 barrels of oysters, shell, or its equivalent in cultch to the acre. When leases are granted, or when grants have heretofore been made under existing laws for the planting of oysters or clams, such lessee or grantee is authorized to plant the leased or granted bottoms both in oysters and clams.

(f)~~(c)~~ These stipulations will apply to all leases granted after the passing of this section. All leases existing prior to the passing of this section will operate under the law which was in effect when the leases were granted.

(g)~~(d)~~ When evidence is gathered by the *department* ~~division~~ and such evidence conclusively shows a lack of effective cultivation, the *department* ~~division~~ may revoke leases and return the bottoms in question to the public domain.

(h)~~(e)~~ The department has the authority to adopt rules and regulations pertaining to the water column over shellfish leases. All cultch materials in place 6 months after the formal adoption and publication of rules and regulations establishing standards for cultch materials on shellfish leases which do not comply with such rules and regulations may be declared a nuisance by the *department* ~~division~~. The *department* ~~division~~ shall have the authority to direct the lessee to remove such cultch in violation of this section. The *department* ~~division~~ may cancel a lease upon the refusal by the lessee violating such rules and regulations to remove unlawful cultch materials, and all improvements, cultch, marketable oysters, and shell shall become the property of the state. The *department* ~~division~~ shall have the authority to retain, dispose of, or remove such materials in the best interest of the state.

(5) INCREASE OF RENTALS AFTER 10 YEARS.—After 10 years from the execution of the lease, the rentals shall be increased to a minimum of $1 per acre per annum. The *department* ~~Division of Marine Resources~~ shall assess rental value on the leased water bottoms, taking into consideration their value as oyster-growing or clam-growing water bottoms, their nearness to factories, transportation, and other conditions adding value thereto and placing such valuation upon them in shape of annual rental to be paid thereunder as said condition shall warrant.

(21) *DEPOSIT OF SHELLFISH LEASE RENTAL FEES* ~~COLLECTION OF LICENSES AND TAXES~~.—*Rental fees for shellfish leases issued under this section shall be deposited into the Marine Biological Research Trust Fund and used for shellfish-related aquaculture activities, including research, lease compliance inspections, mapping, and siting.* ~~All taxes and licenses shall be collected by the Division of Marine Resources under such rules and regulations as may be adopted by the division, and by it deposited in the State Treasury to the credit of the General Revenue Fund. The division shall keep a detailed account of all funds passing through its hands.~~

Section 27. *(1)(a) It is the intent of the Florida Legislature to encourage the development of new and innovative methods for dealing with the coastal shoreline erosion problem being experienced by the state.*

(b) The department may authorize the construction of pilot projects using alternative coastal shoreline erosion control methods upon receipt of an application from a riparian property owner or governmental entity and upon consideration of the facts and circumstances, including, but not limited to:

1. The area for which the activity is being proposed has been identified in the beach management plan as an eroded sandy beach resource.

2. A determination has been made by the department that the proposed project site is properly suited for analysis of the results of the proposed activity.

3. Any applicant applying for a permit for such an activity, be required to establish a monitoring plan upon which an analysis of the project's performance may be determined.

4. Submission of adequate engineering design and theory to support the proposed activity.

5. A determination has been made by the department that the proposed project site is not situated in an environmentally sensitive area which may damage marine resources.

(c) The department shall, as a condition to the granting of a permit under this section, require mitigation, financial or other assurances acceptable to the department as may be necessary to assure performance of conditions of the permit or enter into contractual agreements to best assure compliance with any permit conditions.

(d) The department shall require the applicant, its successors and assigns, to commit, to the satisfaction of the department, to remove any structure, object or installation relating to the pilot project where the department determines that the pilot project is having an adverse impact on the beach and dune system and to correct the adverse impact.

(e) The Department of Natural Resources shall evaluate the monitoring program 3 years from the date of installation to determine the effectiveness of the pilot project. If the project is deemed effective, the department shall release the property owner from the financial assurance required pursuant to paragraph (c) of this section. Additionally, the evaluation shall determine the feasibility of continued implementation of the pilot project.

Section 28. Effective July 1, 1990, part III of chapter 380, Florida Statutes, consisting of sections 380.501, 380.502, 380.503, 380.504, 380.505, 380.506, 380.507, 380.508, 380.509, 380.510, 380.511, 380.512, 380.513, 380.514, and 380.515 is created to read:

PART III
FLORIDA COMMUNITIES TRUST

380.501 Short title.—This part may be cited as the "Florida Communities Trust Act."

380.502 Legislative findings and intent.—

(1) The Legislature finds that the conservation of natural areas is vital to the state's economy and ecology. The Legislature further finds that rapid increases in population and development throughout Florida threaten the integrity of the environment and limit opportunities for citizens and visitors to enjoy the state's natural areas. Finally, the Legislature finds that inappropriate and poorly planned land uses overburden natural resources and disrupt the state's ecology.

(2) The Legislature recognizes that the primary responsibility for establishing well-planned land use rests at the local government level through the implementation of comprehensive plans. The Legislature also recognizes that many of the goals and objectives of these comprehensive plans will not be met through regulation, but require creative and innovative action to ensure their accomplishment.

(3) It is the intent of the Legislature to establish a nonregulatory agency which will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans and in otherwise conserving natural resources and resolving land use conflicts by:

(a) Responding promptly and creatively to opportunities to correct undesirable development patterns, restore degraded natural areas, enhance resource values, restore deteriorated or deteriorating urban waterfronts, reserve lands for later purchase, participate in and promote the use of innovative land acquisition methods, and provide public access to surface waters.

(b) Providing financial and technical assistance to local governments, state agencies, and nonprofit organizations to carry out projects and activities authorized by this part.

(c) Involving local governments and private interests in voluntarily resolving land use conflicts and issues.

380.503 Definitions.—As used in ss. 380.501-380.516, unless the context indicates a different meaning or intent:

(1) "Trust" means the Florida Communities Trust created pursuant to this part.

(2) "Local government" means a county or municipality.

(3) "Nonprofit organization" means any private nonprofit organization, existing under the provisions of s. 501(c)(3) of the United States Internal Revenue Code, which has among its principal goals the conservation of natural resources or protection of the environment.

(4) "Comprehensive plan" means a plan that meets the requirements of ss. 163.3177, 163.3178, and 163.3191, and has been found to be in compliance in accordance with s. 163.3184.

(5) "Project" means any work on, improvement to, or acquisition of real property, buildings, or any other property.

(6) "Real property" means any interest in land and may also include any appurtenances and improvements to the land.

(7) "Surface waters" means publicly owned waters upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused.

(8) "Redevelopment project" means action taken pursuant to this part to correct undesirable development patterns.

(9) "Resource enhancement project" means action taken pursuant to this part to restore, as nearly as possible, degraded natural areas to their original condition or to enhance the resource values of a natural area.

(10) "Public access project" means action taken pursuant to this part to create or improve public accessways to surface waters.

(11) "Urban waterfront restoration project" means action taken pursuant to this part to restore deteriorated or deteriorating urban waterfronts for public use and enjoyment.

(12) "Site reservation" means temporarily acquiring and holding areas identified for public use, then transferring the land to an appropriate state agency, local government, or nonprofit organization for management for public use.

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

380.504 Florida Communities Trust; creation; membership; expenses.—

(1) There is created within the Department of Community Affairs a nonregulatory state agency and instrumentality, which shall be a public body corporate and politic, known as the "Florida Communities Trust." The governing body of the trust shall consist of:

(a) The Secretary of Community Affairs and the executive director of the Department of Natural Resources; and

(b) Three public members whom the Governor shall appoint subject to Senate confirmation.

The Governor shall appoint an elected official of a local government, a representative of a nonprofit organization as defined in this part, and a representative of the development industry. The Secretary of Community Affairs may designate his assistant secretary or the director of the Division of Resource Planning and Management to serve in his absence. The executive director of the Department of Natural Resources may appoint his assistant executive director, the deputy assistant director for Land Resources, the director of the Division of State Lands, or the director of the Division of Recreation and Parks to serve in his absence. The Secretary of Community Affairs shall be the chairman of the governing body of the trust. The Governor shall appoint the initial three governing body members by February 1, 1991, and those appointments shall take effect, upon senate confirmation, July 1, 1991. Thereafter, the Governor shall make his appointments by February 1 preceding the expiration of any current terms.

(2) Of the initial governing body members, two of the Governor's appointees shall serve for a term of 2 years and the remaining one shall serve for a term of 4 years from the date of appointment. Thereafter, governing body members whom the Governor appoints shall serve for terms of 4 years. The Governor may fill any vacancy for an unexpired term.

(3) Governing body members shall receive no compensation for their services, but shall be entitled to the necessary expenses, including per diem and travel expenses, incurred in the discharge of their duties pursuant to this part, as provided by law.

380.505 Meetings; quorum; voting.—The powers of the trust shall be vested in its governing body members. The governing body may delegate such powers to department staff as it deems necessary. Three members of the governing body shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. However, the governing body may take action only upon an affirmative vote of at least three members. Beginning July 1, 1991, the governing body shall meet at least quarterly, and may meet more often at the call of the chairman or upon an affirmative vote of three members.

380.506 Support services.—The department shall furnish administrative, personnel, and other support services necessary for the trust to accomplish the purposes of this part.

380.507 Powers of the trust.—The trust shall have all the powers necessary or convenient to carry out the purposes and provisions of this part, including:

(1) To make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the trust.

(2) To undertake, coordinate, or fund activities and projects which will help bring into compliance and help implement the conservation, recreation and open space, and coastal elements of local comprehensive plans, or which will otherwise serve to conserve natural resources and resolve land use conflicts, including, but not limited to:

(a) Redevelopment projects.

(b) Resource enhancement projects.

(c) Public access projects.

(d) Urban waterfront restoration projects.

(e) Site reservation.

(3) To provide technical and financial assistance to local governments, state agencies, water management districts, regional planning councils, and nonprofit agencies to carry out projects and activities to achieve the purposes of this part.

(4) To acquire and dispose of real and personal property or any interest therein when necessary or appropriate to protect the natural environment, provide public access or public recreational facilities, preserve wildlife habitat areas, provide access for managing acquired lands, or otherwise carry out the purposes of this part. If the trust acquires land for permanent state ownership, title to such land shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. Notwithstanding any other provision of law, the trust may enter into an option agreement to purchase lands included in projects approved according to this part, when necessary to reserve lands during the preparation of project plans and during acquisition proceedings. The consideration for an option shall not exceed $100,000.

(5) To acquire interests in land by means of land exchanges, and to enter into all alternatives to the acquisition of fee interests in land, including the acquisition of conservation easements, life estates, leases, and leaseback arrangements. The trust may accept donations of any interest in land.

(6) To award grants and make loans to local governments and nonprofit organizations for the purposes listed in subsection (2) and for acquiring fee title and less than fee title, such as conservation easements or other interests in land, for the purposes of this part.

(7) To provide by grant or loan up to the total cost of any project approved according to this part, including the local share of federally supported projects. The trust may require local funding participation in projects. The trust shall determine the funding it will provide by considering the total amount of funding available for the project, the fiscal resources of other project participants, the urgency of the project relative to other eligible projects, and other factors which the trust shall have prescribed by rule. The trust may fund up to 100 percent of any local government land acquisition costs, if part of an approved project.

(8) After notification to the local government involved, to undertake or to authorize a nonprofit organization to undertake any project or activity, or portion of a project or activity, approved according to this part, which the local government is unable to undertake or becomes unable to complete.

(9) To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in such investments as may be authorized for trust funds under s. 215.47, and in any other authorized investments, if such investments are made on behalf of the trust by the State Board of Administration.

(10) To contract for and to accept gifts, grants, loans, or other aid from the United States Government or any person or corporation, including gifts of real property or any interest in real property.

(11) To make rules necessary to carry out the purposes of this part and to exercise any power granted in this part, pursuant to the provisions of chapter 120.

(12) To contract with private consultants and nonprofit organizations for professional and technical assistance and advice.

(13) To make and execute agreements, contracts, and other instruments necessary or convenient in the exercise of the powers and functions of the trust under this part, including contracts with any person, firm, corporation, local government, or other entity. The trust may contract for real estate services for the acquisition or disposal of land and may pay reasonable real estate commission fees for such services. All local governments established under the laws of the state may enter into and do all things necessary to perform such contracts and otherwise cooperate with the trust to achieve the purposes of this part.

(14) To conduct promotional campaigns, including advertising, for the sale of communities trust license plates authorized in s. 320.08065.

380.508 Projects; development, review, and approval.—

(1) The trust shall request appropriate state agencies, local governments, nonprofit organizations, and other public and private groups to assist in the formulation of criteria and guidelines for the development and evaluation of projects, which the trust shall adopt by rule.

(2) In accordance with procedures adopted by the trust, local governments and nonprofit organizations may propose projects for the trust to consider for funding or technical assistance. When a local government demonstrates the need for assistance in preparing a project proposal, the trust, whenever possible, shall provide such assistance.

(3) Projects or activities which the trust undertakes, coordinates, or funds in any manner shall comply with the following guidelines:

(a) The purpose of redevelopment projects shall be to restore areas which are adversely affected by scattered ownership, poor lot layout, inadequate park and open space, incompatible land uses, or other conditions which endanger the environment or impede orderly development. Grants and loans awarded for redevelopment projects shall be used for assembling parcels of land within redevelopment project areas for the redesign of such areas and for the installation of public improvements required to serve such areas. After redesign and installation of public improvements, if any, lands in redevelopment projects, with the exception of lands acquired for public purposes, shall be conveyed to any person for development in accordance with a redevelopment project plan approved according to this part.

(b) The purpose of resource enhancement projects shall be to enhance natural resources which, because of indiscriminate dredging or filling, improper location of improvements, natural or human-induced events, or incompatible land uses, have suffered loss of natural and scenic values. Grants and loans awarded for resource enhancement projects shall be used for the assembly of parcels of land to improve resource management, for relocation of improperly located or designed improvements, and for other corrective measures which will enhance the natural and scenic character of project areas.

(c) The purpose of public access projects shall be to acquire interests in and initially develop lands which are suitable for and which will be used for public accessways to surface waters. The trust shall identify local governments and nonprofit organizations which will accept responsibility for maintenance and liability for public accessways which are located outside the state park system. The trust may lease any public access site developed under this part to a local government or nonprofit organization, provided that the conditions of the lease guarantee public use of the site. The trust may accept, from any local government or nonprofit organization, fees collected for providing public access to surface waters. The trust shall expend any such funds it accepts only for acquisition, development, and maintenance of such public accessways. To the maximum extent possible, the trust shall expend such fees in the general area where they are collected or in areas where public access to surface waters is clearly deficient. The trust may transfer funds, including such fees, to a local government or nonprofit organization to acquire public access sites. In developing or coordinating public access projects, the trust shall ensure that project plans involving beach access are consistent with state laws governing beach access.

(d) The purpose of urban waterfront restoration projects shall be to restore deteriorated or deteriorating urban waterfronts for public use and enjoyment. The trust shall coordinate the activities of all other state agencies and all federal agencies that have programs affecting Florida's urban waterfronts, in order to increase the efficiency and minimize duplication of those programs. Urban waterfront restoration projects shall include public access sites.

(e) The trust shall cooperate with local governments, state agencies, federal agencies, and nonprofit organizations in ensuring the reservation of lands for parks, recreation, fish and wildlife habitat, historical preservation, or scientific study. In the event that any local government, state agency, federal agency, or nonprofit organization is unable, due to limited financial resources or other circumstances of a temporary nature, to acquire a site for the purposes described in this paragraph, the trust may acquire and hold the site for subsequent conveyance to the appropriate local government or nonprofit organization. The trust may provide such technical assistance as is required to aid local governments, state and federal agencies, and nonprofit organizations in completing acquisition and related functions. The trust shall not reserve lands acquired in accordance with this paragraph for more than 5 years from the time of acquisition. A local government, federal or state agency, or nonprofit organization may acquire the land at any time during this period for public purposes. The purchase price shall be based upon the trust's cost of acquisition, plus administrative and management costs in reserving the land. The payment of this purchase price shall be by money, trust-approved property of an equivalent value, or a combination of money and trust-approved property. If, after the 5-year period, the trust has not sold to a local government or nonprofit organization land acquired for site reservation, the trust shall dispose of such land at fair market value or shall trade it for other land of comparable value which will serve to accomplish the purposes of this part. Any proceeds from the sale of such land shall be deposited in the Florida Communities Trust Fund.

Project costs may include costs of providing parks, open space, public access sites, scenic easements, and other areas and facilities serving the public where such features are part of a project plan approved according to this part. In undertaking or coordinating projects or activities authorized by this part, the trust shall, when appropriate, use and promote the use of creative land acquisition methods, including the acquisition of less than fee interest through, among other methods, conservation easements, transfer of development rights, leases, and leaseback arrangements. The trust also shall assist local governments in the use of sound alternative methods of financing for funding projects and activities authorized by this part. Any funds over and above eligible project costs, which remain after completion of a project approved according to this part, shall be transmitted to the state and deposited in the Florida Communities Trust Fund.

(4) The governing body of the trust shall approve projects, project plans, grants, and loans according to rules which it shall have adopted and which are consistent with the provisions of this part. In reviewing project plans and grant and loan applications, the trust shall seek to promote excellence of design and shall encourage projects which integrate structures into the natural environment.

(5) Following approval of a proposed project, the trust may provide up to the total cost of preparing a project plan.

(6) The trust shall ensure that each local government within which a project is located or partially located participates in developing the project plan to make certain that the plan is consistent with each affected local government's comprehensive plan. The trust shall include within its rules a process whereby affected local governments shall make a final determination of a project plan's consistency with local comprehensive plans.

(7) The trust shall coordinate its activities with other state agencies responsible for land use, environmental protection, and land acquisition to avoid unnecessary duplication and to solicit the help and expertise of existing state personnel.

380.509 First-year duties of the department.—During fiscal year 1990-1991, the department, on behalf of the trust, shall perform the following duties:

(1) Conduct a study of local government needs for implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans.

(2) Gather information to help the trust determine criteria for evaluating and approving projects authorized by this part.

(3) Arrange for the development, promotion, and sale of a communities trust license plate.

(4) Consult with other states, private businesses, nonprofit organizations, local governments, and other entities to find innovative but sound financing techniques and land acquisition methods which the trust, local governments, or nonprofit organizations may use in implementing this part.

(5) Research the feasibility of helping establish local private or public land trusts to assist local governments in acquiring and managing land.

(6) Conduct any other research which would enable the trust to assist local governments in carrying out activities and projects authorized by this part.

380.510 Conditions of grants and loans.—

(1) The trust may seek repayment of funds loaned pursuant to this part on terms and conditions as it deems appropriate to carry out the provisions of this part.

(2) Trust loan applications may include a requirement that the loan include all reasonable and necessary administrative costs that the trust incurs in processing and administering the loan application.

(3) In the case of a grant or loan for land acquisition, agreements shall provide all of the following:

(a) The trust shall approve the terms under which the interest in land is acquired.

(b) The transfer of land acquired with a trust grant or loan shall be subject to the approval of the trust, and the trust shall enter into a new agreement with the transferee, containing such covenants, reverter clauses, or other restrictions as are sufficient to protect the interest of the people of Florida.

(c) The interest in land acquired with a loan or grant from the trust may not serve as security for any debt the grantee or borrower incurs unless the trust approves the transaction.

(d) If any essential term or condition of a grant or loan is violated, title to all interest in real property acquired with state funds shall immediately revert to the state. The trust shall treat such property in accordance with s. 380.508(3)(e).

(e) If the existence of a nonprofit organization or local government terminates for any reason, title to all interest in real property it has acquired with state funds shall immediately revert to the state, unless the trust negotiates an agreement with another local government or nonprofit organization which agrees to accept title to all interest in and to manage the property.

Any deed or other instrument of conveyance whereby a nonprofit organization or local government acquires real property under this section shall set forth the reversionary interest of the state. The trust shall keep at least one copy of any such instrument and shall provide at least one copy to the Board of Trustees of the Internal Improvement Trust Fund.

(4) The trust shall require in a grant or loan agreement terms sufficient to protect the public interest in any improvement or development constructed under a grant or loan to a nonprofit organization or local government. The agreement shall describe with particularity any real property which is subject to the agreement, and the trust shall record the agreement in the county in which the real property is located.

(5) Any funds the trust collects from a nonprofit organization or local government under a grant or loan agreement shall be deposited in the Florida Communities Trust Fund.

(6) Funds the trust loans for land acquisition may, in part, be used to pay reasonable real estate commission fees.

380.511 Florida Communities Trust Fund.—

(1) There is created the Florida Communities Trust Fund as a nonlapsing, revolving fund for projects, activities, acquisitions, and operating expenses necessary to carry out this part. The fund shall be held and administered by the trust. The following shall be credited to or deposited in the Florida Communities Trust Fund:

(a) All moneys and revenue from the operation, management, sale, lease, or other disposition of land, water areas, related resources, and the facilities thereon acquired or constructed under this part.

(b) Moneys accruing to any agency for the purposes listed in this part.

(c) Proceeds from the sale of environmental license plates authorized in s 320.08065.

(d) Proceeds from the sale of personalized prestige license plates authorized in s. 320.0805.

(e) Other moneys as the Legislature authorizes.

All moneys so deposited into the Florida Communities Trust Fund shall be trust funds for the uses and purposes set forth in this section, within the meaning of s. 215.32(1)(b); and such moneys shall not become or be commingled with the General Revenue Fund of the state, as defined by s. 215.32(1)(a).

(2) The trust may expend any moneys in the Florida Communities Trust Fund to acquire land, water areas, and related resources and to construct, improve, enlarge, extend, operate, and maintain capital improvements and facilities in accordance with this part.

(3) The trust may disburse moneys in the Florida Communities Trust Fund to pay all necessary expenses to carry out the purposes of this part.

380.512 Annual report.—The trust shall submit to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Minority Leaders of the House of Representatives and the Senate, within 6 months after the end of its fiscal year, a complete and detailed report setting forth:

(1) Its operations and accomplishments.

(2) Its receipts and expenditures during the fiscal year, in accordance with the categories or classifications the trust establishes for its operating and capital outlay purposes.

(3) Its assets and liabilities at the end of its fiscal year and the status of reserve, special, or other funds.

(4) An evaluation of the effectiveness of the projects undertaken in carrying out this part.

(5) Identification of additional funding, legislation, or other resources required to carry out the objectives of this part more effectively.

(6) The results of the department's study of local government needs for implementing the specified elements of their comprehensive plans.

(7) An account of any other trust or department duties established by this part.

380.513 Corporate existence.—The trust and its corporate existence shall continue until terminated by law. Upon termination of the agency, all its rights and properties in excess of its obligations shall pass to and be vested in the state.

380.514 Inconsistent provisions of other laws superseded.—If the provisions of this part are inconsistent with the provisions of any other law, general, special, or local, the provisions of this part shall be controlling.

380.515 Construction.—The provisions of this part shall be liberally construed in a manner to accomplish its purposes.

Section 29. Effective July 1, 1990, section 320.08065, Florida Statutes, is created to read:

320 08065 Communities trust license plates.—

(1) The department shall develop a communities trust license plate as provided in this section and shall issue one to the owner of any motor vehicle, except a vehicle registered under the International Registration Plan, upon application and payment of the appropriate license tax and fees.

(2) Applicants shall submit their requests annually to the department on an application form the department supplies, accompanied by the following tax and fees:

(a) The license tax for the vehicle as required in s. 320.08.

(b) A communities trust license plate annual use fee of $25.

(c) A processing fee of $2.

(d) A replacement fee as required in s. 320.06(1)(b).

An applicant may request a communities trust license plate any time during the applicant's registration period. If a communities trust license plate is to replace a current valid license plate, the department shall issue the communities trust plate with appropriate decals attached at no tax for the plate. The applicant shall pay all fees and service charges. When an applicant requests a communities trust license plate at the beginning of the registration period, the applicant shall pay the tax together with all applicable fees and service charges.

(3) If a vehicle owner to whom the department has issued a communities trust license plate acquires a replacement vehicle within the owner's registration period, the department shall authorize a transfer of the license plate to the replacement vehicle in accordance with the provisions of s. 320.0609.

(4) Communities trust license plates shall bear the design of a Florida panther and shall be the colors which the department approves. The trust may, from time to time, authorize the department to change the design. In addition to a design, the plates may bear the imprint of numerals from 1 to 999, inclusive, capital letters "A" through "Z," or a combination thereof. The department shall determine the maximum number of characters, including both numerals and letters. Communities trust license plates shall otherwise be of the same material and size as standard license plates issued for any registration period. In small letters, the word "Florida" shall appear at the bottom of the plate. The trust may include on its license plate an appropriate slogan which shall appear in small letters at the top of the plate.

(5) An applicant for a communities trust license plate may combine the request with one for a personalized prestige license plate. The department shall supply a form for combined requests and such requests shall be subject to the additional fees in s. 320.0805(2)(b) and (c) and to the other requirements of s. 320.0805.

(6) Communities trust license plates shall be issued within 45 days of application.

(7) The department shall distribute the communities trust license plate annual use fee to the Florida Communities Trust Fund for use pursuant to the Florida Communities Trust Act.

Section 30. Section 229.8055, Florida Statutes, is amended to read:

229.8055 Environmental education.—

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

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

(3) To achieve this intent, the Commissioner of Education shall foster the development and dissemination of educational activities and materials which will assist Florida public school students, teachers, and administrators in the perception, appreciation, and understanding of ~~environmental and~~ ecological principles and *environmental* problems; in the identification and evaluation of ~~possible~~ alternative solutions to these problems; and in the assessment of their benefits and risks.

(4) There is hereby created an environmental education program. Responsibility for the administration of the environmental education program shall rest with the Commissioner of Education, ~~and~~ the school districts, *the Board of Regents, and the State Board of Community Colleges*. In developing the environmental education program, the commissioner shall have the power of:

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

(b) Assembling, developing, and distributing model instructional materials for use in environmental education, with special concern being given to the ~~ecology of mankind and the~~ ecological system of this state *and the ways human beings depend upon and interact with the system.*

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

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

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

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

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

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

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

(d) Include components which address the teaching of environmental education in summer inservice institutes for teachers, *develop model components for district inservice training and staff development programs in environmental education, and assist districts to provide such training* ~~in programs offered in 1988 through 1990~~.

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

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

(g) Use current technology, such as the Florida Information Resource Network, to produce and maintain abstracts of environmental education programs and materials available for use by teachers across the state, including their source and availability.

(h) Develop an annual status report on environmental education activities and deliver it to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Advisory Council on Environmental Education on or before December 1 of each year.

(i) Identify, develop, and coordinate at least three regional service projects to serve all school districts. The regional service projects shall include teacher inservice training in environmental education for each school district in the region, assistance to each school district in the formulation of a district comprehensive plan for environmental education, and cooperation with other governmental agencies and community organizations within the region to promote and implement environmental education.

Section 31. Office of Environmental Education.—

(1) There is hereby created within the Office of the Commissioner of Education the Office of Environmental Education, charged with the development of a formal environmental education program to meet the objectives of s. 229.8055, Florida Statutes.

(2) There is hereby created within the Office of Environmental Education the position of Coordinator of Environmental Education, which position shall report to the Commissioner of Education or his designee and shall be included in the Selected Exempt Service. Duties of the Coordinator of Environmental Education shall specifically include, but not be limited to:

(a) Maintaining an Environmental Education Information Resource System. This system shall include a current documentation, referral, and dissemination program for environmental education materials and information in Florida.

(b) Providing to the Governor, President of the Senate, and Speaker of the House of Representatives by March 1 an annual status report on environmental education activities.

Section 32. Section 229.8058, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 229.8058, F.S., for present text.)

229.8058 Advisory Council on Environmental Education; establishment; responsibilities.—

(1) There is created within the Legislature the Advisory Council on Environmental Education. The council shall have 11 voting members, including:

(a) Two members of the Florida Senate, appointed by the President of the Senate;

(b) Two members of the Florida House of Representatives, appointed by the Speaker of the House of Representatives; and

(c) Five members appointed by the Governor.

(d) A representative of the Department of Education.

(e) A representative of the Executive Office of the Governor who assists in the administration of environmental education grants.

(2) Each member who is a public official shall perform the duties of a member of the council as additional duties required of him in his other official capacity.

(3) Legislative members shall be appointed to terms that correspond to their terms of office. All other members shall be appointed to staggered 4-year terms. All members may be reappointed.

(4) The council shall elect a chairperson from among its legislator members and a vice chairperson and other officers as it finds necessary. The chairperson and vice chairperson shall serve for 1 year and may be reelected.

(5) If a legislator who is a member of the council, or a legislator who appointed a member, ceases to be a member or officer of the unit he was selected to represent, he or the member he appointed shall resign from the council immediately and a vacancy shall exist in the membership. A vacancy shall be filled in the manner of the regular appointment, and the person so appointed shall serve only to the end of the unexpired term or until his successor is appointed and qualified, whichever is later, or as otherwise provided in this subsection.

(6) A member of the council shall not be compensated for his services but shall be entitled to per diem and travel expenses as provided in s. 112.061.

(7) The council shall hold meetings at least semiannually at the call of the chairperson and shall adopt rules for its own government as provided in chapter 120.

(8)(a) The council shall employ and set the compensation of an executive director, who shall serve at its pleasure. Within available funds, the executive director may employ and set the compensation of professional, technical, legal, or clerical staff as needed. With the consent of the council, the executive director may employ consultants and enter into contracts on behalf of the council.

(b) The staff of the council shall be governed by the same rules as are the personnel of the Legislature and shall receive the same rights and benefits, including membership in the Florida Retirement System. The council shall make employer contributions for this purpose.

(c) The Joint Legislative Management Committee shall assist the council in obtaining office space and equipment for council staff. Office equipment, files, and materials purchased with funds allocated to the Council on Environmental Education from 1986-1989 shall be transferred to the council.

(9) The council shall:

(a) Advise the Governor and Cabinet and the Legislature on policies and practices needed to provide environmental education to visitors and residents who have little contact with the public education system of this state.

(b) Serve as a forum for the discussion and study of problems that affect the environment and environmental education.

(c) Recommend a priority list for the types of programs to be funded through the Save Our State Environmental Education Trust Fund, review any proposals for grants from the fund, and review any programs implemented through the fund.

(d) Not less than 90 days prior to the convening of each regular session of the Legislature, prepare an annual report of its findings and recommendations and transmit it to the Governor, each officer of the Cabinet, the President of the Senate, and the Speaker of the House of Representatives. The annual report must state the reasons and supporting data for each recommendation and may include draft legislation or rules as needed to implement such recommendations. In addition to the regular annual report, the council may issue interim or special reports on specific subjects as appropriate.

(e) Provide assistance to the Interagency Coordinating Committee for Environmental Education to coordinate the environmental education programs of state agencies.

(10) The council may:

(a) To the extent not otherwise provided by law, evaluate the environmental education programs for visitors and residents who do not regularly receive services from the public education system of Florida provided by state, local, and private agencies and organizations and, as appropriate, prepare studies and recommendations to improve the effect of those programs on public support for environmental protection;

(b) Examine proposed and existing programs that affect the environment and recommend statewide policies that will direct a unified, coordinated effort to educate the public about the programs; and

(c) Encourage and, when appropriate, coordinate studies relating to the environment and environmental education conducted by universities, state, local, and federal agencies.

Section 33. Interagency Coordinating Committee for Environmental Education.—

(1) The Advisory Council on Environmental Education shall encourage the coordination of interdepartmental activities regarding environmental education and shall form an Interagency Coordinating Committee for Environmental Education. The members of the committee shall be:

(a) An employee of the Department of Agriculture and Consumer Services;

(b) An employee of the Department of Community Affairs;

(c) An employee of the Department of Education;

(d) An employee of the Department of Environmental Regulation;

(e) An employee of the Department of Health and Rehabilitative Services;

(f) An employee of the Department of Natural Resources;

(g) An employee of the Department of State;

(h) An employee of the Executive Office of the Governor;

(i) An employee of the Game and Fresh Water Fish Commission;

(j) An employee of the Department of Transportation; and

(k) An employee of each water management district created in chapter 373, Florida Statutes.

The head of each such agency or water management district shall appoint a member by September 1, 1989, and shall designate the member as coordinator of environmental education for the agency or water management district. Each member shall serve at the pleasure of the agency head. The chairperson of the Advisory Council on Environmental Education shall serve as an ex officio member.

(2) Staff of the Advisory Council on Environmental Education shall assist the Interagency Coordinating Committee for Environmental Education as directed by the council.

(3) The Interagency Coordinating Committee for Environmental Education shall:

(a) Develop and maintain a memorandum of understanding to specify ways in which the agencies and water management districts they represent can share their resources to benefit the cause of environmental education in Florida. By March 1, 1990, the memorandum of understanding must be signed by the head of each agency and district listed in subsection (1).

(b) Make recommendations to the Advisory Council on Environmental Education for action by any agency or district listed in subsection (1) regarding the improvement of environmental education programs or implementation of the memorandum of understanding. The Advisory Council for Environmental Education shall review each recommendation and, upon approval of the recommendation, submit it to the agency or district to which it pertains. The council and the agency or district shall give priority to recommendations that combine resources to produce educational materials or programs for use by more than one agency or district.

(c) Annually choose by vote a chairperson and vice chairperson.

(d) Keep a written record of the proceedings of each meeting. Such records shall be kept on file by the Advisory Council on Environmental Education.

(4) Each member of the Interagency Coordinating Committee for Environmental Education is entitled to reimbursement from his participating agency for per diem and traveling expenses as provided in section 112.061, Florida Statutes.

Section 34. Environmental Education Grants.—

(1) The Executive Office of the Governor shall administer environmental education funds provided through the Governor's Save Our State Environmental Education Trust Fund.

(2) Eligible recipients for grants from the fund include governmental agencies and private organizations covered by Internal Revenue Code 501(c)(3) which primarily encounter visitors and Florida residents who seldom receive services from the state's system of public education. Projects eligible for such grants may include, but are not limited to:

(a) Creating or coordinating content of public service and commercial television advertisements to educate the public about Florida's fragile environment;

(b) Developing general media productions that can be used by a variety of organizations for public environmental education; and

(c) Producing or coordinating content, production, and distribution of information on Florida's environment for visitor welcome stations, driver's licensing centers, theme parks, state parks, or other locations frequented by visitors or new residents.

(d) Florida-based media production persons shall be given first consideration for developing, designing, and producing such media presentations. No media or educational materials prepared for distribution to selected audiences or the general public shall include oral presentations or visual images of any national, state, or local elected officials.

(3) The Advisory Council on Environmental Education shall recommend to the Governor priorities for categories of grant awards, shall review the grant proposals, and shall review the implementation of projects funded by the grants.

Section 35. It is the intent of the Legislature that staff and members of the Office of Environmental Education in the Department of Education, the Interagency Coordinating Committee for Environmental Education, the Executive Office of the Governor's administrators of environmental education grants, and the Advisory Council for Environmental Education meet at least twice annually to exchange ideas and discuss their programs.

Section 36. Save Our State Environmental Education Trust Fund.—

(1) The Legislature recognizes that this state, which is the fourth most populous state in the nation, will continue to attract new residents and visitors into the 21st century and that the quality of life for future Floridians cannot be maintained or improved unless the state is able to sustain such growth without damaging fragile environments and the delicate relationships among them. Maintaining or improving the quality of life requires a concentrated and coordinated effort to educate all residents and visitors about Florida's environmental problems and alternative solutions to these problems. The Legislature further recognizes that the Department of Education has long encouraged environmental education through the public school system and that many state agencies and private organizations provide environmental education programs to the general public. However, no one agency or fund presently has the primary responsibility for marshalling existing resources for environmental education into a single, coordinated effort, and no funding source exists to provide substantial incentives for private donors interested in improving environmental education. It is the intent of the Legislature that the funds provided in this section be spent to provide comprehensive, coordinated environmental education to all residents and visitors in this state, with the ultimate goal of establishing an integrated approach to the conservation of all natural environments.

(2) There is established within the Executive Office of the Governor the Save Our State Environmental Education Trust Fund. Funds may be provided from legislative appropriations and by donations from interested individuals and organizations. With advice from the Advisory Council on Environmental Education created in section 229.8058, Florida Statutes, the Executive Office of the Governor shall administer the trust fund and shall transfer to the council, upon request, the funds appropriated pursuant to chapter 216, Florida Statutes.

Section 37. (1) The Executive Office of the Governor may authorize the establishment of a nonprofit support corporation to support the development and implementation of an environmental education program. The nonprofit support corporation is intended to be self-supporting, but is assigned to the Executive Office of the Governor for administrative support as needed. The corporation shall be governed by a board of directors who shall be residents of the state. Board members shall include representatives of state and local governmental agencies, corporations, businesses, other organizations, and individuals who have an interest in environmental education and protection and enhancement of Florida's natural resources. The base membership of the board shall consist of members selected by the Governor from a list of recommendations submitted by the Advisory Council on Environmental Education. Additional members of the board may be selected by unanimous consent of the board's base members.

(2) The nonprofit support corporation may organize and operate programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the Advisory Council on Environmental Education. Such corporation shall be a Florida corporation not for profit incorporated under the provisions of chapter 617, Florida Statutes, and approved by the Department of State.

(3) Such nonprofit support corporation shall provide for an annual audit of its financial records and accounts by an independent certified public accountant. The corporation shall submit its annual audit report to the council for review. The identity of donors to the nonprofit support corporation who desire to remain anonymous may not be disclosed in the auditor's report. Such information is exempt from the requirements of section 119.07, Florida Statutes. This exemption is subject to the "Open Government Sunset Review Act" in accordance with section 119.14, Florida Statutes.

Section 38. Section 220.187, Florida Statutes, is created to read:

220.187 Environmental Education tax credit.—

(1) There shall be allowed a credit against the tax imposed by this chapter for any business which contributes any money to the nonprofit support corporation authorized by the Executive Office of the Governor. The credit shall be computed each year as 50 percent of the actual amount contributed during such year.

(2) This credit shall apply to the fiscal year of any taxpayer beginning on or after July 1, 1989.

Section 39. Subsection (10) of section 220.02, Florida Statutes, 1988 Supplement, as amended by section 15 of chapter 88-201, Laws of Florida, is amended to read:

220.02 Legislative intent.—

(10) 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, those enumerated in s. 220.186, ~~and~~ those enumerated in s. 220.188, *and those enumerated in s. 220.187.*

Section 40. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, section 229.8058, Florida Statutes, shall not stand repealed on October 1, 1989, and shall continue in full force and effect as amended herein.

Section 41. The Advisory Council on Environmental Education, as created by section 229.8058, Florida Statutes, and the Interagency Coordinating Committee for Environmental Education are abolished on October 1, 1999, and shall be reviewed by the Legislature prior to that date pursuant to section 11.611, Florida Statutes.

Section 42. (1) There is hereby appropriated for fiscal year 1989-1990 the sum of $304,000 from the Save our State Environmental Trust Fund created in the Executive Office of the Governor, to the Executive Office of the Governor, and three positions are authorized to carry out the responsibilities of the office pursuant to this act. Of the amount appropriated, $200,000 shall be for the environmental education project grants which are eligible pursuant to this act.

(2) There is hereby appropriated for fiscal year 1989-1990 the sum of $133,490 from the Save Our State Environmental Education Trust Fund created in the Executive Office of the Governor to the Department of

Education for one Selected Exempt Service position and two Career Service positions for carrying out the purposes of this act and $300,000 for the establishment of three regional service projects.

(3) There is hereby appropriated for fiscal year 1989-1990 the sum of $255,000 from the Save Our State Environmental Trust Fund created in the Executive Office of the Governor to the Advisory Council on Environmental Education, and four positions are authorized to carry out the responsibilities of the council pursuant to this act.

(4) There is hereby appropriated for fiscal year 1989-1990 the sum of $245,000 from the Save Our State Environmental Education Trust Fund created in the Department of Natural Resources, to the Department of Natural Resources, for environmental education projects and programs consistent with the activities described in this act.

(5) There is hereby appropriated for fiscal year 1989-1990 the sum of $1,237,490 from the Florida Coastal Protection Trust Fund. The sum of $992,490 shall be deposited into the Save Our State Environmental Education Trust Fund created in the Executive Office of the Governor and $245,000 shall be deposited into the Save Our State Environmental Trust Fund created in the Department of Natural Resources.

Section 43. The Advisory Council on Environmental Education shall recommend to the Department of Natural Resources priorities for projects and program activities to be funded from the Save Our State Environmental Education Trust Fund in the Department of Natural Resources. The Governor and Cabinet as head of the department may approve the list or strike individual projects from the list, but they may not otherwise alter the priority ranking of projects. The list shall be submitted to the Governor and Cabinet by the time of the first board meeting in July of each year and the Advisory Council on Environmental Education shall update the list and resubmit it for further review and approval by the Governor and Cabinet by the time of the first board meeting in January of each year to fund projects and program activities within available appropriations. The Governor and Cabinet shall act upon the recommended list within 45 days after its submission to them.

Section 44. *The amendment or republication in this act of any section, subsection, or paragraph of the Florida Statutes or Laws of Florida scheduled for repeal by chapter 83-134, Laws of Florida, as amended by section 2 of chapter 84-121, Laws of Florida, and as amended by section 19 of chapter 86-240, Laws of Florida, shall not affect the repeal of such section, subsection, or paragraph.*

Section 45. *Subsection (5) of section 380.28, Florida Statutes, is repealed on October 1, 1999, and the advisory committee to Florida's members of the South Atlantic and Gulf States Coastal Protection Commission shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.*

Section 46. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Amendment 1 to Amendment 1—On page 32, line 11, after "products" insert: *pursuant to s. 370.06(2)(a)*

Amendment 2 to Amendment 1—On page 81, line 14, through page 82, line 8, strike all of said lines.

Amendment 2—In title on page 1, lines 1-31, on page 2, lines 1-31, on page 3, lines 1-31, on page 4, lines 1-31, and on page 5, lines 1-21, strike all of said lines and insert: A bill to be entitled An act relating to environmental resources; amending s. 206.9935, F.S.; revising the caps for the Florida Coastal Protection Trust Fund; amending s. 376.11, F.S.; providing for expenditures of interest earned from investments of the trust fund; authorizing additional uses of the fund; providing legislative intent; amending s. 253.61, F.S.; specifying additional lands not subject to lease; amending ss. 377.24 and 377.242, F.S.; prohibiting permits for drilling and associated construction for exploration or production of oil, gas, or other petroleum products, in a specified area; creating ss. 380.31, 380.32, and 380.33, F.S.; establishing the Coastal Resources Interagency Management Committee; providing duties, responsibilities, organization, and staff; amending s. 380.0558, F.S.; providing that damages recovered for injury to coral reefs that otherwise would be deposited into the Internal Improvement Trust Fund be deposited into the Florida Area of Critical State Concern Restoration Trust Fund; amending s. 253.04, F.S.; authorizing the Department of Natural Resources to develop a schedule to assess penalties for damage to coral reefs; amending s. 161.053, F.S.; extending the deadline for the reestablishment of coastal construction control lines; amending s. 403.413, F.S.; prohibiting dumping litter in canals; providing penalties; creating s. 403.4135, F.S.; requiring litter receptacles at certain commercial facilities; creating s. 380.28, F.S.; authorizing execution of the South Atlantic and Gulf States Coastal Protection Compact; providing form and substance of the compact; providing findings, purposes, and reservations of powers; providing for an effective date; providing for creation of a commission; providing powers, duties, organization, and operation of the commission; reserving certain powers to the states; providing for payment of expenses of the commission; providing for withdrawal from the compact; requiring an annual report; providing for appointment of Florida's members of the commission; authorizing examination of accounts by the Department of Banking and Finance; providing for an advisory committee; creating the Spill Response Task Force; providing for appointments; providing for staff; providing duties of the Task Force; providing for public notice of meetings; amending s. 253.03, F.S.; authorizing the board of trustees to give away spoil material under certain conditions; amending s. 370.06, F.S.; supplying definitions; requiring an Apalachicola Bay oyster harvesting license to harvest oysters from the Apalachicola Bay; providing a prerequisite to receiving the license; providing license fees; providing for expenditure or distribution of the fees by the Department of Natural Resources; providing penalties; amending s. 370.07, F.S.; providing a definition of "bag"; requiring wholesale dealers to pay a 50-cent surcharge on each bag of oysters taken from the Apalachicola Bay; providing responsibilities of the Department of Revenue; providing for expenditure or distribution of the fees by the Department of Natural Resources; requiring certain wholesale dealers to notify the Division of Law Enforcement of temporary business sites; amending s. 370.16; F.S.; providing for monitoring of planting activities on shellfish grants or leaseholds; authorizing the issuance of aquaculture leases in Franklin County; providing aquaculture lease restrictions; directing the Marine Fisheries Commission to consider establishing a new shellfish harvesting season in the Apalachicola Bay; requiring the Department of Natural Resources to monitor the impacts of the new season, if changed; directing the Marine Fisheries Commission to consider restricting the number of days harvesting is allowed on shellfish grants or leaseholds; creating the Apalachicola Bay Conservation Trust Fund; identifying proceeds to be deposited into the fund; prohibiting future use of dredges or implements other than hand tongs for shellfish harvesting in all areas of the Apalachicola Bay; establishing conditions of special activity licenses issued to harvest shellfish in the Apalachicola Bay by dredge or other means; amending s. 403.816, F.S.; limiting permits for dredging river channels to five years; amending s. 403.921, F.S.; limiting permits for dredging river channels to 10 years; directing the Northwest Florida Water Management District to arrange for an assessment of the freshwater needs of the Apalachicola Bay; providing for a coastal shoreline erosing control pilot project; amending ss. 253.01 and 270.22, F.S.; providing for deposit of revenues from certain aquaculture leases into the Marine Biological Research Trust Fund of the Department of Natural Resources, rather than the Internal Improvement Trust Fund; providing for the use of funds from shellfish-related aquaculture leases; amending s. 253.71, F.S.; revising provisions relating to aquaculture lease contracts; providing for a surcharge; eliminating a bond requirement; providing for cultivation guidelines; amending s. 370.16, F.S.; providing for increased rates for shellfish leases; providing for a surcharge for certain purposes; providing for deposit of shellfish lease rental fees; deleting provisions relating to taxes and licenses collected by the Division of Marine Resources of the department; creating part III of chapter 380, F.S., the "Florida Communities Trust Act"; providing legislative findings and intent; providing definitions; creating the Florida Communities Trust; providing for membership and expenses; providing for meetings, quorum, and voting; providing for support services; providing powers; providing for development, review, and approval of projects; providing for first-year duties of the Department of Community Affairs; providing for conditions of grants and loans; creating the Florida Communities Trust Fund; providing for an annual report; providing for corporate existence; providing for application to other laws; providing for construction; creating s. 320.08065, F.S.; providing for communities trust license plates; providing for fees and distribution thereof; amending s. 229.8055, F.S.; expanding the environmental education program to provide such education in community colleges and state universities; requiring the Commissioner of Education, the Board of Regents, and the State Board of Community Colleges to administer the program; requiring the Department of Education to disseminate information regarding environmental education for adults to the school districts; creating an Office of Environmental Education within the Office of the Commissioner of Education to develop a formal environmental education program; providing for a Coordinator of Environmental Education and

specifying duties thereof; amending s. 229.8058, F.S.; creating the Advisory Council on Environmental Education within the Legislature; providing membership and authorization for the council to employ staff; transferring certain equipment and materials to the council; providing responsibilities of the Advisory Council on Environmental Education; directing the Governor to administer a grant program for environmental education; authorizing certain organizations and projects to be eligible for the grants; creating the Interagency Environmental Education Coordinating Committee to coordinate the environmental education programs of certain state agencies and water management districts; providing for appointments; providing for payment of per diem and travel expenses; providing for regular meetings of members and staff of specified entities; creating the Save Our State Environmental Education Trust Fund; authorizing the Executive Office of the Governor to establish a nonprofit support corporation for certain purposes; requiring an annual audit of the records of the corporation; exempting from public records requirements information in the audit report; providing for future legislative review of such exemption; creating s. 220.187, F.S.; providing for a credit against the corporate income tax for contributions to such corporation; providing for application; amending s. 220.02, F.S.; specifying the order of taking such credit; saving s. 229.8058, F.S., from repeal; providing for future abolition and legislative review of the Advisory Council on Environmental Education and the Interagency Coordinating Committee for Environmental Education; providing for the Advisory Council on Environmental Education to propose projects to the Governor and Cabinet for approval; providing for the Governor and Cabinet to act on such recommendations within a specified time; providing additional positions; providing appropriations; providing appropriations; providing for future review and repeal; providing for the application of scheduled repeal; providing effective dates;

Amendment 1 to Amendment 2—In title, on page 7, lines 14-18, strike all of said lines.

Amendment 5—On page 84, between lines 22 and 23, insert:

Section 37. Paragraph (b) of subsection (5) of section 372.561, Florida Statutes, is amended to read:

372.561 Issuance of licenses to take wild animal life or freshwater aquatic life; costs; reporting.—

(5) The tax collector shall issue permanent hunting and fishing licenses, without fee, to:

(b) Any resident who is certified by the United States Veterans Administration, *by the United States Social Security Administration, by any branch of the United States Armed Forces,* or by a licensed physician in this state to be totally and permanently disabled or who holds a valid identification card issued under the provisions of s. 295.17, upon proof of same. *A Disability Award Notice issued by the United States Social Security Administration is not sufficient certification for obtaining a permanent hunting and fishing license under this section unless said form certifies a resident is totally and permanently disabled.*

Section 38. Section 372.57, Florida Statutes, is amended to read:

372.57 Licenses and stamps; exemptions; fees.—No person, except as provided herein, shall take game, freshwater fish, or fur-bearing animals within this state without having first obtained a license or stamp and paid the license fee hereinafter set forth, unless such license is issued without fee as provided in s. 372.561. Such license or stamp shall authorize the person to whom it is issued to take game, freshwater fish, or fur-bearing animals in accordance with law and commission rules. Such license or stamp is not transferable, shall bear on its face in indelible ink the name of the person to whom it is issued, and shall be affixed to a license identification card issued by the commission, upon which the tax collector may affix his seal. Such license or stamp is not valid unless it bears the name of the person to whom it is issued and is so affixed. Such stamp or license shall be in the personal possession of the person to whom issued while taking game, freshwater fish, or fur-bearing animals. The failure of such person to exhibit such license or stamp to the commission or its wildlife officers, when such person is found taking game, freshwater fish, or fur-bearing animals, is a violation of law. The requirement that a license or stamp bear the name of the person to whom it is issued does not apply to the Florida waterfowl stamp *or the turkey stamp* provided for in *paragraphs* ~~paragraph~~ (5)(a) *and (e), respectively.*

(1) No license or stamp shall be required for the following:

(a) Any child under 16 years of age.

(b) Any person hunting or fishing in his county of residence on his homestead or the homestead of his spouse or minor child, or any minor child hunting or fishing on the homestead of his parent.

(c) Any resident who is a member of the Armed Forces of the United States, who is not stationed in this state, when fishing while home on leave for 30 days or less, upon submission of orders.

(d) Any resident when fishing with live or natural bait, using poles or lines which are not equipped with a fishing line retrieval mechanism, and fishing for noncommercial purposes in the county of his residence, except on legally established fish management areas. This paragraph, as amended by chapter 76-156, Laws of Florida, may be cited as the "Dempsey J. Barron, W. D. Childers, and Joe Kershaw Cane Pole Tax Repeal Act of 1976."

(e) Any person fishing in a fish pond of 20 acres or less which is located entirely within the private property of the fish pond owner.

(f) Any person fishing in a fish pond which is licensed in accordance with s. 372.5705.

(g) Any person fishing who has been accepted as a client for retardation services by the Department of Health and Rehabilitative Services, which department shall furnish such person proof thereof.

(h) Any resident of Georgia age 65 or older, provided that a reciprocal provision exists under Georgia law affording such privileges, without cost, to any resident of Florida age 65 or older and that such resident of Georgia has in his possession proof of his age and Georgia residency. However, such reciprocal provision shall not prohibit an assessment under Georgia law for a trout fishing stamp.

(2) For residents and nonresidents, the license and fees for noncommercial fishing and for hunting and trapping in this state, and the activity authorized thereby, shall be as follows:

(a) A fishing license to take freshwater fish in this state shall be $7.

(b) A fishing license for a nonresident to take freshwater fish in this state for 10 consecutive days shall be $10.

(c) A fishing license for a nonresident to take freshwater fish in this state shall be $25.

(d) A combination fishing and hunting license *for a resident* to take freshwater fish and game in this state shall be $17.

(e) A hunting license to take game in this state shall be $11.

(f) *A hunting license for a nonresident to take game in this state shall be $150.*

(g) A hunting license for a nonresident to take game in this state for 10 consecutive days shall be $25. However, with respect to persons who are residents of states contiguous to Florida, the fee for a hunting license to take game in this state for 10 consecutive days shall be $121 unless such state has a reciprocal agreement with Florida pursuant to subsection (7). ~~A hunting license for a nonresident to take game in this state shall be $50. However, with respect to persons who are residents of states contiguous to Florida, the nonresident annual hunting license fee shall be the same as is charged in the nonresident's state for a Florida resident to hunt unless such state has a reciprocal agreement with Florida pursuant to subsection (7). Any license fee changes that occur in contiguous states shall become effective in Florida on or after July 1st following the change.~~

(h)~~(g)~~ A hunting license for a nonresident to take game in this state within a private hunting preserve for 10 consecutive days shall be $15. ~~However, effective April 21, 1988, with respect to persons who are residents of states contiguous to Florida, the 10-day nonresident hunting license fee shall be the same as is charged in the nonresident's state for a Florida resident to hunt for the same time period unless such state has a reciprocal agreement with Florida pursuant to subsection (7). Any license fee changes that occur in contiguous states shall become effective in Florida on or after July 1st following the change.~~

(i)~~(h)~~ A license for a resident to take fur-bearing animals in this state shall be $25.

(j)~~(i)~~ A license for a nonresident to take fur-bearing animals in this state shall be $100.

(k)~~(j)~~ A sportsman's license for a resident shall be $40. The sportsman's license authorizes the holder to take freshwater fish and game, wild ducks, wild geese, and wild turkeys and authorizes the same activities authorized by a management area stamp, a muzzle-loading gun stamp, and an archery stamp. A nonresident may not purchase a sportsman's license.

(3) A resident or nonresident taking fur-bearing animals by the use of guns or dogs only and not by the use of traps or other devices, and not for commercial purposes, who has purchased the license provided for hunting in this section shall not be required to purchase the license provided in paragraph (2)*(i)*~~(h)~~ or paragraph (2)*(j)*~~(i)~~.

(4) Any person fishing in a fish management area shall only be required to purchase a fishing license as provided in this section.

(5) In addition to any license required by this section, the following stamps and fees for certain hunting and recreational uses, and the activities authorized thereby, shall be:

(a) A Florida waterfowl stamp to take wild ducks or geese within this state or its coastal waters shall be $3.

(b) A management area stamp to hunt, fish, or otherwise use for outdoor recreational purposes, land owned, leased, or managed by the commission or the State of Florida for the use and benefit of the commission, up to $10. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission shall have obtained the written consent of the owner or primary custodian of such lands.

(c) A muzzle-loading gun stamp to hunt within this state with a muzzle-loading gun during those game seasons in which hunting with a modern firearm is not allowed shall be $5.

(d) An archery stamp to hunt within this state with a bow and arrow during those game seasons in which hunting with a firearm is not allowed shall be $5.

(e) A Florida turkey stamp to take wild turkeys within this state shall be $5.

(6) The following shall be exempt only from the stamp requirements of this section:

(a) Any resident age 65 and older who has obtained a permanent license issued pursuant to s. 372.561(5)(a).

(b) Any resident who is certified by the United States Veterans Administration, *by the United States Social Security Administration,* by any branch of the United States Armed Services, or by a licensed physician in this state to be totally and permanently disabled, or who holds a valid identification card issued under the provisions of s. 295.17, and who has obtained a permanent license issued pursuant to s. 372.561(5)(b).

(7) The commission is authorized to reduce the fees for licenses and stamps under this section for residents of those states with which the commission has entered into reciprocal agreements with respect to such fees.

(8) The commission may designate by rule no more than 2 consecutive or nonconsecutive days in each year as free fishing days. Notwithstanding any other provision of this chapter, any person may take freshwater fish for noncommercial purposes on a free fishing day without obtaining or possessing a license or paying a license fee as prescribed in this section. A person who takes freshwater fish on a free fishing day without obtaining a license or paying a fee must comply with all laws and regulations governing holders of a fishing license and all other conditions and limitations regulating the taking of freshwater fish as are imposed by law or rule.

Section 39. Section 372.571, Florida Statutes, is amended to read:

372.571 Expiration of licenses and stamps.—Except as otherwise provided herein, each license or stamp issued under ss. 372.57 and 372.65, except the Florida waterfowl stamp *and the turkey stamp* as provided for in s. 372.57(5)(a) *and (e), respectively,* shall be dated when issued. Each license or stamp issued under this chapter shall be valid from June 1 until June 30 of the following year, except for a license issued pursuant to s. 372.57(2)(a), which shall be valid for 12 months after the date of issuance, or a license issued pursuant to s. 372.57(2)(b), ~~or~~ s. 372.57(2)(g), *or s. 372.57(2)(h),* which shall be valid for the period specified on the license.

Section 40. Section 372.661, Florida Statutes, is amended to read:

372.661 Private hunting preserve, license; exception.—

(1) Any person who operates a private hunting preserve commercially or otherwise shall be required to pay a license fee of $25 for each such preserve; provided, however, that during the open season established for wild game of any species a private individual may take artificially propagated game of such species up to the bag limit prescribed for the particular species without being required to pay the license fee required by this section; provided further that if any such individual shall charge a fee for taking such game he shall be required to pay the license fee required by this section and to comply with the rules and regulations of the Game and Fresh Water Fish Commission relative to the operation of private hunting preserves.

(2) A commercial hunting preserve license, which shall exempt patrons of licensed preserves from the licensure requirements of s. 372.57(2)(e), (f), (g), and (h), and (5)(a), (c), (d), and (e) while hunting on the licensed preserve property, shall be $500. Such commercial hunting preserve license shall be available only to those private hunting preserves licensed pursuant to this section which are operated exclusively for commercial purposes, which are open to the public, and for which a uniform fee is charged to patrons for hunting privileges.

(Renumber subsequent section.)

Amendment 6—In title on page 5, line 20, after relief; insert: amending s. 372.561, F.S.; providing for certification by any branch of the United States Armed Forces or the United States Social Security Administration to receive a permanent hunting and fishing license for certain totally and permanently disabled persons; amending s. 372.57, F.S.; providing that the turkey stamp used for hunting need not bear the name of the person to whom it is issued; revising language with respect to certain nonresident hunting licenses; providing fees; authorizing the Game and Fresh Water Fish Commission to designate certain free fishing days; amending s. 372.571, F.S.; conforming to the act; amending s. 372.661, F.S.; providing for a commercial hunting preserve license; providing a fee;

Amendment 7—On page 6, lines 8-21, strike all said lines.

Amendment 8—On page 83, lines 6-24, strike all of said lines and insert:

(3) There is hereby appropriated for fiscal year 1989-1990 the sum of $355,000 from the Save Our State Environmental Education Trust Fund created in the Executive Office of the Governor to the Advisory Council on Environmental Education, and four positions are authorized to carry out the responsibilities of the council pursuant to this act.

(4) There is hereby appropriated for fiscal year 1989-1990 the sum of $345,000 from the Save Our State Environmental Education Trust Fund created in the Department of Natural Resources, to the Department of Natural Resources, for environmental education projects and programs consistent with the activities described in this act.

(5) There is hereby appropriated for fiscal year 1989-1990 the sum of $1,437,490 from the Florida Coastal Protection Trust Fund. Of this amount the sum of $1,092,490 shall be deposited into the Save Our State Environmental Education Trust Fund created in the Executive Office of the Governor and $345,000 shall be deposited into the Save Our State Environmental Education Trust Fund created in the Department of Natural Resources. The $1,437,490 appropriated from the Florida Coastal Protection Trust Fund pursuant to this subsection shall be reimbursed from the Save Our State Environmental Education Trust Fund created in the Department of Natural Resources when the balance in the Coastal Protection Trust Fund has reached a balance of $50 million.

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

CS for CS for SB's 481 and 314 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Langley	Souto
Bankhead	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	
Deratany	Kiser	Scott	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 658 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 658—A bill to be entitled An act relating to uniform traffic control; amending ss. 322.01, 322.12, 322.16, 322.121, 322.21, 322.08, 322.03, 322.05, 322.251, 322.264, 316.1936, 322.34, 322.32, 322.30, 316.1934, 322.14, 322.07, 322.04, 322.031, 234.091, 322.051, 322.15, 322.17, 322.18, 322.19, 322.22, 322.221, 322.25, 322.2505, 322.26, 322.27, 322.37, 322.38, 322.41, 316.027, 316.1935, 318.14, 324.051, 324.181, 401.281, 627.733, 831.29, F.S.; providing for the issuance of classified driver's licenses; providing a short title; providing for the resolution of conflicts with other laws; providing definitions; requiring a commercial driver's license be obtained by certain persons; providing an exemption from such requirement; providing classifications for driver's licenses; prohibiting persons from operating motor vehicles not covered by their license classification; providing for the examination of driver's license applicants; providing procedures under which certain persons may be exempted from a portion of such examination; authorizing the Department of Highway Safety and Motor Vehicles to execute agreements to authorize third parties to perform certain portions of the driver's license examination; requiring driver's license endorsements for the operation of certain vehicles; providing for the issuance of restricted driver's licenses; providing additional requirements for the renewal of driver's licenses; providing fees; providing penalties; providing for implementation by the department; authorizing the department to contact licensed drivers regarding the requirement to be relicensed; providing additional requirements for the application for a driver's license; requiring persons who apply for commercial driver's licenses to surrender all other driver's licenses; providing residency requirements for the issuance of certain driver's licenses; providing age restrictions for the issuance of driver's licenses; prohibiting the driver of a commercial motor vehicle from possessing more than one driver's license; providing for the disqualification of a person's privilege to operate a commercial motor vehicle; providing procedures relating to such disqualification; redefining the term "habitual traffic offender"; providing corrected references; prohibiting the operation of a commercial motor vehicle by a person with a positive blood alcohol level; providing that the presumptions contained in s. 316.1934, F.S., are not applicable in a prosecution of a person for driving a commercial motor vehicle while his blood alcohol level is over .00; providing implied consent for certain tests; providing procedures to determine whether a person's refusal to submit to such tests is lawful; requiring the department to enter into agreements for the exchange of driver's license records; authorizing the operation of a motor vehicle by unlicensed persons during a driver's license examination; providing specifications for driver's licenses; providing for the issuance of instruction permits; providing exemptions for certain persons from the requirement to obtain a driver's license; providing driver's license requirements for public school bus operators; providing that persons charged with certain violations may not utilize procedures for the withholding of adjudication pursuant to s. 318.14, F.S.; authorizing the department to prequalify applicants for a commercial driver's license; providing severability; amending ss. 316.302, 316.3025, F.S.; updating references to federal regulations; adopting certain federal regulations; providing exceptions; providing effective dates.

Amendment 1—On page 78, lines 8-10, strike all of said lines and insert:

Section 61. Subsection (72) of section 316.003, Florida Statutes, 1988 Supplement, is amended to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(72) TANDEM TRAILER TRUCK HIGHWAY NETWORK.—*A highway network consisting primarily of four or more lanes, including all interstate* ~~All streets or~~ highways*; highways designated by the United States Department of Transportation as elements of the National Network; and any street or highway designated by the Florida Department of Transportation for use by tandem trailer trucks,* ~~within the state where tandem trailer trucks may operate~~ in accordance with s. 316.515, *except roads on which truck traffic was specifically prohibited on January 6, 1983* ~~exclusive of the Florida Turnpike~~.

Section 62. Subsections (1), (2), (3), (8), and (10) of section 316.515, Florida Statutes, 1988 Supplement, are amended to read:

316.515 Maximum width, height, length.—

(1) WIDTH LIMITATION.—The total outside width of any vehicle or the load thereon may not exceed 102 inches, exclusive of safety devices determined by the department to be necessary for the safe and efficient operation of motor vehicles. Except for highways on the *tandem trailer truck highway network* ~~interstate highway system and except for those sections of the federal-aid primary system which are divided highways with four or more lanes and full control of access on which truck traffic was not specifically prohibited by law on January 6, 1983~~, public roads not having traffic lanes designed to be 12 feet or more in width, public roads deemed unsafe for wider vehicles, and public roads on which such wider vehicles are determined not to be in the interest of public convenience shall, in conformance with s. 316.006, be restricted by the Department of Transportation or by the local authority to use by vehicles not exceeding 96 inches in total outside width, including the load thereon.

(2) HEIGHT LIMITATION.—No vehicle may exceed a height of 13 feet 6 inches, inclusive of load carried thereon. *However, an automobile transporter may, with a permit from the Department of Transportation, measure a height not to exceed 14 feet, inclusive of the load carried thereon.*

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 60 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles *or boats* may transport motor vehicles *or boats* on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile *or boat transporter* ~~carrier~~ semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional *4* ~~3½~~ feet beyond the rear of the trailer. *The 50-feet length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon. For purposes of this subsection, a "stinger-steered automobile or boat transporter" is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rear-most axle of the power unit.*

(a) Straight trucks.—No straight truck may exceed a length of 40 feet in extreme overall dimension, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Any straight truck in excess of 35 feet in length may have no fewer than three load-bearing axles. A straight truck may tow no more than one trailer, and such trailer may not exceed the length limit prescribed for trailer cargo units in subparagraph (c)1.

(b) Semitrailers.—No semitrailer operating in a truck tractor-semitrailer combination may exceed 48 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation

devices approved by the department for use on vehicles using public roads. A semitrailer which exceeds 48 feet in length and is used to transport divisible loads ~~and which was registered in this state in accordance with s. 320.08(5) and was in operation on the highways of this state on December 1, 1982, by virtue of a permit issued in accordance with s. 316.550~~ may ~~continue to~~ operate *in this state only if issued a permit under s. 316.550 and if* ~~by virtue of such permit for the remaining life of the vehicle or until January 1, 1990, whichever is sooner, provided~~ such trailer meets the requirements of this chapter relating to vehicle equipment and safety. Except for highways on the *tandem trailer truck highway network* ~~interstate highway system and those segments of the federal aid primary system and other systems designated by the Department of Transportation~~, public roads deemed unsafe for longer semitrailer vehicles or those roads on which such longer vehicles are determined not to be in the interest of public convenience shall, in conformance with s. 316.006, be restricted by the Department of Transportation or by the local authority to use by *semitrailers* ~~truck tractor-semitrailer combinations~~ not exceeding a ~~total~~ length of *48* ~~55~~ feet, inclusive of the load carried thereon but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. ~~Except as otherwise provided in this section,~~ Truck tractor-semitrailer combinations shall be afforded reasonable access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

(c) Tandem trailer trucks.—

1. *Except as provided in this subparagraph,* no semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination may exceed a length of 28 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Except as otherwise provided in this section, tandem trailer trucks may operate only on routes on the tandem trailer truck highway network. ~~Such network shall consist of all highways on the interstate highway system; those sections of the federal-aid primary system which are divided highways with four or more lanes and full control of access except sections on which truck traffic was specifically prohibited by law on January 6, 1983; and other designated routes consisting principally of four or more lanes and full control of access.~~ Such other routes may be designated by the Department of Transportation if such routes are a part of the State Highway System, and may be nominated by the appropriate county, municipality, or expressway authority if such routes are part of the county road system, city street system, or expressway authority system, and shall meet the safety, roadway facility capability, and public convenience standards adopted by the Department of Transportation. Each county shall compile a listing of proposed tandem trailer truck network routes, if any, within its boundaries, including those city streets which may be nominated by local municipalities or any routes which may be nominated by expressway authorities located within the boundaries of such county. Each county shall~~, before September 1, 1983,~~ furnish a copy of such listings, along with a map or maps showing the location of such nominated routes, to the district secretary of the Department of Transportation district in which the county is located. All such nominated routes must be approved by the Department of Transportation before being designated as a part of the tandem trailer truck highway network. The Department of Transportation shall compile, publish, and periodically update a statewide listing of routes on the tandem trailer truck highway network. Semitrailers and trailers of up to 28½ feet in length which existed on December 1, 1982, and which were actually and lawfully operating on that date ~~within a 65-foot overall length limit in any state~~ may operate on such designated roads. ~~The Department of Transportation may restrict the days and hours of operation of any segment of the tandem trailer truck highway network based on considerations of safety, roadway facility capability, and public convenience.~~

2. Except as otherwise provided in this section, tandem trailer trucks shall be afforded access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading *within 5 road miles of the tandem trailer truck highway network, except that the Department of Transportation may restrict access on a specific route within the 5-mile limit for documented vehicular and highway safety reasons* ~~along highways on the State Highway System, but only in accordance with the standards established in this subsection. Access routes described in this subsection shall be approved, individually, by the Department of Transportation.~~

~~a. In a rural area, access may be afforded to such activities located within 1 mile of an interchange of a tandem trailer truck route, as designated by the Department of Transportation, along a 2-lane highway on the State Highway System and within 3 miles of such an interchange along a 4-lane highway on the State Highway System. In an urban area, access may be afforded to such activities located within 1 mile of an interchange of a tandem trailer truck route, as designated by the Department of Transportation, along a highway on the State Highway System which has lane widths of 12 feet or more. The Department of Transportation may restrict the use of interchanges for reasons of safety, roadway facility capabilities, or public convenience of the minor roadway.~~

a.~~b.~~ An operator of a terminal facility located along the State Highway System outside the limits prescribed in *this subparagraph* ~~sub-subparagraph a.~~ may seek to obtain access for tandem trailer trucks by submitting a petition for such access to the Department of Transportation. Such petition shall include a recommendation as to the shortest reasonable route or routes of ingress and egress to serve the terminal facility. A separate petition must be submitted for each facility requesting access for tandem trailer trucks, and each petition shall be prepared in accordance with rules of the Department of Transportation. The Department of Transportation shall, in accordance with its governing rules, ~~and after consideration of safety, roadway facility capability, and public convenience,~~ approve or disapprove such petition. *Access routes may only be prohibited on the basis of documented vehicular or highway safety reasons. Petitions shall be deemed approved if final action is not taken by the department within 90 days after receipt of a completed application or within 90 days after receipt of the correction of omissions and errors, unless a delay in final action is approved by the Secretary of Transportation.* The approval of a petition by the Department of Transportation shall also include issuance of an approved tandem trailer truck access map for each such approved facility~~, which map shall be made available by the facility operator, at his expense, to every driver of a tandem trailer truck using such facility~~. Approved access maps shall also be used by enforcement officials as the basis for enforcement action relating to the use of unapproved access routes.

~~3. Except as otherwise provided in this section, tandem trailer trucks shall be afforded access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading along county roads and city streets, but only in accordance with the standards established in this subsection. Access routes described in this subsection shall be nominated by the responsible jurisdiction and approved, individually, by the Department of Transportation.~~

~~a. In a rural area, access may be afforded to such activities located within 1 mile of an interchange of a tandem trailer truck route, as designated by the Department of Transportation, along a 2-lane county road and within 3 miles of such an interchange along a 4-lane county road. In an urban area, access may be afforded to such activities located within 1 mile of an interchange of a tandem trailer truck route, as designated by the Department of Transportation, along a county road or city street having lane widths of 12 or more feet.~~

b. An operator of a terminal facility located along a county road or city street outside the limits prescribed in *this subparagraph* ~~sub-subparagraph a.~~ may seek to obtain access for tandem trailer trucks by submitting a petition for such access. Each petition for tandem trailer truck access routes involving roads on a county road system or streets on a city street system must be submitted by the petitioner to the applicable local authority or authorities for review. The authority or authorities must in turn submit the petition to the Department of Transportation for its approval. *Access routes may only be prohibited on the basis of documented vehicular or highway safety reasons. Petitions shall be deemed approved if final action is not taken by the department within 90 days after receipt by the department of a completed application or within 90 days after receipt by the department of the correction of omissions and errors, unless a delay in final action is approved by the Secretary of Transportation.* The Department of Transportation shall adopt uniform minimum standards and criteria for the receipt, consideration, and approval or disapproval of petitions for access to a local system by tandem trailer trucks. The minimum standards adopted by the Department of Transportation shall include petition application procedures which are consistent with those established for the State Highway System and shall include schedules for fines, fees, and forfeitures.

c. Access routes granted for a particular vehicle must be granted for all vehicles of the same type.

3.4. ~~3.~~ The Department of Transportation shall adopt rules and regulations which include schedules for fines, fees, and forfeitures. No fine, fee, or forfeiture may exceed $250. Notwithstanding the provisions of any general or special law to the contrary, all local system tandem trailer truck access petition provisions shall be consistent with those adopted by the Department of Transportation, and no such local provision shall exceed the schedule for fines, fees, and forfeitures adopted by the Department of Transportation.

4.5. ~~4.~~ The owner or operator of a tandem trailer truck employed as a household goods carrier may petition the Department of Transportation for reasonable access to points of loading and unloading. The Department of Transportation shall, in accordance with its governing rules, and after consideration of safety, roadway facility capability, and public convenience, approve or disapprove such petition.

(8) WRECKERS.—The limitations imposed by this section do not apply to a combination of vehicles consisting of a wrecker licensed in accordance with *s. 320.08(5)(d)* ~~s. 320.08(6)(c)~~ and a disabled motor vehicle, trailer, semitrailer, or tractor-trailer combination which is under tow by the wrecker to a nearby authorized repair service.

(10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.—An automobile towaway or driveaway operation transporting new or used trucks may use what is known to the trade as "saddle mounts," if the overall length does not exceed *65* ~~55~~ feet and no more than *three* ~~two~~ saddle mounts are towed.

Section 63. Section 316.302, Florida Statutes, 1988 Supplement, is amended to read:

316.302 Commercial motor vehicles; transportation of hazardous materials; safety regulations; enforcement.—

(1) Except as provided in this section, all commercial motor vehicles operating over the public highways of this state are subject to the rules and regulations contained in 49 C.F.R. Parts 390-397, with the exception of 49 C.F.R. ss. 390.3 and 390.40 and Part 394, as such rules and regulations existed on March 1, 1988. Any commercial motor vehicle used for transporting any hazardous material being transported on any road, street, or highway open to the public is subject to the rules and regulations governing the placarding and safety of vehicles and the packaging, handling, and labeling of hazardous materials as contained in 49 C.F.R. Parts 171, 172, 173, 177, and 178. The requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

(2)(a) A person who operates a commercial motor vehicle solely within this state need not comply with 49 C.F.R. ss. 391.11(b)(1) and 395.3(a) and (b).

(b) A person who operates a commercial motor vehicle solely within this state may, after 8 hours rest, and following the required initial motor vehicle inspection, be permitted to drive 15 hours in any 24-hour period, but may not be permitted to operate a commercial motor vehicle after that until the requirement of another 8 hours rest has been fulfilled.

(c) A person who operates a commercial motor vehicle solely within this state shall not be on duty more than 72 hours in any period of 7 consecutive days, but carriers operating every day in a week may permit drivers to remain on duty for a total of not more than 84 hours in any period of 8 consecutive days; however, 24 consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products that are subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market. Upon request of the Department of Transportation, motor carriers shall furnish time records or other written verification to that department so that the Department of Transportation can determine compliance with this subsection. These time records must be furnished to the Department of Transportation within 10 days after receipt of that department's request. Falsification of such information is subject to a civil penalty not to exceed $50. The provisions of this paragraph do not apply to drivers of public utility vehicles or authorized emergency vehicles during periods of severe weather or other emergencies.

(d) A person who operates a commercial motor vehicle solely within this state within a 200 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8.

(e) A person who operates a commercial motor vehicle solely within this state is exempt from subsection (1) while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to the first place of processing or storage or from farm or harvest place directly to market. However, such person must comply with 49 C.F.R. Parts 392, 393, and 49 C.F.R. s. 396.9.

(f) A person who operates a commercial motor vehicle solely within this state must at all times comply with 49 C.F.R. Parts 392, 393, and 49 C.F.R. s. 396.9. The exemption for intracity operations which is contained in 49 C.F.R. ss. 390.33, 392.1(c), 393.1(b), and 396.1(b) does not apply to intrastate operators.

(g) A person who operates a commercial motor vehicle having a gross vehicle weight of less than 26,000 pounds solely within this state is exempt from subsection (1). However, such person must comply with 49 C.F.R. Parts 392, 393, and 49 C.F.R. s. 396.9.

(h) A person who operates a commercial motor vehicle having a gross vehicle weight of less than 26,000 pounds solely within this state and who transports hazardous waste, hazardous substances, Class A or B explosives, or flammable cyrogenic liquid, as defined in 49 C.F.R. Parts 171-179, is required to comply with the provisions of 49 C.F.R. Parts 171-179. Subject to the limitations imposed by s. 316.3025(3)(b) and (c), a person who violates this paragraph is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 *or*~~,~~ s. 775.083~~, or s. 775.084~~. Enforcement officers of the Bureau of Motor Carrier Compliance within the Department of Transportation and state highway patrolmen may inspect shipping documents and cargo of any vehicle covered by this paragraph.

(i) A person whose driving record shows no convictions for the preceding 3 years and who, as of October 1, 1988, is employed as a driver-salesman, as defined in 49 C.F.R. 395.2(h), is exempt from 49 C.F.R. Part 391.

(j) A person who is an employee of an electric utility, as defined in s. 361.11, or a telephone company, as defined in s. 364.02, and who operates a commercial motor vehicle solely within this state and within a 200 air-mile radius of the location where the vehicle is based, is exempt from 49 C.F.R. ss. 396.11 and 396.13 and 49 C.F.R. Part 391, Subparts D and E.

(3) A person under the age of 18 years may not operate a commercial motor vehicle, except that a person under the age of 18 years may operate a commercial motor vehicle which has a gross vehicle weight of less than 26,000 pounds while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to storage or market.

(4) Except as provided in paragraph (2)(g) and subject to the limitations imposed by s. 316.3025(3)(b) and (c), any motor carrier or any of its officers, drivers, agents, representatives, or employees that does not comply with 49 C.F.R. Part 171, Part 172, Part 173, Part 177, or Part 178, or 49 C.F.R. s. 395.13 or s. 396.9, or any rule which was adopted by a state agency and is consistent with the federal rules and regulations regarding hazardous materials, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 *or*~~,~~ s. 775.083~~, or s. 775.084~~. To ensure compliance with this subsection, enforcement officers of the Bureau of Motor Carrier Compliance within the Department of Transportation and state highway patrolmen may inspect shipping documents and cargo of any vehicle known or suspected to be a transporter of hazardous materials.

(5) The Department of Transportation may adopt and revise rules to assure the safe operation of commercial motor vehicles. The Department of Transportation may enter into cooperative agreements as provided in 49 C.F.R. Part 388, except that its personnel may ~~not~~ conduct motor carrier terminal audits *only for the purpose of determining compliance with 49 C.F.R. Parts 391, 393, and 396.*

(6) The state Department of Transportation shall perform the duties that are assigned to the Regional Federal Highway Administrator under the federal rules, and an agent of that department, as described in s. 316.545(9), may enforce those rules.

(7) A person who operates a commercial motor vehicle solely within this state shall direct to the state Department of Transportation any communication that the federal rules require persons subject to the jurisdiction of the United States Department of Transportation to direct to that department.

(8) Any agent of the Department of Transportation described in s. 316.545(9), any member of the Florida Highway Patrol, or any person employed by a sheriff's office or municipal police department who is authorized to enforce the traffic laws of this state pursuant to s. 316.640 may enforce the provisions of this section. Any officer of the Department of Transportation described in s. 316.545(9), any member of the Florida Highway Patrol, or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640, who has reason to believe that a vehicle or driver is operating in an unsafe condition, may require the driver to stop and submit to an inspection of the vehicle or the driver's records. Any person who fails to comply with an officer's request to submit to an inspection under this subsection is guilty of a violation of s. 843.02 if the driver resists the officer without violence or a violation of s. 843.01 if the driver resists the officer with violence. If the vehicle is found to be in an unsafe condition, or if any required part or equipment is not present or is not in proper repair or adjustment, and the continued operation would probably present an unduly hazardous operating condition, the officer may require the vehicle to be immediately repaired or removed from use. However, if continuous operation would not present an unduly hazardous operating condition, the officer may give written notice to require proper repair and adjustment of the vehicle within 14 days.

(9)(a) This section is not applicable to the transporting of liquefied petroleum gas. The rules and regulations applicable to the transporting of liquefied petroleum gas on the highways, roads, or streets of this state shall be only those adopted by the Department of Insurance under chapter 527. However, transporters of liquefied petroleum gas must comply with the requirements of 49 C.F.R. Parts 393 and 396.9.

(b) This section does not apply to any nonpublic-sector bus.

(10) Any traffic enforcement officer or any person otherwise authorized to enforce this section may issue a traffic citation as provided by s. 316.650 to an alleged violator of any provision of this section.

Section 64. This act shall take effect April 1, 1991, except that this section and sections 1, 2, 3, 8, 13, 18, 30, 59, 60, 61, 62, and 63, shall take effect upon becoming a law.

Amendment 2—On page 3, line 18, after the semicolon insert: amending s. 316.003, F.S.; redefining the term "tandem trailer truck highway network"; amending s. 316.515, F.S.; providing corrected references; regulating and prohibiting the operation of certain oversize vehicles on specified roads; prohibiting the Department of Transportation from restricting days and hours of operation on the tandem trailer truck highway network; providing access to certain facilities located within a specified distance of the tandem trailer truck highway network; authorizing the Department of Transportation to restrict such access; providing procedures for facility operators to request access beyond the limit; authorizing the operation of certain automobile towaway and driveaway vehicles; amending s. 316.302, F.S.; reenacting provisions which were inadvertently omitted; specifying penalties; authorizing the Department of Transportation to conduct motor carrier terminal audits for certain purposes; providing an effective date.

Amendment 3—On page 78, lines 6-8, strike all of said lines and insert:

Section 61. Subsections (10) and (12) of section 320.01, Florida Statutes, 1988 Supplement, are amended to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(10) "*Heavy* ~~Commercial~~ truck" means any motor vehicle with a net vehicle weight of more than 5,000 pounds, which is registered on the basis of gross vehicle weight in accordance with s. 320.08(4), and which is designed or used for the carriage of goods or designed or equipped with a connecting device for the purpose of drawing a trailer that is attached or coupled thereto by means of such connecting device and includes any such motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers.

(12) "Gross vehicle weight" means:

(a) For heavy trucks with a net weight of more than 5,000 pounds, but less than 8,000 pounds, the gross weight of the heavy truck. The gross vehicle weight is calculated by adding to the net weight of the heavy truck the weight of the load carried by it, which is the maximum gross weight as declared by the owner or person applying for registration.

(b)~~(a)~~ *For heavy trucks with a net weight of 8,000 pounds or more,* the gross weight of *the heavy* ~~a commercial~~ truck, including the gross weight of any trailer coupled thereto. The gross vehicle weight is calculated by adding to the gross weight of the *heavy* ~~commercial~~ truck the gross weight of the trailer, which is the maximum gross weight as declared by the owner or person applying for registration.

(c)~~(b)~~ The gross weight of a truck tractor and semitrailer combination is calculated by adding to the net weight of the truck tractor the gross weight of the semitrailer, which is the maximum gross weight as declared by the owner or person applying for registration; such vehicles are together by means of a fifth-wheel arrangement whereby part of the weight of the semitrailer and load rests upon the truck tractor.

Section 62. Subsection (4) of section 320.08, Florida Statutes, 1988 Supplement, is amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(4) *HEAVY* ~~COMMERCIAL~~ TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.—

(a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: $45 flat.

(b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: $65 flat.

(c) Gross vehicle weight of 8,000 pounds or more, but less than 10,000 pounds: $76 flat.

(d) Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: $87 flat.

(e) Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: $131 flat.

(f) Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: $186 flat.

(g) Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: $240 flat.

(h) Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: $300 flat.

(i) Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: $572 flat.

(j) Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: $678 flat.

(k) Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: $800 flat.

(l) Gross vehicle weight of 72,000 pounds or more: $979 flat.

(m) A truck tractor used exclusively for hauling forestry products within a 150-mile radius of its home address shall, notwithstanding the declared gross vehicle weight, be eligible for a license plate for a fee of $240 flat.

Section 63. The act shall take effect April 1, 1991, except that this section and sections 1, 2, 3, 8, 13, 18, 30, 59, 60, 61, 62, 64, 65, 66 and 67 shall take effect upon becoming a law.

Amendment 4—On page 3, line 18, after the semicolon insert: amending ss. 320.01 and 320.08, F.S.; deleting the term "commercial truck" and substituting therefor the term "heavy truck"; redefining the term "gross vehicle weight";

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

CS for SB 658 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	Dudley	Langley	Stuart
Bankhead	Forman	Malchon	Thomas
Beard	Gardner	Margolis	Thurman
Brown	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	
Deratany	Kiser	Souto	

Nays—None

Vote after roll call:

Yea—Bruner

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1534 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1534—A bill to be entitled An act relating to transportation and drug abuse prevention and control; creating s. 320.072, F.S.; providing for an additional fee on certain motor vehicle registration transactions; providing for deposit of fee proceeds into the Department of Highway Safety and Motor Vehicles Law Enforcement Trust Fund; amending s. 320.06, F.S.; requiring license plates of leased or rented cars to be imprinted with the word "Lease"; amending s. 320.0705, F.S.; providing for semiannual registration of certain rental or leased motor vehicles; creating s. 212.0606, F.S.; imposing a surcharge on the lease or rental of certain motor vehicles; providing for distribution; providing for the application of certain provisions of part I of ch. 212, F.S., to the surcharge; authorizing the Department of Revenue to adopt emergency rules; providing appropriations; amending s. 893.13, F.S.; prescribing a minimum term of imprisonment for persons who sell, purchase, manufacture, or deliver a controlled substance as defined in s. 893.03(1)(a), (b), (d), (2)(a), (b), F.S., within 1,000 feet of a school or who possess such controlled substance with intent to commit such actions; providing that such persons are not eligible for parole or statutory gain-time; providing that persons performing such activities with any other controlled substance must be fined $500 and must serve 100 hours of public service in addition to any other penalty; providing an effective date.

Amendment 1—On page 4, lines 19-31, and on page 5, lines 1-2, strike all of said lines and insert:

Section 3. Subsection (1) of section 320.0705, Florida Statutes, is amended and subsection (3) of said section is created to read:

320.0705 Semiannual registration or renewal for certain vehicles.—

(1) The owner of a motor vehicle taxed under s. 320.08(4) *or*, (6)(b), ~~or (13)~~ may register his vehicle semiannually, if the amount of license tax due annually is more than $100 and the vehicle registration fee is not required to be apportioned, upon payment of a fee of $2.50 for each semiannual registration.

(3) The owner of a motor vehicle taxed under s. 320.08(6)(a) may register such vehicle for any 6-month period upon payment of one-half the annual license tax plus an additional fee of $2 50 for each period; provided, notwithstanding any other provision of law, such person is not entitled to a refund of any tax imposed under s. 320.08(6) upon such vehicle.

Amendment 2—On page 8, line 9, through page 9, line 7, strike all of said lines and insert:

Section 11. There is hereby appropriated for fiscal year 1989-90 from the Law Enforcement Trust Fund of the Department of Highway Safety and Motor Vehicles $2.4 million to the Department of Corrections and $.5 million to the Florida Sheriffs Association Statewide Crack Cocaine Enforcement Task Force to pay for costs associated with the enforcement of the Florida Comprehensive Drug Abuse Prevention and Control Act.

(Renumber subsequent section.)

Amendment 3—On page 1, line 21, through page 2, line 3, strike all of said lines and insert: appropriations; providing an effective date.

Amendment 4—On page 1, lines 1 and 2, strike "transportation and drug abuse prevention and control" and insert: taxation

Amendment 5—On page 5, lines 6-21, strike all of said lines and insert:

(1) A surcharge of 50 cents per day or any part of a day imposed upon the lease or rental of a motor vehicle licensed for hire and designed to carry less than nine passengers regardless of whether such motor vehicle is licensed in Florida. The surcharge applies to only the first 30 days of the term of any lease or rental. The surcharge is taxable under s. 212.05.

(2) Notwithstanding the provisions of ss. 212.20 and 212.235, and less costs of administration, 20 percent of the proceeds of this surcharge shall be deposited into the Law Enforcement Trust Fund of the Department of Highway Safety and Motor Vehicles and 80 percent of the surcharge shall be deposited in the Children and Adolescents Substance Abuse Trust Fund. The Children and Adolescents Substance Abuse Trust Fund is hereby created in the Department of Health and Rehabilitative Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems amoung children and adolescents. For the purposes of this section, "proceeds" of the surcharge means all funds collected and received by the department under this section, including interest and penalties on delinquent surcharges.

Amendment 6—On page 9, between lines 7 and 8, insert:

Section 13. There is hereby appropriated to the Department of Health and Rehabilitative Services $7,404,470 in lump sum from the Children Adolescents Substance Abuse Trust Fund. These funds shall be allocated to recurring programs serving children and adolescents who are substance abusers. The Department shall allocate the funds as follows:

Assessment and Evaluation — $1,098,920

Detoxification Services — $1,264,000

Community Residential Treatment — $1,954,150

Outpatient/Family Counsel/Aftercare — $800,400

Juvenile Treatment Alternatives to Street Crime — $517,000

Substance Abuse treatment Overlay for Delinquency/Dependency Programs — $1,270,000

Funds shall be allocated to the health and rehabilitative services districts based on documented need for children and adolescent substance abuse treatment services as reflected by waiting lists for services and per capita funding levels. Allocation of funds shall take into consideration the equalization of funding across districts.

There is hereby appropriated to the Department of Education $500,000 in lump sum from the Children Adolescents Substance Abuse Trust Fund for the purposes of funding the provisions of HB 253 of the 1989 Legislative session or similar legislation adopted in that session.

Amendment 1 to House Amendment 6—On page 1, between lines 12 and 13, insert:

Section 1. Section 230.69, Florida Statutes, is created to read:

230.69 Youth Enhancement Services Centers.—

(1) It is the intent of the Legislature to make the afterschool hours of children more productive through the creation of Youth Enhancement Services (YES) Centers in the school districts of the state. It is legislative intent that each YES Center be contained in a public school multi-purpose activity building and that such centers provide a variety of activities.

(2) The creation of a nonprofit corporation for each YES Center is authorized. Such corporation shall be exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. Each such corporation shall have a seven-member board of directors as follows: Three members shall be parents of students attending the school where the YES Center is to be established, such attendance to be within 2 years of election to the board; two members shall be interested community volunteers, unless such volunteers are not available, in which case the members

shall be parents as specified herein; and two members shall be persons employed by the local school district who shall be elected by the other five board members. Board members shall serve without compensation for 1-year terms commencing August 1 and may be reelected for three consecutive terms. Election of board members shall be open to parents of students attending the school where the YES Center is to be established. Elections shall be held in May of each year, except that the first election of board members may be held at any time. Notice of elections and meetings shall be distributed through standard school-to-parent communication methods.

(3)(a) The board of directors of a nonprofit corporation established pursuant to subsection (2) shall notify the appropriate district school board and the Department of Education of its intent to establish a YES Center. The board of directors shall raise from private contributions at least one-fourth of the capital costs necessary for establishment of the YES Center, such funds to be placed in a YES Center depository fund established by the board of directors for the construction of the center. Before any funds are raised by the board of directors, the district school board shall approve the proposal for each YES Center. The proposal shall contain the following provisions:

1. Placement of a center on the grounds of a public elementary or middle school.

2. Afterschool attendance at a center by any elementary or middle school student within the school district.

3. Use of a proposed multi-purpose activity building.

4. Funding through private contributions and state grant, with at least one-fourth of the capital costs provided by private contributions and no more than three-fourths of the capital costs provided by matching state grant.

5. Planning and construction of the facility according to the State Uniform Building Code for Public Educational Facilities Construction, pursuant to s. 235.26.

6. Offering of, but not limited to, the following: academic enrichment programs, including mathematics and reading skills; athletic activities, such as basketball and volleyball; social activities, such as Boy Scouts, Girl Scouts, Boys Clubs and Girls Clubs, 4-H, and Junior Achievement; handicraft, art, music, drama, and sewing lessons; substance abuse education; and intergenerational activities.

7. Involvement of parents and community volunteers in center activities.

8. Use of security checks, including fingerprinting, pursuant to ss. 402.305 and 402.3055 as a condition of employment for salaried staff and volunteers, and compliance with the staffing ratios for child care pursuant to s. 402.305.

9. Payment of fees, if necessary for operation, by parents of students attending a center based on a sliding scale according to family income and the number of children in a family attending a center.

Provision for bus transportation for transporting students from a YES Center to their homes at closing shall be optional.

(b) When sufficient funds for the capital costs have been raised by the board of directors, the board shall submit to the Department of Education the proposal for the creation of a YES Center.

(c) For each YES Center proposal approved by the Department of Education and for which at least one-fourth of the capital costs have been raised by the board of directors, the department shall allocate such funds as may be appropriated for the purposes of this section to the YES Center depository fund established by the board of directors.

(4) Title to any YES Center constructed pursuant to this section shall vest in the school board.

(5) The YES Center shall be available for use by the school board during regular school hours and at other times when agreed to by the school board and the board of directors. Prior to the beginning and following the end of regular school hours, the board of directors shall be responsible for center operation and security. Existing school district policies for the operation of extended day programs shall apply to the operations of each YES Center. The school district shall provide utilities and liability and property and casualty insurance coverage for continuous operation. Salaries for administrative, tutorial, and recreational staff of each center shall be paid by the board of directors from funds raised from private contributions and from fees paid by participants.

(6) Pilot programs for implementation of this section shall be established in school districts as provided by law. From funds appropriated, an amount shall be allocated to each pilot program for a period not to exceed 3 years. In the event all funds allocated are not used within the 3-year period, the remaining balance shall revert to the General Revenue Fund.

(7) The State Board of Education shall adopt rules to be included in the State Uniform Building Code for Public Educational Facilities Construction which specify the capacity and design parameters for facilities which will accommodate the programs and activities that will be conducted in a YES Center.

(8) The board of directors shall make provision for an annual postaudit of its financial accounts, to be conducted by the district auditor in accordance with rules to be promulgated by the State Board of Education. The audit shall be filed as a public record in the district. The State Board of Education and the Auditor General have the authority to require and receive from the board of directors or the district auditor any detail or supplemental data relative to the operation of the corporation. The identity of donors and all information identifying donors and prospective donors are exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other records and information shall be considered public records for the purposes of chapter 119.

(9) This section is repealed on July 1, 1993, and shall be reviewed by the Legislature prior to that date.

Amendment 7—On page 7, lines 10-22, strike all of said lines, and insert: $5,404,485 to Administered Funds for distribution by the Executive Office of the Governor to provide each unit or nonunit state career service law enforcement officer in the State Law Enforcement Collective Bargaining Unit a competitive pay adjustment of $250 per month on each employee's base salary effective January 1, 1990. The Department of Highway Safety and Motor Vehicles is authorized to adjust salaries of Highway Patrol officers to provide equity with Law Enforcement positions within other state agencies.

(Renumber subsequent sections.)

Amendment 8—On page 8, line 2, strike Sections 7 and 8, and insert: Section 7

Amendment 9—On page 1, line 2, after the semicolon insert: creating s. 230.69, F.S.; providing for the creation of Youth Enhancement Services Centers within school districts; authorizing the creation of a nonprofit corporation with a board of directors; requiring approval of a proposal for each center by the district school board and the Department of Education; providing requirements, including private contributions and matching state grant; providing for allocation of funds to center depository funds; providing for the vesting of title; providing for center operation; providing for pilot programs; requiring rules relating to capacity and design of facilities; requiring an annual postaudit; providing an exemption from public records requirements for certain donor information; providing for review and repeal;

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

CS for SB 1534 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Casas	Deratany	Gordon
Bankhead	Childers, D.	Dudley	Grant
Beard	Childers, W. D.	Forman	Grizzle
Brown	Crenshaw	Gardner	Johnson
Bruner	Davis	Girardeau	Kirkpatrick

Kiser	Meek	Scott	Walker
Langley	Myers	Souto	Weinstein
Malchon	Peterson	Stuart	Weinstock
Margolis	Plummer	Thomas	Woodson-Howard
McPherson	Ros-Lehtinen	Thurman	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1325 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1325—A bill to be entitled An act relating to the juvenile justice system; creating a task force; providing membership; requiring the task force to examine the juvenile justice system; providing for repeal; providing an effective date.

Amendment 1—On page 1, line 20, strike everything after the enacting clause and insert:

Section 1. Juvenile Justice System Review Task Force; creation; membership; duties; and staffing.—

(1) There is created a Juvenile Justice System Review Task Force.

(2)(a) The membership of the task force shall consist of 22 members and a chairman. The membership must consist of the following persons: two persons appointed by the Governor; the chairperson of the Governor's Juvenile Justice and Delinquency Prevention Advisory Committee; three persons appointed by the President of the Senate, at least one of whom must be a member of the Senate; three persons appointed by the Speaker of the House of Representatives, at least one of whom must be a member of the House of Representatives; two persons appointed by the Attorney General, at least one of whom must represent child advocacy groups; the Commissioner of the Department of Education or his designee; the Secretary of the Department of Health and Rehabilitative Services or his designee; one person appointed by the Public Defenders Association; one person appointed by the Prosecuting Attorneys Association; one person appointed by the Florida Sheriffs Association; one person appointed by the Florida Police Chiefs Association; one person appointed by The Florida Bar Association's Committee on the Needs of Children; one person selected by the Conference of Circuit Judges; one person appointed by the Office of the State Courts Administrator; one person appointed by the Director of the Statewide Guardian Ad Litem Program; and the director of the Center for the Study of Youth Policy at Florida Atlantic University.

(b) The chairman of the task force shall be designated by the members of the task force.

(c) The Center for the Study of Youth Policy shall provide staff for the task force and is responsible for the administration of the task force.

(3)(a) Members of the Juvenile Justice System Review Task Force shall closely examine the entire juvenile justice system in this state and make recommendations including, but not limited to, the following:

1. Content and organizational structure of chapter 39, Florida Statutes,

2. Outcome evaluation and cost effectiveness of existing programs for juveniles and statutory provisions relating to them,

3. Existing dispositional options and the need for changes to them,

4. Jurisdictional boundaries and limitations,

5. The elderly as victims of juvenile delinquency and ways to address this problem,

6. The extent to which juveniles have proper legal representation in judicial proceedings,

7. Ways to increase the effectiveness of the juvenile justice system,

8. The role of the judiciary in dispositional decisions for juveniles,

9. The direct file provisions in chapter 39, Florida Statutes, and

10. The need for deletions or additions to existing statutory provisions.

(b) The task force shall issue a preliminary report of its findings and recommendations to the Governor, the Attorney General, the President of the Senate, and the Speaker of the House of Representatives by January 1, 1990. The task force shall conclude its review and issue a second report by March 1, 1990.

(c) The task force shall hold its first meeting by September 15, 1989, and the chairman may call meetings as often as necessary to complete business.

(d) The members of the task force shall serve without compensation, but shall be entitled to per diem and travel expenses as provided in section 112.061, Florida Statutes, while on the official business of the task force.

(4) This section shall expire July 1, 1991.

Section 2. Effective January 1, 1990, Section 39.04, Florida Statutes, is amended to read:

39.04 Intake.—

(1) As used in this section:

(a) "Preliminary screening" means the gathering of preliminary information to be used to determine appropriateness for further evaluation or need for referral for other services.

(b) "Comprehensive assessment" means the gathering of information for the evaluation of a juvenile's physical, psychological, and social condition as it relates to the juvenile's need for alcohol and drug abuse or mental health services.

(2)~~(1)~~ Intake shall be performed by the department. *The purpose of intake shall be to choose or promote the most appropriate services through a process that balances the interest and needs of the child, the family, and the public. The intake officer shall be responsible for making informed decisions and recommendations to other agencies, the state attorney, and the courts so that the child and family may receive the least intrusive service alternative throughout the judicial process. The department shall establish uniform procedures for the intake officer to provide, prior to the filing of a petition or as soon as possible thereafter and prior to a dispositional hearing, a preliminary screening of the child and family for alcohol, drug abuse, and mental health services.* A report or complaint alleging that a child has committed a delinquent act shall be made to the intake office operating in the county in which the child is found or in which the delinquent act occurred. Any person or agency having knowledge of the facts may make a complaint. If not required otherwise by s. 39.03(5)(a), the complainant shall furnish the intake office facts sufficient to establish the jurisdiction of the court and to support a finding by the court that the child has committed a delinquent act.

(3)~~(2)~~ The 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 as may be necessary. In any case where the intake officer or the state attorney finds that the report or complaint is incomplete, the 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 of the offense, and request, and the agency shall promptly thereafter furnish, additional information in order to complete the report or complaint.

(a) If the intake officer determines that the report or complaint is complete, he may, in the case of a child who is alleged to have committed a delinquent act or violation of law, recommend that the state attorney file a petition of delinquency or an information or seek an indictment by the grand jury. However, the recommendations shall not be a prerequisite for any action taken by the state attorney.

(b) If the intake officer determines that the report or complaint is complete, *pursuant to uniform procedures established by the department, the intake officer shall:*

1. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family for alcohol and drug abuse problems, using community-based licensed programs with clinical expertise and experience in the assessment of alcohol and drug abuse problems. Findings of such assessments shall be part of all predisposition reports to the court.

2. When indicated by the preliminary screening, provide for a comprehensive assessment of the child and family for mental health problems, using community-based psychologists, psychiatrists, or other licensed mental health professionals with clinical expertise and experience in the assessment of mental health problems.

When indicated by the comprehensive assessment, the department shall be authorized to contract within appropriated funds for services with a local nonprofit community mental health, alcohol, or drug abuse agency licensed or authorized under chapter 394, chapter 396, or chapter 397, or other authorized nonprofit social service agency providing related services. The determination of mental health, alcohol, or drug abuse services shall be conducted in coordination with existing programs providing alcohol and drug abuse or mental health services in conjunction with the intake office. Client information resulting from the screening and evaluation shall be documented pursuant to rules established by the department and shall serve to assist the intake officer in providing the most appropriate services and recommendations in the least intrusive manner. Documented client information shall also serve to assist the court in making the most appropriate custody, adjudicatory, and dispositional decision. If indicated by the result of the screening and assessment that ~~but that in his judgment~~ the interest of the child and the public will be best served by providing the child care, *diagnostic and evaluation services, drug and alcohol abuse program, mental health services,* a diversionary, *arbitration,* or mediation program, community service work, or other treatment voluntarily accepted by the child and his parents or legal custodians, the intake officer, with the approval of the state attorney, may refer the child for such care, *diagnostic and evaluation services, drug and alcohol abuse program, mental health services,* diversionary, *arbitration,* or mediation program, community service work, or other *programs and* treatment. The victim, if any, and the law enforcement agency which investigated the offense shall be notified immediately by the state attorney of the action taken pursuant to this paragraph. Whenever a child volunteers to participate in any work program under the provisions of this chapter or volunteers to work in a specified state, county, municipal, or community service organization supervised work program or to work for the victim, such child shall be considered an employee of the state for the purposes of chapter 440. In determining the child's average weekly wage, unless otherwise determined by a specific funding program, all remuneration received from the employer shall be considered a gratuity, and the child shall not be entitled to any benefits otherwise payable under s. 440.15, regardless of whether the child may be receiving wages and remuneration from other employment with another employer and regardless of his future wage-earning capacity.

(c) If the intake officer determines that the report or complaint is complete and in his judgment the interest of the child and the public will be best served, he may recommend that a delinquency petition not be filed. If such a recommendation is made, the intake officer shall advise in writing the complainant, the victim, if any, and the law enforcement agency having investigative jurisdiction of the offense of the recommendation and the reasons therefor; and that person or agency may submit, within 10 days from the receipt of such notice, the complaint to the state attorney for special review. The state attorney, upon receiving a request for special review, shall consider the facts presented by the complainant or agency and by the intake officer who made the recommendation that no petition or information be filed, before such attorney makes a final decision as to whether a petition or information should or should not be filed.

(d) In all cases in which the child is alleged to have committed a delinquent act and is not detained, the intake officer shall submit a written report to the state attorney, including the original report or complaint or a copy thereof, within 20 days from the date the child is taken into custody. In cases in which the child is in detention, the intake office report shall be submitted within 24 hours of the detention. The intake office report shall recommend that a petition or information be filed or that no petition or information be filed, and it shall set forth reasons for such recommendation.

(e) The state attorney shall in all cases have the right to take action, regardless of the action or lack of action of the intake officer, and shall determine the action which is in the best interest of the public and the child. The state attorney may:

1. File a petition for dependency;

2. File a petition for delinquency;

3. File a petition for delinquency with a motion to transfer and certify the child pursuant to s. 39.02(5) and s. 39.09(2) for prosecution as an adult;

4. With respect to any child who at the time of commission of the alleged offense was 16 or 17 years of age, file an information when in his judgment and discretion the public interest requires that adult sanctions be considered or imposed. Upon motion of a child charged with a misdemeanor, the case shall be transferred for adjudicatory proceedings as a child pursuant to s. 39.09(1) if it is shown by the child that he had not previously been found to have committed two delinquent acts, one of which involved an offense classified under Florida law as a felony;

5. Refer the case to a grand jury;

6. Refer the child to a diversionary, pretrial intervention, or mediation program or to some other treatment or care program if such program commitment is voluntarily accepted by the child or his parents or legal guardians; or

7. Dismiss the case.

(f) In cases in which a delinquency complaint is filed by a law enforcement agency and the state attorney determines not to file a petition, the state attorney shall advise the clerk of the circuit court in writing that no petition will be filed on the complaint.

Section 3. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, there is hereby appropriated from the General Revenue Fund to the Board of Regents the sum of $53,000 to fund the implementation of the Juvenile Justice System Review Task Force staffed and administered by the Florida Atlantic University Center for the Study of Youth Policy.

Section 4. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 2—On page 1, lines 6-16, strike all lines and insert: amending s. 39.04, F.S., providing definitions; revising delinquency intake procedures; establishing criteria and requiring uniform procedures; providing for substance abuse and mental health screening of child and family; expanding authorized services; providing an appropriation; providing an effective date.

WHEREAS, serious habitual juvenile offenders are committing a large proportion of the juvenile crime in Florida today, and

WHEREAS, juvenile offenders are at great risk for alcohol and drug abuse, and

WHEREAS, there is a direct correlation between alcohol and drug abuse and the increasing rate of crime, and

WHEREAS, there is a need to review evaluation for existing programs and dispositional options, NOW, THEREFORE,

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

CS for SB 1325 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	Davis	Kiser	Ros-Lehtinen
Bankhead	Deratany	Langley	Souto
Beard	Dudley	Malchon	Stuart
Brown	Forman	Margolis	Thomas
Bruner	Gardner	McPherson	Walker
Casas	Girardeau	Meek	Weinstein
Childers, D.	Gordon	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	

Nays—None

Vote after roll call:

Yea—Thurman

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

INTRODUCTION AND REFERENCE OF BILLS

First Reading

On motion by Senator Scott, by unanimous consent—

By Senator Crawford—

SCR 1579—A concurrent resolution extending the 1989 regular legislative session under the authority of Article III, Section 3(d) of the State Constitution.

WHEREAS, the sixty days of the 1989 regular session of the Florida Legislature will expire on Friday, June 2, 1989, and the necessary tasks of the session have not been completed, NOW, THEREFORE,

Be It Resolved by the Legislature of the State of Florida:

That the 1989 regular session of the Florida Legislature is extended until 2:00 a.m., Saturday, June 3, 1989, under the authority of Article III, Section 3(d) of the State Constitution.

Upon recess Friday, June 2, 1989, either house may reconvene upon the call of its presiding officer.

—was introduced out of order and read the first time by title. On motion by Senator Scott, by two-thirds vote SCR 1579 was read the second time in full, adopted by the required constitutional three-fifths vote of the membership and certified to the House. The vote on adoption was:

Yeas—35

Mr. President	Deratany	Malchon	Souto
Bankhead	Forman	Margolis	Stuart
Brown	Gardner	McPherson	Thomas
Bruner	Girardeau	Meek	Thurman
Casas	Grizzle	Myers	Walker
Childers, D.	Johnson	Peterson	Weinstein
Childers, W. D.	Kirkpatrick	Plummer	Weinstock
Crenshaw	Kiser	Ros-Lehtinen	Woodson-Howard
Davis	Langley	Scott	

Nays—1

Gordon

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 1679 and requests the concurrence of the Senate.

John B. Phelps, Clerk

On motion by Senator Meek, by unanimous consent—

CS for HB 1679—A bill to be entitled An act relating to economic development; amending s. 220.183, F.S., relating to the community contribution tax credit against the corporate income tax; deleting an obsolete reference to enterprise zones; amending s. 288.063, F.S., relating to contracts for economic development transportation projects; revising contract requirements; providing for access to funding by small and minority businesses; providing criteria for the selection of transportation projects for state funding and providing for a committee; requiring the submittal of audits by local governments; requiring monitoring of grant recipients; amending s. 288.712, F.S.; revising provisions relating to establishment of guarantor funds by the Florida Black Business Investment Board and use thereof; authorizing certain joint ventures and investments; amending s. 288.714, F.S.; revising the date for submission of the board's annual report; amending s. 290.0055, F.S.; deleting a restriction on the frequency of application of provisions which authorize a change in the boundaries of certain enterprise zones; amending s. 290.0065, F.S., relating to state approval of enterprise zones, to conform; extending the deadline for approval of boundary changes; amending s. 290.015, F.S.; extending the date for the Auditor General's evaluation of the enterprise zone program; amending s. 290.036, F.S.; extending the number of years in which a community development corporation may receive an administrative grant; amending section 41 of Chapter 88-201, L.O.F.; reauthorizing the Joint Committee on Community Development Corporations; providing an effective date.

—was taken up out of order. On motions by Senator Meek, by two-thirds vote CS for HB 1679 was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Deratany	Kirkpatrick	Ros-Lehtinen
Bankhead	Dudley	Kiser	Souto
Brown	Forman	Langley	Stuart
Bruner	Gardner	Malchon	Thomas
Casas	Girardeau	Margolis	Thurman
Childers, D.	Gordon	McPherson	Walker
Childers, W. D.	Grant	Meek	Weinstein
Crenshaw	Grizzle	Myers	Weinstock
Davis	Johnson	Peterson	Woodson-Howard

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 845 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 845—A bill to be entitled An act relating to Medicare supplement insurance; amending s. 627.6735, F.S.; requiring Medicare supplement policy insurers to file advertisements for such insurance with the Department of Insurance; amending s. 627.674, F.S.; requiring such policies to meet specified standards; providing for notification of certain provisions; amending s. 627.6745, F.S.; establishing loss ratio standards relating to returns to policyholders where service is provided by a health maintenance organization; creating s. 627.6746, F.S.; requiring Medicare supplement policy providers to comply with certain provisions of the Omnibus Budget Reconciliation Act of 1987; providing an effective date.

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

Section 1. Effective upon this act becoming a law, section 627.482, Florida Statutes, is created to read:

627.482 Interest payable on cash surrender of policy.—

(1) If an insured requests payment of the cash surrender value of a policy from its insurer, such payment shall include interest at the rate of interest specified in s. 625.121(5)(e), unless such payment is made by the insurer within 30 days of receipt of the insurance policy and request for cash surrender.

(2) An insurer shall be exempt from the requirements of this section if, upon petition by the insurer to the department, it is determined by the department that payment of such interest threatens the solvency of the insurer.

Section 2. Effective October 1, 1989, section 627.0645, Florida Statutes, is created to read:

627.0645 Annual filings.—

(1)(a) Each rating organization filing rates for, and each insurer writing, any line of property or casualty insurance to which this part applies, except workers' compensation and employer's liability insurance, shall make an annual base rate filing for each such line with the department no later than 12 months after its previous base rate filing, demonstrating that its rates are not inadequate.

(b) The filing required by this section shall be satisfied by one of the following methods:

1. A rate filing prepared by an actuary which contains documentation demonstrating that the proposed rates are not excessive, inadequate, or unfairly discriminatory pursuant to the applicable rating laws and rules promulgated by the department.

2. If no rate change is proposed, a filing which consists of a certification by an actuary that the existing rate level produces rates which are actuarially sound and which are not inadequate, as defined in s. 627.062 or s. 627.0651, whichever is applicable.

(c) An insurer may satisfy the annual filing requirements of this subsection by being a member or subscriber of a licensed rating organization which complies with the requirements of this section.

(d) If an insurer does not employ or otherwise retain the services of an actuary, the insurer's rate filing or certification that rates are actuarially sound shall be prepared by company personnel or consultants with a minimum of 5 years' experience in insurance ratemaking. The chief executive officer of the insurer shall review and sign the rate filing or certification indicating his agreement with its conclusions.

(e) If at the time a filing is required under this section an insurer is in the process of completing a rate review, the insurer may apply to the department for an extension of up to an additional 30 days in which to make the filing. The request for extension must be received by the department in its offices in Tallahassee no later than the date the filing is due.

(f) Nothing in this subsection shall be deemed to limit the department's authority to review rates at any time or to find that a rate or rate change is excessive, inadequate, or unfairly discriminatory pursuant to the provisions of s. 627.062 or s. 627.0651.

(g) As used in this section, "actuary" means an individual who is a member of the Casualty Actuarial Society.

(h) If an insurer fails to meet the filing requirements of this section and does not submit the filing within 60 days following the date the filing is due, the department may, in addition to any other penalty authorized by law, order the insurer to discontinue the issuance of policies for the line of insurance for which the required filing was not made, until such time as the department determines that the required filing is properly submitted.

(2) The first filing required by this section may be made on or after the effective date of this section, but in no event later than March 1, 1990, or 14 months after the date of its last base rate filing preceding the effective date of this section, whichever is later.

Section 3. Effective October 1, 1989, subsection (7) is added to section 627.410, Florida Statutes, to read:

627.410 Filing, approval of forms.—

(6)(a) An insurer shall not deliver or issue for delivery or renew in this state any health insurance policy form until it has filed with the department a copy of every applicable rating manual, rating schedule, change in rating manual, and change in rating schedule; if rating manuals and rating schedules are not applicable, the insurer must file with the department applicable premium rates and any change in applicable premium rates.

(b) The department may establish by rule, for each type of health insurance form, procedures to be used in ascertaining the reasonableness of benefits in relation to premium rates and may, by rule, exempt from any requirement of paragraph (a) any health insurance policy form or type thereof (as specified in such rule) to which form or type such requirements may not be practically applied or to which form or type the application of such requirements is not desirable or necessary for the protection of the public. With respect to any health insurance policy form or type thereof which is exempted by rule from any requirement of paragraph (a), premium rates filed pursuant to ss. 627.640 and 627.662 shall be for informational purposes.

(c) Every filing made pursuant to this subsection shall be made within the same time period provided in, and shall be deemed to be approved under the same conditions as those provided in, subsection (2).

(7)(a) Each insurer subject to the requirements of subsection (6) shall make an annual filing with the department no later than 12 months after its previous filing, demonstrating the reasonableness of benefits in relation to premium rates.

(b) The filing required by this subsection shall be satisfied by one of the following methods:

1. A rate filing prepared by an actuary which contains documentation demonstrating the reasonableness of benefits in relation to premiums charged in accordance with the applicable rating laws and rules promulgated by the department.

2. If no rate change is proposed, a filing which consists of a certification by an actuary that benefits are reasonable in relation to premiums currently charged in accordance with applicable laws and rules promulgated by the department.

(c) As used in this section, "actuary" means an individual who is a member of the Society of Actuaries or the American Academy of Actuaries. If an insurer does not employ or otherwise retain the services of an actuary, the insurer's certification shall be prepared by insurer personnel or consultants with a minimum of five years' experience in insurance rate making. The chief executive officer of the insurer shall review and sign the certification indicating his agreement with its conclusions.

(d) If at the time a filing is required under this section an insurer is in the process of completing a rate review, the insurer may apply to the department for an extension of up to an additional 30 days in which to make the filing. The request for extension must be received by the department in its offices in Tallahassee no later than the date the filing is due.

(e) If an insurer fails to meet the filing requirements of this subsection and does not submit the filing within 60 days following the date the filing is due, the department may, in addition to any other penalty authorized by law, order the insurer to discontinue the issuance of policies for which the required filing was not made, until such time as the department determines that the required filing is properly submitted.

(f) The first filing required by this subsection may be made on or after the effective date of this subsection, but in no event later than March 1, 1990, or 14 months after the date of its last rate filing preceding the effective date of this subsection, whichever is later.

Section 4. (1) Three additional Career Service positions and two additional Select Exempt Service positions are authorized for the Division of Insurance Rating of the Department of Insurance to carry out the provisions of this act.

(2) There is hereby appropriated from the Insurance Commissioner's Regulatory Trust Fund to the Division of Insurance Rating of the Department of Insurance for fiscal year 1989-1990 to carry out the provisions of this act:

(a) The sum of $175,569 for salaries and benefits.

(b) The sum of $11,363 for expenses.

(c) The sum of $16,965 for operating capital outlay.

(d) The sum of $18,000 for data processing.

Section 5. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (15) of section 631.011, Florida Statutes, is amended to read:

631.011 Definitions.—For the purpose of this part, the term:

(15) "Secured claim" means any claim secured by mortgage, trust deed, pledge, deposit as security, escrow, or otherwise but does not include a special deposit claim, ~~or~~ a claim against general assets, *or a claim based on mere possession.* The term also includes a claim which more than 4 months before the commencement of a delinquency proceeding in the state of the insurer's domicile has become a lien upon specific assets by reason of judicial process.

Section 6. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 631.021, Florida Statutes, is amended to read:

631.021 Jurisdiction of delinquency proceeding; venue; change of venue; exclusiveness of remedy; appeal.—

(1) The circuit court shall have original jurisdiction of any delinquency proceeding under this chapter, and any court with jurisdiction is authorized to make all necessary or proper orders to carry out the purposes of this chapter. *Any delinquency proceeding in this chapter is in equity.*

Section 7. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 631.154, Florida Statutes, is created to read:

631.154 Funds or other property in the possession of third person.—

(1) Any person who holds funds or other property belonging to an entity subject to an order of conservation, rehabilitation, or liquidation under this chapter shall deliver the funds or other property to the receiver on demand. Should the person allege any right to retain the funds pursuant to s. 631.155, s. 631.191, s. 631.261, s. 631.262, s. 631.263, or s. 631.281, a pleading setting out the right shall be filed with the court within 20 days of the receipt of the receiver's demand that the funds or property be delivered to the receiver. The pleading of the person shall inform the court as to the nature of the claim to the property, the alleged value of the property or amount of funds held, and what action has been taken by the person to preserve and protect the property or to preserve any funds.

(2) If requested by the receiver, a hearing shall be held to determine where and under what conditions the property or funds shall be held by the person. The court may impose conditions as it may deem necessary or appropriate for the preservation of the property or funds to the receiver until the court can determine the validity of the person's claim to the property or funds. If any property or funds are allowed to remain in the possession of the person after demand made by the receiver, that person shall be strictly liable for any waste, loss, or damage of the property or funds retained.

(3) If a person has filed a pleading alleging any right to retain funds or property, the court shall hold a subsequent hearing to determine entitlement to the funds or property claimed by the receiver.

(4) This section shall apply to all proceedings brought by the receiver to recover funds or property believed by the receiver under this chapter to be assets of the entity subject to an order of conservation, rehabilitation, or liquidation. The receiver shall be exempt from the provisions of s. 57.111.

(5) Should the receiver be successful in establishing its claim or any part thereof, the receiver shall be entitled to recover judgment for the following:

(a) The property or its cash value as of the date of the order of conservation, rehabilitation, or liquidation, whichever is applicable.

(b) Rental for the use of the property to run from the date of the order of conservation, rehabilitation, or liquidation, whichever is applicable, to the date the property is delivered to the receiver.

(c) In the case of funds, interest at the statutory rate to run from the date of the order of conservation, rehabilitation, or liquidation, whichever is applicable, to the date the funds are delivered to the receiver.

(d) All costs, investigative and other expenses necessary to the recovery of the property or funds, and reasonable attorneys' fees.

It is the intent of this section that a person found to be holding receivership assets fully reimburse the receiver for any and all efforts made to recover those assets.

Section 8. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 631.155, Florida Statutes, is created to read:

631.155 Agents' balances; unearned commissions and unearned premiums.—Unearned commissions and unearned premiums which have been collected on behalf of an insurer by an agent, solicitor, agency, or other entity or person constitute an asset of the insurer for which the agent, solicitor, agency, or other entity or person has a duty to account to the receiver and to pay over amounts as may be due. The duty to account to the receiver shall encompass all persons or entities involved in the handling and transmittal of premium funds. Compliance with this section and payment of sums determined to be owed by the court within 30 days of judgment, or within other payment terms approved by the court, shall constitute requirements for continued licensure of a person holding a license under the Florida Insurance Code, and failure to comply with this section shall be sufficient grounds for the license revocation.

Section 9. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 631.191, Florida Statutes, is amended to read:

631.191 Special deposit claims and secured claims.—

(1) The owners of special deposit claims against an insurer *against which a liquidation order has been entered* ~~for which a receiver is appointed~~ in this or any other state shall be given priority against their several special deposits in accordance with the provisions of the statutes governing the creation and maintenance of such deposits. If there is a deficiency in any such deposit so that the claims secured thereby are not fully discharged therefrom, the claimants may share in the general assets, but such sharing shall be deferred until general creditors, and also claimants against other special deposits who have received smaller percentages from their respective special deposits, have been paid percentages of their claims equal to the percentage paid from the special deposit.

(2)(a) The owner of a secured claim against an insurer *against which a liquidation order has been entered* ~~for which a receiver has been appointed~~ in this or any other state may surrender his security and file his claim as a general creditor, or the claim may be discharged by resort to the security, in which case the deficiency, if any, shall be treated as a claim against the general assets of the insurer on the same basis as claims of unsecured creditors. If the amount of the deficiency has been adjudicated in ancillary proceedings as provided in this chapter, or if it has been adjudicated by a court of competent jurisdiction in a proceeding in which the domiciliary receiver has had notice and an opportunity to be heard, such amount shall be conclusive; otherwise the amount shall be determined in the delinquency proceeding in the domiciliary state.

(b) The value of any security held by a secured creditor shall be determined under supervision of the court by:

1. Converting the same into money according to the terms of the agreement pursuant to which the security was delivered to such creditor; or

2. *If no such agreement exists, the court shall determine the value in the event the creditor and the receiver cannot agree upon same* ~~By agreement, arbitration, compromise, or litigation between the creditor and the receiver~~.

Section 10. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 631.251, Florida Statutes, is amended to read:

631.251 Date rights fixed on liquidation.—Except as provided in ss. 631.192 and 631.252, the rights and liabilities of the insurer and its creditors, policyholders, stockholders, members, and subscribers and all other persons interested in its estate shall, unless otherwise directed by the court, be fixed as of the date on which the order directing the liquidation of the insurer is filed in the office of the clerk of the court which made the order, subject to the provisions of this chapter with respect to the rights of claimants holding contingent claims. *No offset shall be allowed in favor of any person unless the claim of offset is fully mature as of the date on which the order directing the liquidation of the insurer is filed in the office of the clerk of the court which made the order, and a claim of offset shall not create a secured claim to any funds or property in the possession of the person claiming offset.*

Section 11. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 631.261, Florida Statutes, is amended to read:

631.261 Voidable transfers.—

(1) Any transfer of, or lien upon, the property of an insurer *or affiliate* which is made or created within 4 months prior to the *commencement of any delinquency proceeding* ~~granting of an order to show cause~~ under this chapter with the intent of giving to any creditor *of the insurer* a preference or of enabling him to obtain a greater percentage of his debt than any other creditor of the same class, and which is accepted by such creditor having reasonable cause to believe that such preference will occur, shall be voidable.

(2) Every director, officer, employee, stockholder, member, subscriber, and any other person acting on behalf of such insurer who shall be concerned in any such act or deed and every person receiving thereby any property of such insurer *or affiliate* or the benefit thereof shall be personally liable therefor and shall be bound to account to the department.

(3) The department as receiver in any proceeding under this chapter may avoid any transfer of or lien upon the property of an insurer which any creditor, stockholder, subscriber, or member of such insurer *or affiliate* might have avoided and may recover the property so transferred unless such person was a bona fide holder for value prior to the date of *commencement of a delinquency proceeding* ~~the entering of an order to show cause~~ under this chapter. Such property or its value may be recovered from anyone who has received it except a bona fide holder for value as herein specified.

Section 12. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 631.262, Florida Statutes, is amended to read:

631.262 Transfers prior to petition.—

(1) Every transfer made or suffered and every obligation incurred by an insurer *or affiliate* within 1 year prior to the filing of a successful petition in any delinquency proceeding under this chapter, upon a showing by the receiver that the same was incurred without fair consideration, or with actual intent to hinder, delay, or defraud either then existing or future creditors *of the insurer*, shall be fraudulent and voidable. However, every such transfer or obligation incurred or suffered within 6 months prior to the filing of the above petition shall be presumed void and fraudulent, with the burden of proof upon the obligee or transferee to show otherwise. This subsection shall not apply to a person who in good faith is a purchaser, lienor, or obligee, for a present fair equivalent value, but any purchaser, lienor, or obligee who in good faith has given a valuable consideration less than fair for such transfer, lien, or obligation may retain the property, lien, or obligation as a security for repayment. The court may, on due notice, order any such transfer or obligation to be preserved for the benefit of the estate, and in that event the receiver shall succeed to and may enforce the rights of the purchaser, lienor, or obligee.

Section 13. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 631.361, Florida Statutes, is amended to read:

631.361 Seizure under court order.—

(1) Upon filing by the department in the circuit court in and for Leon County of its verified petition alleging any ground for a formal delinquency proceeding against an insurer under this chapter, alleging that the interests of the insurer's policyholders, claimants, or creditors or the public will be endangered or jeopardized by delay, and setting forth the order deemed necessary by the department, the court may, ex parte and without notice or hearing, issue forthwith the requested order. The requested order may:

(a) Direct the department to take possession and control of all or part of the property, books, documents, accounts, and other records of the insurer and the premises occupied by it for transaction of its business *and premium funds and other property of the insurer held by an affiliate*; and

(b) Until further order of court, enjoin the insurer and *any affiliate and their* ~~its~~ officers, directors, managers, agents, and employees from removal, concealment, or other disposition of *the insurer's* ~~its~~ property, books, records, or accounts and from transaction of *the insurer's* ~~its~~ business except with the department's written consent.

Section 14. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 631.55, Florida Statutes, is amended to read:

631.55 Creation of the association.—

(1) There is created a nonprofit corporation to be known as the "Florida Insurance Guaranty Association, Incorporated." All insurers defined as member insurers in s. 631.54(7) shall be members of the association as a condition of their authority to transact insurance in this state *and further, as a condition of such authority an insurer shall agree to reimburse the association for all claim payments the association makes on said insurer's behalf if such insurer is subsequently rehabilitated.* The association shall perform its functions under a plan of operation established and approved under s. 631.58 and shall exercise its powers through a board of directors established under s. 631.56. The corporation shall have all those powers granted or permitted nonprofit corporations, as provided in chapter 617.

Section 15. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 631.715, Florida Statutes, is amended to read:

631.715 Florida Life and Health Insurance Guaranty Association.—

(1) There is created a nonprofit legal entity to be known as the Florida Life and Health Insurance Guaranty Association. All member insurers shall be and remain members of the association as a condition of their authority to transact insurance in this state *and further, as a condition of such authority an insurer shall agree to reimburse the association for all claim payments the association makes on said insurer's behalf if such insurer is subsequently rehabilitated.* The association shall perform its functions under the plan of operation established and approved under the provisions of s. 631.721 and shall exercise its powers through a board of directors established under the provisions of s. 631.716. For purposes of administration and assessment, the association shall maintain three accounts:

(a) The health insurance account;

(b) The life insurance account; and

(c) The annuity account.

Section 16. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (2) and paragraphs (a), (c), and (d) of subsection (3) of section 631.718, Florida Statutes, are amended to read:

631.718 Assessments.—

(2) There shall be *two* ~~three~~ classes of assessments, as follows:

(a) Class A assessments shall be made by the board of directors for the purpose of meeting administrative costs and other general expenses and for examinations conducted under the authority of s. 631.723(3) which are not related to a particular impaired or insolvent insurer.

(b) Class B assessments shall be made by the board of directors for the purpose of carrying out the powers and duties of the association under s. 631.717 relating to an impaired or insolvent domestic, *foreign or alien* insurer.

~~(c) Class C assessments shall be made by the board of directors for the purpose of carrying out the powers and duties of the association under s. 631.717 relating to an insolvent foreign or alien insurer.~~

(3)(a) The amount of any Class A assessment shall be determined by the board and may be made on a non-pro rata basis. Such assessment shall not be credited against future insolvency assessments and shall not exceed *$250* ~~$50~~ per member insurer in any one calendar year.

(c) Class *B* ~~C~~ assessments against *foreign or alien* ~~member~~ insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies covered by each account for the calendar year preceding the assessment bear to such premiums received on business in this state for the calendar year preceding the assessment by all assessed member insurers.

(d) The amount of any Class B ~~or Class C~~ assessment shall be allocated among the accounts in the proportion that the premiums received by the impaired or insolvent insurer on the policies covered by each account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bear to the premiums received by such insurer in such calendar year on all covered policies.

Section 17. Effective October 1, 1989, subsection (1) of section 626.901, Florida Statutes, is amended to read:

626.901 Representing or aiding unauthorized insurer prohibited.—

(1) No person shall, from offices or by personnel or facilities located in this state or in any other state, directly or indirectly act as agent for, or otherwise represent or aid on behalf of another, any insurer not then authorized to transact such insurance in this state, or in any other state, in:

(a) The solicitation, negotiation, procurement, or effectuation of insurance or annuity contracts, or renewals thereof;

(b) The dissemination of information as to coverage or rates;

(c) The forwarding of applications;

(d) The delivery of policies or contracts;

(e) The inspection of risks;

(f) The fixing of rates;

(g) The investigation or adjustment of claims or losses; or

(h) The collection or forwarding of premiums;

or in any other manner represent or assist such an insurer in the transaction of insurance with respect to subjects of insurance resident, located,

or to be performed in this state. If the property or risk is located in any other state, then, subject to the provisions of subsection (2), insurance may only be written with or placed in an insurer authorized to do such business in such state or in an insurer with which a licensed insurance broker of such state may lawfully place such insurance.

Section 18. Effective October 1, 1989, section 626.923, Florida Statutes, is amended to read:

626.923 Filing copy of policy or certificate.—*A surplus lines agent shall, within 30 days after the date of a request by the department, furnish the department an exact copy of any and all requested policies, certificates, cover notes, or other forms of confirmation of insurance coverage or any substitutions thereof or endorsements thereto. The department may also request and the agent shall furnish, within 30 days after the date of the request, the agent's memorandum as to the substance of any change represented by a substitute certificate, cover note, other form of confirmation of insurance coverage, or endorsement as compared with the coverage as originally placed or issued.* ~~Upon issuing a surplus lines policy, the surplus lines agent shall, within 60 days from the date of such issuance, file with the department an exact copy of the policy so issued. If a policy has not been issued, the surplus lines agent shall so file an exact copy of his certificate, cover note, or other confirmation of insurance as delivered to the insured. The surplus lines agent shall likewise promptly file with the department an exact copy of any substitute certificate, cover note, or other confirmation of insurance, and of every endorsement of an original policy, certificate, cover note, or other confirmation of insurance, delivered to an insured, together with such surplus lines agent's memorandum informing the department as to the substance of any change represented by such substitute certificate, cover note, or other confirmation, or of any such endorsement, as compared with the coverage as originally placed or issued.~~

Section 19. Effective October 1, 1989, subsections (1) and (2) of section 626.930, Florida Statutes, are amended to read:

626.930 Records of surplus lines agent.—

(1) Each surplus lines agent shall keep in his office in this state a full and true record for a period of ~~5~~ 3 years of each surplus lines contract *and all certificates, cover notes, and other forms of confirmation of insurance coverage and any substitutions thereof or endorsements thereto relative to said contract* procured by him, including a copy of the daily report, if any, and showing such of the following items as may be applicable:

(a) Amount of the insurance and perils insured against;

(b) Brief general description of property insured and where located;

(c) Gross premium charged;

(d) Return premium paid, if any;

(e) Rate of premium charged upon the several items of property;

(f) Effective date of the contract, and the terms thereof;

(g) Name and post-office address of the insured;

(h) Name and home-office address of the insurer;

(i) Amount collected from the insured; and

(j) Other information as may be required by the department.

(2) The record shall at all times be open to examination by the department without notice and shall be so kept available and open to the department for ~~5~~ 3 years next following expiration or cancellation of the contract.

Section 20. Effective October 1, 1989, paragraph (c) of subsection (2) of section 626.931, Florida Statutes, is amended, paragraph (d) is redesignated as paragraph (e), and a new paragraph (d) is added to said subsection, to read:

626.931 Quarterly report; summary of exported business.—

(2) The report shall be on forms as prescribed and furnished by the department and shall show:

(c) Aggregate of net premiums; ~~and~~

(d) A listing of all policies, certificates, cover notes, or other forms of confirmation of insurance coverage or any substitutions thereof or endorsements thereto; and

Section 21. Effective October 1, 1989, section 626.936, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 626.936, F.S., for present text.)

626.936 Failure to file report or pay tax; administrative penalty.—

(1) Any licensed surplus lines agent who neglects to file a quarterly report in the form and within the time required or provided for in the Surplus Lines Law may be fined up to $50 per day for each day the neglect continues. The department shall deposit all sums collected by it under this section into the Insurance Commissioner's Regulatory Trust Fund.

(2) Any licensed surplus lines agent who neglects to pay the taxes as required under the Surplus Lines Law and within the time required thereunder may be fined up to $500 per day for each day the failure to pay continues. The department shall deposit all sums collected by it under this section into the Insurance Commissioner's Regulatory Trust Fund.

Section 22. Effective October 1, 1989, subsection (4) of section 627.331, Florida Statutes, as amended by chapter 86-160, Laws of Florida, is hereby repealed.

Section 23. Effective October 1, 1989, section 627.4143, Florida Statutes, is created to read:

627.4143 Outline of coverage.—

(1) No private passenger automobile or basic homeowner's policy shall be delivered in this state unless an appropriate outline of coverage has been delivered or shall accompany the policy when issued.

(2) The outline of coverage shall contain:

(a) The brief description of the principal benefits and coverage provided in the policy, broken down by each class or type of coverage provided under the policy for which a premium is charged, and itemization of the applicable premium.

(b) A summary statement of the principal exclusions and limitations or reductions contained in the policy by class or type, including, but not limited to, deductibles, coinsurance, and any other limitations or reductions.

(c) A summary statement of any renewal and cancellation provisions.

(d) A description of the credit or surcharge plan that is being applied. The description may provide numerical or alpha codes which shall be displayed on the declarations page or premium notice, in order for the insured to determine the reason or reasons his policy is being surcharged or is receiving a credit.

(e) A list of any additional coverage provided through any rider or endorsement which accompanies the policy. The list shall contain a descriptive reference to each additional coverage rather than solely a reference to a form or code number.

(3) The outline of coverage shall only be required on the initial policy issued by an insurer on or after the effective date of this act or on the first renewal policy on or after the effective date of this act. The outline of coverage shall not be required on any subsequent renewal unless the renewal modifies the type of coverages, exclusions, limitations, reductions, deductibles, coinsurance, renewal provisions, cancellation provisions, surcharges or credits contained in the prior policy. The outline of coverage may refer to, and incorporate explanations of, the nature of coverage which has been previously provided to the insured.

(4) An insurer may insert the following language on the outline of coverage: "The following outline of coverage is for informational purposes only. It is the express intent of s. 627.4143, Florida Statutes, that this outline shall not be construed to modify any of the provisions of the legal insurance contract which is the subject of this outline."

(5) Neither the provisions of this section nor the outline of coverage mandated by this section shall be construed to alter or modify the terms of the insurance contract, to create a cause of action, or to be admissible in any civil action.

Section 24. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (c) is added to subsection (3) of section 624.404, Florida Statutes, 1988 Supplement, and subsection (7) of said section is amended, to read:

624.404 General eligibility of insurers for certificate of authority.—To qualify for and hold authority to transact insurance in this state, an insurer must be otherwise in compliance with this code and with its charter powers and must be an incorporated stock insurer, an incorporated mutual insurer, or a reciprocal insurer, of the same general type as may be formed as a domestic insurer under this code; except that:

(3)

(c) The department may deny, suspend, or revoke the authority to transact insurance in this state of any insurer if any person, including any subscriber, stockholder, or incorporator, who exercises or has the ability to exercise effective control of the insurer, or who influences or has the ability to influence the transaction of the business of the insurer, has been found guilty of, or has pleaded guilty or nolo contendere to, any felony or crime punishable by imprisonment of 1 year or more under the law of the United States or any state thereof or under the law of any other country which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction in such case. However, in the case of an insurer operating under a subsisting certificate of authority, the insurer shall remove any such person immediately upon discovery of the conditions set forth in this paragraph when applicable to such person or upon the order of the department, and the failure to so act by said insurer shall be grounds for revocation or suspension of the insurer's certificate of authority.

(7) For the purpose of satisfying the requirements of ss. 624.407 and 624.408, the investment portfolio of an insurer applying for an initial certificate of authority to do business in this state shall value its bonds and stocks in accordance with the provisions of the *latest* ~~1982~~ edition of the publication "Valuations of Securities" by the National Association of Insurance Commissioners or its successor organization, *provided that such valuation methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 1988 edition of such publication.*

Section 25. Effective October 1, 1989, section 624.407, Florida Statutes, is amended to read:

624.407 Capital funds required; new insurers.—

(1) To *receive* ~~qualify for~~ authority to transact any one kind *or combinations of kinds* of insurance, as defined in part V of this chapter~~, or combination of kinds of insurance as shown below~~, an insurer hereafter applying for its original certificate of authority in this state shall possess *surplus as to policyholders not less than the greater of:*

(a) $2,500,000;

(b) For life insurers, 4 percent of the insurer's total liabilities;

(c) For life and health insurers, 4 percent of the insurer's total liabilities, plus 6 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities;

however, no insurer shall be required under this subsection to have surplus as to policyholders greater than $100 million. ~~, and thereafter maintain unimpaired, paid-in capital stock, if a stock insurer, or unimpaired surplus, if a foreign mutual or foreign reciprocal insurer, or a net trust fund, if a business trust insurer, in an amount not less than as applicable under the schedule below, and shall possess when first so authorized such additional surplus as is required under s. 624.408.~~

~~Kind or kinds of insurance:~~	~~Minimum capital, surplus, or net trust fund required to be maintained:~~
~~Life~~	~~$750,000~~
~~Health~~	~~750,000~~
~~Life and health~~	~~750,000~~
~~Property~~	~~750,000~~
~~Casualty~~	~~750,000~~
~~Surety~~	~~750,000~~
~~Marine~~	~~750,000~~
~~Title~~	~~350,000~~
~~Multiple lines (Any two or more: property, casualty, surety, marine, and all kinds of insurance other than life)~~	~~750,000~~

(2) *The* ~~Capital, surplus, and net trust fund~~ requirements *of this section* shall be based upon all the kinds of insurance actually transacted or to be transacted by the insurer in any and all areas in which it operates, whether or not only a portion of such kinds are to be transacted in this state.

(3) As to surplus *as to policyholders* required for qualification to transact one or more kinds of insurance ~~and thereafter to be maintained~~, ~~new~~ domestic mutual insurers are governed by chapter 628, and domestic reciprocal insurers are governed by chapter 629.

(4) For the purposes of this section, liabilities shall not include liabilities required under s. 625.041(4).

(5) The provisions of this section, as amended by this act, shall apply only to insurers applying for a certificate of authority on or after the effective date of this act.

Section 26. Effective October 1, 1989, section 624.408, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 624.408, F.S., for present text.)

624.408 Surplus as to policyholders required; new and existing insurers.—

(1) To maintain a certificate of authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer in this state that applied for its certificate of authority on or after the effective date of this act shall at all times maintain surplus as to policyholders not less than the greater of:

(a) $1,500,000;

(b) For life insurers, 4 percent of the insurer's total liabilities;

(c) For life and health insurers, 4 percent of the insurer's total liabilities plus 6 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities.

(2) To maintain a certificate of authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer in this state that applied for its certificate of authority prior to the effective date of this act shall maintain on December 31, 1989, and until December 31, 1990, surplus as to policyholders not less than the greater of:

(a) $1,000,000;

(b) For life insurers, 3 percent of the insurers total liabilities;

(c) For life and health insurers, 3 percent of the insurer's total liabilities plus 2 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities.

(3) To maintain a certificate of authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer in this state that applied for its certificate of authority prior to the effective date of this act shall maintain on December 31, 1990, and until December 31, 1991, surplus as to policyholders not less than the greater of:

(a) $1,150,000;

(b) For life insurers, 3.3 percent of the insurer's total liabilities;

(c) For life and health insurers, 3.3 percent of the insurer's total liabilities plus 4 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities.

(4) To maintain a certificate of authority to transact any one kind or combination of kinds of insurance, as defined in part V of this chapter, an insurer in this state that applied for its certificate of authority prior to the effective date of this act, shall maintain on December 31, 1991, and until December 31, 1992, surplus as to policyholders not less than the greater of:

(a) $1,300,000;

(b) For life insurers, 3.6 percent of the insurer's total liabilities;

(c) For life and health insurers, 3.6 percent of the insurer's total liabilities plus 5 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities.

(5) To maintain a certificate of authority to transact any one kind or combination of kinds of insurance, as defined in part V of this chapter, an insurer in this state that applied for its certificate of authority prior to the effective date of this act, shall maintain on December 31, 1992, and thereafter, surplus as to policyholders not less than the greater of:

(a) $1,500,000;

(b) For life insurers, 4 percent of the insurer's total liabilities;

(c) For life and health insurers, 4 percent of the insurer's total liabilities plus 6 percent of the insurer's liabilities relative to health insurance; or

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities.

(6) For purposes of this section, liabilities shall not include liabilities required under s. 625.041(4).

(7) No insurer shall be required under this section to have surplus as to policyholders greater than $100 million.

Section 27. Effective October 1, 1989, section 624.4095, Florida Statutes, is amended to read:

624.4095 Premiums written; restrictions.—

(1) Whenever *an* ~~the department has reason to believe that the financial condition of an insurer endangers the interests of its policyholders and the~~ insurer's ratio of actual or projected annual ~~gross~~ written premiums *as adjusted in accordance with subsection (4)* to current *or projected* surplus as to policyholders *as adjusted in accordance with subsection (5)* exceeds 10 to 1 *for gross written premiums* or ~~the insurer's ratio of actual or projected annual net premiums to current surplus as to policyholders~~ exceeds 4 to 1 *for net written premiums*, the department *shall suspend the insurer's certificate of authority or* ~~may by order~~ establish *by order* maximum gross or net annual premiums to be written by the insurer consistent with maintaining the ratios specified herein *unless the insurer demonstrates to the department's satisfaction that exceeding the ratios of this section does not endanger the financial condition of the insurer or endanger the interests of the insurer's policyholders.* ~~The order shall not exceed 12 months in duration.~~

(2) Projected annual net or gross premiums shall be based on the actual writings to date for the insurer's current calendar year or the insurer's writings for the previous calendar year or both. Ratios shall be computed on an annualized basis.

(3) For the purposes of this section, gross premiums written means direct premiums written and reinsurance assumed.

(4) For the purposes of this section, for the calendar year ending December 31, 1990, and each subsequent year, premiums shall be calculated as the product of the actual or projected premiums and the following:

(a) For property insurance, 0.90.

(b) For casualty insurance, 1.25.

(c) For health insurance, 0.80.

(d) For all other kinds of insurance, 1.00.

(5)~~(4)~~ This section shall not apply to:

(a) Life *insurance written by life or life and* ~~or~~ health insurers*; or*

(b) Life and health insurers which have a surplus as to policyholders greater than $40 million and which have written health insurance during each of the immediately preceding five calendar years.

(6) For the purposes of this section, surplus as to policyholders for life and health insurers shall be calculated as follow: (actual or projected surplus as to policyholders) minus (surplus as to policyholders required to be maintained under s. 624.408 for liabilities relating to life insurance).

Section 28. Effective October 1, 1989, section 624.410, Florida Statutes, is amended to read:

624.410 Permissible insuring combinations without additional capital funds.—

~~(1) A life insurer may also grant annuities without additional capital or additional surplus.~~

~~(2) A casualty insurer may be authorized to transact also health insurance without additional capital or additional surplus.~~

~~(3)~~ A property insurer may ~~without additional capital or additional surplus~~ include such amount and kind of insurance against legal liability for injury, damage, or loss to the person or property of others, and for medical, hospital, and surgical expense related to such injury, as the department deems to be reasonably incidental to insurance of real property against fire and other perils under policies covering residential properties involving not more than four families, with or without incidental office, professional, private school or studio occupancy by an insured, whether or not the premium or rate charged for certain perils so covered is specified in the policy. Any provision of s. 624.609 to the contrary notwithstanding, no insurer authorized as to property insurance only shall, pursuant to this subsection, retain risk as to any one subject of insurance as to hazards other than property insurance hazards, in an amount exceeding 5 percent of its surplus *as* to policyholders.

Section 29. Effective October 1, 1989, section 624.411, Florida Statutes, is amended to read:

624.411 Deposit requirement; domestic insurers and foreign insurers.—

(1) *As to domestic insurers,* the department shall not issue or permit to exist a certificate of authority ~~as to any domestic insurer~~ unless *such insurer* ~~it~~ has deposited and maintains deposited in trust for the protection of the insurer's policyholders or its policyholders and creditors with the department securities eligible for such deposit under s. 625.52, having at all times a value of not less than as follows:

~~(a) To transact property insurance, $75,000.~~

(a)~~(b)~~ To transact casualty insurance, *$250,000* ~~$75,000~~.

~~(c) To transact title insurance, $100,000.~~

~~(d) To transact surety insurance, $100,000.~~

(b) To transact all other kinds of insurance, $100,000 per kind of insurance.

(c) A domestic insurer authorized to transact more than one kind of insurance shall not be required to deposit more than $300,000 under this subsection.

(2) As to foreign insurers, the department shall not issue or permit to exist a certificate of authority unless such insurer has deposited and maintains deposited in trust *for the protection of the insured's policyholders or its policyholders and creditors* with the department securities eligible for such deposit under s. 625.52, having at all times a value of not less than as follows:

~~(a) To transact property insurance, $75,000.~~

(a)~~(b)~~ To transact casualty insurance, *$150,000* ~~$75,000~~.

~~(c) To transact title insurance, $100,000.~~

~~(d) To transact surety insurance, $100,000.~~

(b) To transact all other kinds of insurance, $100,000 per kind of insurance.

(c) ~~However, if~~ A foreign insurer ~~is~~ authorized to transact more than one kind of insurance in this state ~~listed in paragraphs (a) through (d) of this subsection, it~~ shall not be required to deposit more than *$200,000 under this subsection* ~~$100,000. These deposits shall be for the protection of the insurer's policyholders or its policyholders and creditors~~.

(d) ~~Further, if~~ A foreign insurer *with* ~~has a~~ surplus *as* to policyholders of *more than $10 million* ~~not less than $1.5 million~~ according to *its* ~~the~~ latest annual statement~~, such foreign insurer~~ shall not be required to make *a* ~~such~~ deposit *under this subsection.*

(3) *Whenever the department determines that the financial condition of an insurer has deteriorated or that the policyholders' best interests are not being preserved by the activities of an insurer,* ~~In addition to the deposits otherwise required pursuant to this section,~~ the department may~~, after notice and hearing,~~ require *such* ~~any~~ insurer~~, for good cause shown,~~ to deposit and maintain deposited in trust *with the department* for the protection of the insurer's policyholders or its policyholders and creditors, for such time as the department deems necessary, securities eligible for such deposit under s. 625.52, having a market value of not less than the amount which the department determines is necessary, which amount shall be not less than *$100,000* ~~$75,000~~, or more than ~~$2 million or~~ 25 percent of the insurer's obligations in this state, *as determined from the latest annual financial statement of the insured. The deposit required under this subsection shall not exceed $2 million and is in addition to any other deposits required of an insurer pursuant to subsections (1) and (2) or any other provisions of the Insurance Code* ~~whichever amount is smaller~~.

(4) All such deposits in this state are subject to the applicable provisions of part III of chapter 625.

Section 30. Effective October 1, 1989, paragraphs (a), (e), (i), (j), and (k) of subsection (1) of section 624.413, Florida Statutes, are amended to read:

624.413 Application for certificate of authority.—

(1) To apply for a certificate of authority, an insurer shall file its application therefor with the department, upon a form furnished by it, showing its name; location of its home office and, if an alien insurer, its principal office in the United States; kinds of insurance to be transacted; state or country of domicile; and such additional information as the department may reasonably require, together with the following documents:

(a) *One copy* ~~Two copies~~ of its corporate charter, articles of incorporation, existing and proposed nonfacultative reinsurance contracts, declaration of trust, or other charter documents, with all amendments thereto, certified by the public official with whom the originals are on file in the state or country of domicile.

(e) ~~A~~ Supplemental *quarterly* financial *statements for each* ~~statement in condensed form covering the period from the first of the year to the end of the~~ calendar quarter *since the beginning of the year* ~~next preceding the date~~ of its application for the certificate of authority, sworn to by at least two of its executive officers. *To facilitate uniformity in financial statements, the department may by rule adopt the form for quarterly financial statements approved by the National Association of Insurance Commissioners.*

(i) If a life insurer,~~:~~

~~1.~~ certificate of valuation~~; and~~

~~2. Copies of policy forms, standard riders and standard endorsements, and application forms proposed to be issued in this state, and duplicate listings of such forms.~~

~~(j) If a health insurer, copies of policy forms proposed to be issued in this state, with duplicate listings thereof, together with a rate book and a copy of each application form~~.

(j)~~(k)~~ If an alien insurer, a copy of the appointment and authority of its United States manager, certified by its officer having custody of its records.

Section 31. Effective October 1, 1989, section 624.414, Florida Statutes, is amended to read:

624.414 Issuance or refusal of authority.—The fee for filing application for a certificate of authority shall not be subject to refund. The department shall issue to the applicant insurer a proper certificate of authority if it finds that the insurer has met the ~~other~~ requirements of this code, *exclusive of the requirements relative to the filing and approval of an insurer's policy forms, riders, endorsements, applications, and rates.* If it does not so find, the department shall issue its order refusing the certificate. The certificate, if issued, shall specify the kind or kinds *and line or lines* of insurance the insurer is authorized to transact in this state. *The issuance of a certificate of authority does not signify that an insurer has met the requirements of this code relative to the filing and approval of an insurer's policy forms, riders, endorsements, applications, and rates which may be required prior to an insurer actually writing any premiums.* ~~At the insurer's request, the department may issue a certificate of authority limited to particular types of insurance or insurance coverages within the scope of a kind of insurance as defined in part V.~~

Section 32. Effective October 1, 1989, subsection (1) of section 624.420, Florida Statutes, is amended to read:

624.420 Order, notice of suspension or revocation of certificate of authority; effect; publication.—

(1) Suspension or revocation of an insurer's certificate of authority shall be by the order of the department. The department shall promptly also give notice of such suspension or revocation to the insurer's agents in this state of record in the office of the department. The insurer shall not solicit or write any new coverages in this state during the period of any such suspension *and may renew coverages only upon a finding by the department that the insurer is capable of servicing the renewal coverage. The insurer shall not solicit or write any new or renewal coverages after any such revocation* ~~or revocation, nor shall the insurer after such revocation renew any business previously written~~.

Section 33. Effective October 1, 1989, section 624.421, Florida Statutes, is amended to read:

624.421 Duration of suspension; insurer's obligations during suspension period; reinstatement.—

(1) Suspension of an insurer's certificate of authority shall be for ~~such period, not to exceed 1 year, as is fixed by the department.~~:

(a) A fixed period of time not to exceed 2 years; or

(b) Until the occurrence of a specific event necessary for remedying the reasons for suspension.

Such suspension may be modified, rescinded, or reversed.

(2) During the period of suspension, the insurer shall file *with the department all documents and information* ~~its annual statement~~ and pay *all* license fees and taxes as required under this code as if the certificate had continued in full force.

(3) If the *suspension of the* certificate of authority *is for a fixed period of time and the certificate of authority* has not been otherwise terminated, upon expiration of the suspension period the insurer's certificate of authority shall *be reinstated* ~~automatically reinstate~~ unless the department finds that ~~the causes of the suspension have not been removed or that~~ the insurer is ~~otherwise~~ not in compliance with the requirements of this code. *The department shall promptly notify the insurer of such reinstatement and the insurer shall not consider its certificate of authority reinstated until so notified by the department.* If not ~~so automatically~~ reinstated, the certificate of authority shall be deemed to have expired as of the end of the suspension period or upon failure of the insurer to continue the certificate during the suspension period *in accordance with subsection (2)*, whichever event first occurs.

(4) If the suspension of the certificate of authority was until the occurrence of a specific event or events and the certificate of authority has not been otherwise terminated, upon the presentation of evidence satisfactory to the department that the specific event or events have occurred, the insurer's certificate of authority shall be reinstated unless the department finds that the insurer is otherwise not in compliance with the requirements of this code. The department shall promptly notify the insurer of such reinstatement and the insurer shall not consider its certificate of authority reinstated until so notified by the department. If satisfactory evidence as to the occurrence of the specific event or events has not been presented to the department within 2 years

of the date of such suspension, the certificate of authority shall be deemed to have expired as of 2 years from the date of suspension or upon failure of the insurer to continue the certificate during the suspension period in accordance with subsection (2), whichever first occurs.

(5)~~(4)~~ Upon reinstatement of the insurer's certificate of authority, the authority of its agents in this state to represent the insurer shall likewise reinstate. The department shall promptly notify the insurer of such reinstatement.

Section 34. Effective October 1, 1989, paragraphs (c), (d), (e), and (f) of subsection (8) of section 624.424, Florida Statutes, are amended to read:

624.424 Annual statement and other information.—

(8)

(c) Any authorized insurer otherwise subject to this subsection with less than $500,000 in direct premiums written in this state during the subject calendar year or with less than 1,000 policyholders *or certificateholders* at the end of the calendar year shall, in lieu of the required submission of the audited financial statements, opinion, and evaluation as required herein, submit an affidavit sworn to by a responsible officer of the insurer specifying the amount of direct premiums written in this state and number of policyholders *or certificateholders*.

(d) Any insurer otherwise subject to this subsection and not eligible for an exemption under paragraph (c) may submit to the department an exemption application. The department shall grant to the insurer an exemption to requirements of this subsection if the department determines that:

1. Compliance with paragraph (a) would result in an undue financial hardship on the insurer due to the cost of preparing such statements, including the direct and indirect expenses of the holding company system if the insurer is a member of one; and

2. The insurer will file financial statements which have been reviewed or compiled by an independent certified public accountant and which the department determines are sufficiently reliable and complete for the department to evaluate the financial condition and stability of the insurer. However, if the insurer is a member of an insurance holding company system, it shall file audited consolidated financial statements and opinion based upon generally accepted accounting principles or statutory principles consistent with the Florida Insurance Code. Such statement and opinion shall be for the preceding calendar year, shall be accompanied by a letter report of material weakness as described in paragraph (b), and shall be filed as provided in paragraph (f), but no later than July 10 subsequent to the preceding calendar year. Any determination by the CPA that the holding company or any insurer within the holding company has materially misstated its financial condition as reported to the department on its most recent annual statement or that the insurer does not meet minimum capital and surplus requirements set forth in the Florida Insurance Code shall be made in accordance with the provisions of paragraph (b) and shall be reported to the department as provided in paragraph (f). Each entity filing a consolidated statement pursuant to this paragraph shall retain an independent certified public accountant who agrees by written contract with the entity to comply with the provisions of this subsection relating to a contract between a certified public accountant and an insurer.

An application for exemption is required ~~Applications for exemptions for the calendar year 1985 must be filed with the department on or before March 1, 1986. In 1986 and in~~ each ~~subsequent~~ year, *and* ~~applications for exemptions~~ must be filed with the department prior to the end of the calendar year for which the exemption is being *requested* ~~required~~. *The department may accept and grant exemption applications after the end of such calendar year subject to the imposition of an administrative fine on each insurer involved in such application as provided for in s. 624.4211(2), provided such application is received by the department prior to the March 1 immediately subsequent to the end of the calendar year for which such exemption is being requested.*

(e) Each CPA who enters into a contract with an insurer pursuant to this subsection shall notify the department of the date of completion of any audit, report, determination, financial statement, or other requirement of this subsection within 10 days of providing notice or other communication to the insurer as to such completion. *Failure to so notify the department may subject the affected insurer or insurers to an administrative fine as provided for in s. 624.4211(2).*

(f) Each authorized insurer shall, within 10 days of receipt, file with the department any report, financial statements, or determination which it receives from a CPA pursuant to this subsection. *The department may immediately suspend an insurer's certificate of authority for an insurer's willful failure to so file with the department.*

Section 35. Effective October 1, 1989, section 624.430, Florida Statutes, is amended to read:

624.430 Withdrawal of insurer or discontinuance of writing certain *kinds of lines* ~~classes~~ of insurance.—

(1) Any insurer desiring to surrender its certificate of authority, withdraw from this state, or discontinue the writing of *any one or multiple kinds or lines* ~~certain classes~~ of insurance in this state shall give 90 days' notice in writing to the department setting forth its reasons for such action. *Any insurer other than a member of an insurer group which has annual direct written premium exceeding one billion dollars in this state, who does not write any premiums in a kind or line of insurance within a calendar year shall have that kind or line of insurance removed from its certificate of authority.*

(2) Any insurer withdrawing from *this* ~~the~~ state or discontinuing the writing of all *kinds* ~~classes~~ of insurance in this state shall ~~be required to~~ surrender its certificate of authority.

(3) This section does not apply to life *insurance and corresponding lines of* insurance *as long as the insurer has in force life insurance policies and corresponding lines in this state.*

(4) This section does not apply to insurers during the calendar year in which they first receive their certificate of authority.

(5) This section does not apply to insurers who have discontinued writing in accordance with an order issued by the department.

Section 36. Effective October 1, 1989, subsection (8) of section 624.609, Florida Statutes, is amended to read:

624.609 Limit of risk.—

~~(8) Limits of risk as to newly formed domestic mutual insurers are provided in s. 628.161.~~

Section 37. Effective October 1, 1989, paragraphs (a) and (b) of subsection (2) and subsection (9) of section 624.610, Florida Statutes, are amended to read:

624.610 Reinsurance.—

(2)(a) *If* a ceding insurer *reinsures* ~~may reinsure~~ all or any part of any particular risk or class of risks with *an approved reinsurer, the ceding insurer may receive credit in accounting and financial statements on account of such reinsurance ceded. An approved reinsurer is*:

1. An assuming insurer authorized by the department to transact such line of insurance or reinsurance in this state. Subject to the other requirements of this code, credit may be taken for reinsurance with an authorized insurer.

2. An assuming insurer approved by the department to transact such line of reinsurance in this state. The department shall approve only solvent insurers meeting the criteria established for authorized insurers in this state. From time to time, the department shall publish a list of insurers approved pursuant to this subsection. Subject to the other requirements of this code, credit may be taken for reinsurance with an approved reinsurer.

3. An assuming underwriting member of an insurance exchange domiciled in any other state or jurisdiction in the United States provided the insurance exchange presents to the department for its approval, and maintains, satisfactory evidence that such assuming underwriting member maintains the standards and meets the financial requirements applicable to an authorized insurer. Subject to the other requirements of this section, credit may be taken for reinsurance with members approved under this subsection by the department.

4. A group of individual, unincorporated alien insurers which maintains funds in an amount not less than $50 million held in trust for United States policyholders and beneficiaries in a bank or trust company that is subject to supervision by any state of the United States or that is a member of the Federal Reserve System and which group satisfies the department by annually filing evidence that it can meet its obligations

under its reinsurance agreements. Subject to the other requirements of this section, credit may be taken for reinsurance with a group approved under this subsection by the department.

(b) Credit in accounting and financial statements on account of reinsurance ceded to a ~~nonauthorized or~~ nonapproved reinsurer may be allowed only:

1. When it is demonstrated by the ceding insurer to the satisfaction of the department that such reinsurer maintains the standards and meets the financial requirements applicable to an authorized insurer;

2. To the extent of deposits by, or funds withheld from, such reinsurer pursuant to express provision therefor in the reinsurance contract as security for the payment of the obligations thereunder if such deposits or funds are held subject to withdrawal by, and under the control of, the ceding insurer or such deposits or funds are placed in trust for such purposes in a bank which is a member of the Federal Reserve System if withdrawals from the trust cannot be made without the consent of the ceding insurer. The funds withheld may be cash or securities which are qualified as admitted assets under part II of chapter 625 and which have a market value equal to or greater than the credit taken; or

3. To the extent that the amount of a clean and irrevocable letter of credit, issued for a term of not less than 1 year and in conformity with the requirements set forth in this subparagraph, equals or exceeds the liability of an unauthorized or unapproved reinsurer for unearned premiums, outstanding losses, and an adequate reserve for incurred but not reported losses under a specific reinsurance agreement. The requirements are that such a clean and irrevocable letter of credit be issued under arrangements satisfactory to the department as constituting security to the ceding insurer substantially equal to that of a deposit under subparagraph 2. and that the letter be issued by a banking institution which is a member of the Federal Reserve System and which has financial standing satisfactory to the commissioner.

(9) Any authorized insurer ceding directly written risks of loss under this section shall within 30 days of receipt of a summary statement or cover note, or in no event no later than 6 months after the effective date of the reinsurance treaty, file with the department one copy of a summary statement containing the following information about each treaty:

(a) The contract period;

(b) The nature of the reinsured's business;

(c) An indication as to whether the treaty is proportional, nonproportional, coinsurance, modified coinsurance, or indemnity, as applicable;

(d) The ceding company's loss retention per risk;

(e) The reinsured limits;

(f) Any special contract restrictions;

(g) A schedule of reinsurers assuming the risks of loss;

(h) An indication as to whether payments to the assuming insurer are based on written premiums or earned premiums;

(i) Identification of any intermediary or broker used in obtaining the reinsurance and the commission paid them if known; and

(j) Ceding commissions and allowances.

The summary statement shall be signed and attested to by either the chief executive officer or the chief financial officer of the reporting insurer. In addition to the summary statement, the Insurance Commissioner may require the filing of any supporting information relating to the ceding of such risks as he deems necessary. *The summary statement shall be accompanied by a certification signed by the ceding insurer that the risk has been transferred and describing said risk. A copy of the summary statement and the certification shall be mailed or delivered to each reinsurer assuming any part of the risk that is transferred. Any such reinsurer shall notify the department in writing within 30 days of receipt of the summary statement and certification if the reinsurer believes that any information in the statement or certification is inaccurate. Any reinsurer who does not so notify the department shall be deemed to concur with the information in the summary statement and certification to the extent that such reinsurer should know the accuracy of such information or certification. The ceding insurer shall notify each reinsurer of such requirements together with the summary statement and certification.* This subsection applies to cessions of directly written risk of loss. This subsection does not apply to contracts of facultative reinsurance or to any ceding insurer with surplus as to policyholder that exceeds $100 million as of the immediately preceding December 31. Additionally, any ceding insurer otherwise subject to this section with less than $500,000 in direct premiums written in this state during the preceding calendar year or with less than 1,000 policyholders at the end of the preceding calendar year is exempt from the requirements of this subsection. However, any ceding insurer otherwise subject to this section with more than $250,000 in direct premiums written in this state during the preceding calendar quarter is not exempt from the requirements of this subsection. The Insurance Commissioner may, upon a showing of good cause, waive the requirements of this subsection.

Section 38. Effective October 1, 1989, section 624.6011, Florida Statutes, is created to read:

624.6011 "Kinds of insurance" defined.—Insurance shall be classified into the following "kinds of insurance":

(1) Life.

(2) Health.

(3) Property.

(4) Casualty.

(5) Surety.

(6) Marine.

(7) Title.

Section 39. Effective October 1, 1989, section 624.6012, Florida Statutes, is created to read:

624.6012 "Lines of insurance" defined.—Kinds of insurance shall be classified into "lines of insurance." The department shall adopt by rule the lines of insurance to be utilized. Such lines of insurance shall be consistent with the reporting requirements of the National Association of Insurance Commissioners.

Section 40. Effective October 1, 1989, subsections (7) and (8) are added to section 625.031, Florida Statutes, to read:

625.031 Assets not allowed.—In addition to assets impliedly excluded by the provisions of s. 625.012, the following expressly shall not be allowed as assets in any determination of the financial condition of an insurer:

(7) Prepaid and deferred expenses.

(8) Federal income tax refunds when a refund is not assured.

Section 41. Effective October 1, 1989, section 625.041, Florida Statutes, is amended to read:

625.041 Liabilities, in general.—In any determination of the financial condition of an insurer, ~~capital stock and~~ liabilities to be charged against its assets shall include:

~~(1) The amount of its capital stock outstanding, if any.~~

(1)~~(2)~~ The amount, estimated consistent with the provisions of this code, necessary to pay all of its unpaid losses and claims incurred on or prior to the date of statement, whether reported or unreported, together with the expenses of adjustment or settlement thereof.

(2)~~(3)~~ With reference to life and health insurance and annuity contracts:

(a) The amount of reserves on life insurance policies and annuity contracts in force, valued according to the tables of mortality, rates of interest, and methods adopted pursuant to this code which are applicable thereto.

(b) Reserves for disability benefits, for both active and disabled lives.

(c) Reserves for accidental death benefits.

(d) Any additional reserves which may be required by the department consistent with practice formulated or approved by the National Association of Insurance Commissioners or its successor organization, on account of such insurance.

(3)~~(4)~~ With reference to insurance other than specified in subsection (3), and other than title insurance, the amount of reserves equal to the unearned portions of the gross premiums charged on policies in force, computed in accordance with this part.

(4)~~(5)~~ Taxes, expenses, and other obligations due or accrued at the date of the statement.

Section 42. Effective October 1, 1989, subsection (2) of section 625.141, Florida Statutes, is amended to read:

625.141 Valuation of bonds.—

(2) The department shall have full discretion in determining the method of calculating values according to the rules set forth in this section, but no such method or valuation shall be inconsistent with the method formulated or approved by the National Association of Insurance Commissioners or its successor organization and set forth in the *latest* ~~1982~~ edition of its publication "Valuation of Securities"*; provided that such valuation methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 1988 edition of such publication.*"

Section 43. Effective October 1, 1989, subsection (4) of section 625.151, Florida Statutes, is amended to read:

625.151 Valuation of other securities.—

(4) No valuations under this section shall be inconsistent with any applicable valuation or method contained in the *latest* ~~1982~~ edition of the publication "Valuation of Securities" published by the National Association of Insurance Commissioners or its successor organization*; provided that such valuation methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 1988 edition of such publication.*

Section 44. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (4) is added to section 625.161, Florida Statutes, to read:

625.161 Valuation of property.—

(4) In carrying out its responsibilities under this section, in the event that the department and the insurer do not agree on the value of real or personal property of such insurer, the department may retain the services of a qualified real or personal property appraiser. In the event it is subsequently determined that the insurer has over-valued assets, the department shall be reimbursed for the costs of the services of any such appraiser incurred with respect to its responsibilities under this section regarding an insurer by said insurer and any reimbursement shall be deposited in the Insurance Commissioner's Regulatory Trust Fund.

Section 45. Effective October 1, 1989, paragraph (a) of subsection (2) of section 625.305, Florida Statutes, is amended, and subsection (9) is added to said section, to read:

625.305 Diversification.—

(2) Investments eligible under subsection (1), except investments acquired pursuant to s. 625.331, are subject to the following limitations:

(a) The cost of investments made by ~~life~~ insurers in stock authorized by s. 625.324 shall not exceed 15 percent of the insurer's admitted assets; the cost of such investment in common stocks shall not exceed 10 percent of the insurer's admitted assets; and the cost of such investment in stock of any one corporation shall not exceed 3 percent of the insurer's admitted assets. Notwithstanding any other provision in this chapter, the cost basis or market value, if lower, of all stock investment shall be used for the purpose of determining the asset value against which such percentage limitations are to be applied.

(9) The department may limit the extent of an insurer's deposits with any financial institution which does not meet its regulatory capital requirement if the department determines that the financial solvency of the insurer is threatened by a deposit in excess of such limit.

Section 46. Effective October 1, 1989, subsection (4) of section 625.325, Florida Statutes, is amended to read:

625.325 Investments in subsidiaries and related corporations.—

(4) DEBT OBLIGATIONS.—Debt obligations, other than mortgage loans, made under the authority of this section must meet amortization requirements in accordance with the *latest* ~~1982~~ edition of the publication "Valuation of Securities" by the National Association of Insurance Commissioners or its successor organization*; provided that such amortization methodology is substantially similar to the methodology used by the National Association of Insurance Commissioners in its 1988 edition of such publication.*

Section 47. Effective October 1, 1989, subsection (1) of section 625.52, Florida Statutes, is amended to read:

625.52 Securities eligible for deposit.—

(1) All deposits by insurers required for authority to transact insurance in this state shall be limited to *cash or* interest bearing or accruing securities of the following types:

(a) *Cash or certificates of deposit.—Cash delivered to the State Treasurer or certificates of deposit issued by a qualified public depository as defined in s. 280.02(11).* ~~Deposit type accounts.—Certificates of deposit, savings accounts, or passbook accounts issued by a solvent bank or savings association organized and existing under the laws of this state or under the laws of the United States and having its principal place of business in this state.~~

(b) United States Government obligations.—Bonds, notes, and bills which are direct obligations *issued by* ~~of~~ the Government of the United States *and* ~~or~~ for which the full faith and credit of the Government of the United States is pledged for the payment of principal and interest.

(c) State and Canadian public obligations.—Bonds and notes not in default which are the direct obligations of any state of the United States or of the District of Columbia, or of the Government of Canada or any province thereof, *and* ~~or~~ for which the full faith and credit of such state, district, government, or province has been pledged for the payment of principal and interest.

(d) County, municipal, and district obligations.—Bonds and notes, not in default, of any county, district, incorporated city, or school district in any state of the United States, or the District of Columbia, or in any province of Canada, which are the direct obligations of such county, district, city, or school district and for payment of the principal and interest of which the county, district, city, or school district has lawful authority to levy taxes or make assessments.

(e) Securities of certain agencies.—Bonds, debentures, and notes of any federal agency which are guaranteed by the United States, as well as obligations issued, assumed, or guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, or the African Development Bank.

(f) Corporate bonds and debentures.—Bonds and notes of any solvent corporation organized under the laws of the United States or Canada or under the laws of any state, the District of Columbia, any territory or possession of the United States, or any province of Canada.

Any security not specifically eligible for deposit as provided in this subsection shall be replaced in accordance with a schedule to be determined and provided by the department. All such securities not specifically eligible for deposit shall be replaced within a period of 1 year from July 10, 1987.

Section 48. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 628.071, Florida Statutes, 1988 Supplement, is amended to read:

628.071 Granting, denial of permit.—

(1) The department shall expeditiously examine and investigate the application for a permit as referred to in s. 628.051. If the department finds that:

(a) The application is complete;

(b) The documents therewith filed are in compliance with law;

(c) None of the stockholders, organizers, incorporators, subscribers, and other persons who directly or indirectly exercise or have the ability to exercise effective control of the proposed insurer or who will be involved in its management have been found guilty of, or have pleaded guilty or nolo contendere to, a felony or a crime punishable by imprison-

ment of 1 year or more under the law of the United States or any state thereof or under the law of any other country which involves moral turpitude, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases;

(d)~~(c)~~ The proposed financial structure is adequate; and

(e)~~(d)~~ All stockholders, organizers, incorporators, subscribers, and other persons who directly or indirectly exercise or have the ability to exercise effective control of the proposed insurer or who will be involved in management of the proposed insurer possess the financial standing and business experience to form an insurer;

it shall issue to the applicant a permit to form the proposed insurer.

(2) If the department does not so find, or finds that the insurer if formed or financed would not be able to qualify for or retain a certificate of authority by reason of the provisions of s. 624.404(3), a permit shall not be granted.

(3) A permit granted under the provisions of this section shall be valid for 1 year from the date of issue, and during any extension of such period, not to exceed an additional year, as may be authorized by the department upon cause shown. The articles of incorporation and all other proceedings thereunder shall become void 1 year from the issue date of such permit or upon the expiration of such extended period, unless the formation of the proposed insurer has been completed and a certificate of authority has been issued by the department.

Section 49. Effective October 1, 1989, paragraph (b) of subsection (5) of section 628.461, Florida Statutes, is amended to read:

628.461 Acquisition of controlling stock.—

(5)

(b) During the pendency of the department's review of any acquisition subject to the provisions of this section, the acquiring person shall not make any material change in the ~~management or~~ operation of the insurer or controlling company unless the department has specifically approved the change *nor shall the acquiring person make any material change in the management of the insurer unless advance written notice of the change in management is furnished to the department.* A material change *in the operation of the insurer* is a transaction which disposes of or obligates 5 percent or more of the capital and surplus of the insurer *A material change in the management of the insurer is* ~~or~~ any change in management involving officers or directors of the insurer or any person of the insurer or controlling company having authority to dispose of or obligate 5 percent or more of the insurer's capital or surplus. The department shall approve *a material change in operation* ~~the change~~ if it finds the applicable provisions of subsection (7) have been met. *The department may disapprove a material change in management if it finds that the applicable provisions of subsection (7) have not been met and in such case the insurer shall promptly change management as acceptable to the department.*

Section 50 Effective October 1, 1989, paragraph (b) of subsection (6) of section 628 4615, Florida Statutes, is amended to read:

628.4615 Allied lines insurers; acquisition of controlling stock, ownership interest, assets, or control; merger or consolidation.—

(6)

(b) During the pendency of the department's review of any acquisition subject to the provisions of this section, the acquiring person shall not make any material change in the ~~management or~~ operation of the allied lines insurer or controlling company unless the department has specifically approved the change *nor shall the acquiring person make any material change in the management of the allied lines insurer unless advance written notice of the change in management is furnished to the department.* A material change *in the operation of the allied lines insurer* is a transaction which disposes of or obligates 5 percent or more of the capital and surplus of the allied lines insurer. *A material change in the management of the allied lines insurer* ~~or~~ is any change in management involving officers or directors of the allied lines insurer or any person of the allied lines insurer or controlling company having authority to dispose of or obligate 5 percent or more of the allied lines insurer's capital or surplus. The department shall approve *a material* ~~the~~ change *in operations* if it finds the applicable provisions of subsection (8) have been met. *The department may disapprove a material change in management if it finds that the applicable provisions of subsection (8) have not been met and in such case the allied lines insurer shall promptly change management as acceptable to the department.*

Section 51. Effective October 1, 1989, each section which is added to part V of chapter 624, Florida Statutes, by this act is repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 52. Effective October 1, 1989, section 624.4081, Florida Statutes, as amended by ch. 87-226, Laws of Florida, is hereby repealed.

Section 53. Effective October 1, 1989, section 627.171, Florida Statutes, is amended to read:

627.171 Excess rates.—

(1) With written consent of the insured *signed prior to the policy inception date and* filed with the insurer, *the insurer may use* a rate in excess of *the* ~~that~~ otherwise applicable *filed rate* ~~may be used~~ on any specific risk. *The signed consent form must include the filed rate as well as the excess rate for the risk insured and a copy of the form must be maintained by the insurer for 3 years and be available for review by the department.*

(2) An insurer may not use excess rates pursuant to this section for more than 10 percent of its commercial insurance policies written or renewed in each calendar year for any line of commercial insurance or for more than 5 percent of its personal lines insurance policies written or renewed in each calendar year for any line of personal insurance.

Section 54. Effective October 1, 1989, section 626.592, Florida Statutes, is created to read:

626.592 Primary agents.—

(1) On or before January 1, 1990, and annually thereafter, each person operating an insurance agency and each location of a multiple location agency shall designate a primary agent for each insurance agency location and shall file the name of the person so designated, and the address of the insurance agency location where he is primary agent, with the Department of Insurance, on a form approved by the department. The designation of the primary agent may be changed at the option of the agency and any change shall be effective upon notification to the department.

(2) For the purpose of this section, a "primary agent" is the licensed agent who is responsible for the hiring and supervision of all individuals within an insurance agency location who deal with the public in the solicitation or negotiation of insurance contracts or in the collection or accounting of moneys from the general public. An agent may be designated as primary agent for only one insurance agency location.

(3) For the purpose of this section, an "insurance agency" is a location where two or more agents are engaged in the business of insurance.

(4) The department may suspend or revoke the license of the primary agent if an insurance agency employs any person who has had a license denied or any person whose license is currently suspended or revoked. However, when a person has been denied a license for failure to pass a required examination, he may be employed to perform clerical or administrative functions for which licensure is not required.

(5) The department may suspend or revoke the license of any agent who is employed by a person whose license is currently suspended or revoked.

(6) No insurance agency location shall conduct the business of insurance unless a primary agent is designated at all times. Failure to designate a primary agent as required under this section shall constitute grounds for requiring that the agency obtain a license in accordance with ss. 626.112 and 626.172.

(7) Any insurance agency may request, on a form prescribed by the department, verification from the department of any person's current licensure status. If a request is mailed to the department within five (5) working days after the date an agent if hired, and the department subsequently notifies the agency that an employee's license is currently suspended, revoked, or has been denied, the license of the primary agent shall not be revoked or suspended if the unlicensed person is immediately dismissed from employment as an insurance agent with the agency.

Section 55. Effective October 1, 1989, subsection (4) of section 626.641, Florida Statutes, is amended to read:

626.641 Duration of suspension or revocation.—

(4) During the period of suspension~~,~~ or ~~after~~ revocation of the license or permit, the former licensee or permittee shall not engage in or attempt or profess to engage in any transaction or business for which a license or permit is required under this code *or be employed in any manner by an insurance agent or agency.*

Section 56. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (b) of subsection (5) of section 626.112, Florida Statutes, is amended to read:

626.112 License required; agents, solicitors, adjusters, insurance agencies.—

(5)

(b) An insurance agency shall, as a condition precedent to continuing business, obtain an insurance agency license if the department finds that, with respect to any majority owner, partner, manager, director, officer, or other person who manages or controls such agency, any such person has, subsequent to the effective date of this act:

1. Been found guilty of, or has pleaded guilty or nolo contendere to, a felony in this state or any other state relating to the business of insurance or to an insurance agency, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

2. ~~Knowingly~~ Employed any individual in a managerial capacity or in a capacity dealing with the public who is under an order of revocation or suspension issued by the department. *An insurance agency may request, on forms prescribed by the department, verification of any person's license status. If a request is mailed within 5 working days after an employee is hired, and such employee's license is currently suspended or revoked, the agency shall not required to obtain a license, if such unlicensed person's employment is immediately terminated.*

3. With such frequency as to have made the operation of the agency hazardous to the insurance-buying public or other persons:

a. Solicited or handled controlled business. This subparagraph shall not prohibit the licensing of any lending or financing institution or creditor, with respect to insurance only, under credit life or disability insurance policies of borrowers from such institutions, which policies are subject to part IX of chapter 627.

b. Misappropriated, converted, or unlawfully withheld moneys belonging to insurers, insureds, beneficiaries, or others and received in the conduct of business under the license.

c. Rebated or attempted to rebate, or unlawfully divided or offered to divide, commissions with another.

d. Misrepresented any insurance policy or annuity contract, or used deception with regard to any such policy or contract, done either in person or by any form of dissemination of information or advertising.

e. Violated any provision of this code or any other law applicable to the business of insurance in the course of dealing under the license or permit.

f. Violated any lawful order or rule of the department.

g. Failed or refused, upon demand, to pay over to any insurer he represents or has represented any money coming into his hands belonging to the insurer.

h. Violated the provision against twisting as defined in s. 626.9541(1)(l).

i. In the conduct of business, engaged in unfair methods of competition or in unfair or deceptive acts or practices, as prohibited under part X of this chapter.

j. Willfully overinsured any property insurance risk.

k. Engaged in fraudulent or dishonest practices in the conduct of business arising out of activities related to insurance or the insurance agency.

l. Demonstrated lack of fitness or trustworthiness to engage in the business of insurance arising out of activities related to insurance or the insurance agency.

4. Knowingly employed any person who within the preceding 3 years has had his relationship with an agency terminated in accordance with paragraph (d).

5. Willfully circumvented the requirements or prohibitions of this code.

Section 57. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (7) of section 626.621, Florida Statutes, 1988 Supplement, is amended, and subsections (11) and (12) are added to said section, to read:

626.621 Grounds for discretionary refusal, suspension, or revocation of agent's, solicitor's, or adjuster's license or service representative's, supervising or managing general agent's, or claims investigator's permit.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the license of any agent, solicitor, or adjuster or the permit of any service representative, supervising or managing general agent, or claims investigator, and it may suspend or revoke the eligibility to hold a license or permit of any such person, if it finds that as to the applicant, licensee, or permittee any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.611:

(7) Willful overinsurance of any property *or health* insurance risk.

(11) Failure to inform the department in writing within 30 days after pleading guilty or nolo contendere to, or being convicted or found guilty of, any felony or a crime punishable by imprisonment of 1 year or more under the law of the United States or of any state thereof, or under the law of any other country without regard to whether a judgment of conviction has been entered by the court having jurisdiction of the case.

(12) Knowingly aiding, assisting, procuring, advising, or abetting any person in the violation of or to violate a provision of the Insurance Code or any order or rule of the department.

Section 58. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (4) of section 626.641, Florida Statutes, is amended to read:

626.641 Duration of suspension or revocation.—

(4) During the period of suspension~~,~~ or ~~after~~ revocation of the license or permit, the former licensee or permittee shall not engage in or attempt or profess to engage in any transaction or business for which a license or permit is required under this code *or be employed in any manner by an insurance agent or agency.*

Section 59. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 626.8373, Florida Statutes, is created to read:

626.8373 Overinsurance of health insurance coverage.—With respect to the solicitation and sale of health insurance and medical supplement insurance, an agent shall ask each person solicited whether he is currently covered under a health insurance or medical supplement insurance policy. The agent shall explain to each person the extent to which the proposed coverage will overlap or duplicate the existing coverage after considering any applicable coordination of benefits provisions under the existing or proposed health coverage if the person solicited has a copy of his current policy for the agent to review or if the person's current policy is with the same insurer as the proposed replacement policy.

Section 60. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraphs (k), (l), and (x) of subsection (1) of section 626.9541, Florida Statutes, 1988 Supplement, are amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(k) Misrepresentation in insurance applications.—

1. Knowingly making false or fraudulent statements or representations on, or relative to, an application for an insurance policy for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual.

2. Any agent, solicitor, examining physician, applicant, or other person who knowingly makes any false and fraudulent statement or representation in, or with reference to, any application or negotiation for insurance, in addition to any other penalty provided in this act, shall, upon conviction, be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082~~,~~ *or* s. 775.083~~, or s. 775.084~~.

3. Knowingly making a material omission in the comparison of a life, health, or Medicare supplement insurance replacement policy with the policy it replaces for the purpose of obtaining a fee, commission, money, or other benefit from any insurer, agent, broker, or individual. For the purposes of this subparagraph, a material omission includes the failure to advise the insured of the existence and operation of a preexisting condition clause in the replacement policy.

(l) Twisting.—Knowingly making any misleading representations or incomplete or fraudulent comparisons *or fraudulent material omissions of or with respect to* any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance in another insurer.

(x) Refusal to insure.—In addition to other provisions of this code, the refusal to insure, or continue to insure, any individual or risk solely because of:

1. Race, color, creed, marital status, sex, or national origin;

2. The residence, age, or lawful occupation of the individual or the location of the risk, unless there is a reasonable relationship between the residence, age, or lawful occupation of the individual or the location of the risk and the coverage issued or to be issued;

3. The insured's or applicant's failure to agree to place collateral business with *any* ~~a particular~~ insurer; ~~or~~

4. The insured's or applicant's failure to purchase non-insurance services or commodities, including automobile services as defined in s. 624.124; or

5.~~4.~~ The fact that the insured or applicant had been previously refused insurance coverage by any insurer, when such refusal to insure or continue to insure for this reason occurs with such frequency as to indicate a general business practice.

Section 61. Effective upon this act becoming a law, subsection (4) of section 607.234, Florida Statutes, is amended to read:

607.234 Merger or consolidation of domestic and foreign corporations.—

(4) The redomestication of a foreign insurer to this state under s. 628.520 shall be deemed a merger of a foreign corporation and a domestic corporation, and the surviving corporation shall be deemed to be a domestic corporation incorporated under the laws of this state. The redomestication of a Florida corporation to a foreign jurisdiction under s. *628.525* ~~628.520~~ shall be deemed a merger of a domestic corporation and a foreign corporation, and the surviving corporation shall be deemed to be a foreign corporation.

Section 62. Effective upon this act becoming a law, section 624.126, Florida Statutes, is created to read:

624.126 Certain mutual aid associations; exemption from code.—

(1) Any beneficial, relief, or mutual aid society, however organized, established prior to 1935 and formed by a religious organization which religious organization qualifies as an exempt religious organization under Title 26, s. 501, of the Internal Revenue Code and which society is formed for the purpose of aiding members who sustain property losses, and in which the coverages, privileges, and memberships in the society are confined to members of the religious organization, is exempt from the provisions of this code except as otherwise provided in this section, and to that extent any such society shall not be deemed to be an insurer.

(2) Any person soliciting, offering, providing, entering into, issuing, or delivering a contract or agreement providing membership in a society pursuant to subsection (1) shall, as to any such contract or agreement, be subject to the provisions of ss. 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, and 626.9631.

Section 63. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (4) of section 626.211, Florida Statutes, is amended to read:

626.211 Approval, disapproval of application.—

(4) If upon the basis of the completed application and such further inquiry or investigation the department deems the applicant to be lacking in any one or more of the required qualifications for the license or permit applied for as to general lines agents, life agents, health agents, solicitors, adjusters, and claims investigators, the department shall disapprove the application and notify the applicant thereof, stating the grounds of disapproval. *If requested in writing by the applicant or other person entitled thereto within 60 days after the date of disapproval* ~~At the same time~~, the department shall return to the applicant or other person entitled thereto any state license tax and county license tax received by the department in connection with the application for license or permit.

Section 64. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (5) of section 626.291, Florida Statutes, is amended to read:

626.291 Denial, issuance of license.—

(5) *If requested in writing by the applicant or payor entitled thereto within 60 days after* ~~Upon~~ the denial of a license, the department shall refund to the applicant or payor entitled thereto any state license tax and county license tax received by it in connection with the application for the license. No such refund shall be made under any circumstances after issuance of a license. No refund shall be made if the applicable license year has commenced before receipt by the department of the request for cancellation of license and refund at its office at Tallahassee.

Section 65. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (m) of subsection (1) of section 626.9541, Florida Statutes, 1988 Supplement, is amended to read:

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—

(1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(m) Advertising gifts permitted.—No provision of paragraph (f), paragraph (g), or paragraph (h) shall be deemed to prohibit a licensed insurer or its agent from giving to insureds, prospective insureds, and others, for the purpose of advertising, any article of merchandise having a value of not more than *$25* ~~$10~~.

Section 66. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 627.975, Florida Statutes, 1988 Supplement, is amended to read:

627.975 Reinsurance.—

(1) For financial guaranty insurance which takes effect on or after July 1, 1988, an insurer transacting financial guaranty insurance shall receive credit for reinsurance in accordance with the provisions of this code applicable to property and casualty insurers, as an asset or as a reduction from liabilities *only*~~:~~ if the reinsurance is subject to an agreement that, for its stated term and with respect to any financial guaranty insurance in force, the reinsurance agreement may only be terminated or amended at the option of the reinsurer or the ceding insurer; if the reinsurance agreement provides that the liability of the reinsurer with respect to policies in effect at the date of termination continues until the expiration or cancellation of each such policy with the consent of the ceding insurer; if the reinsurance agreement provides for a cutoff of the reinsurance in force at the date of termination or at the request of the ceding company or at the discretion of the department, acting as rehabilitator, liquidator, or receiver of the ceding or assuming company; and *if* ~~that~~ such reinsurance *either*:

(a) Is placed with another insurer licensed under this part or an insurer writing financial guaranty insurance as permitted under this part;

(b) Is placed with another type of insurer licensed to write surety insurance, if such insurer:

1. Has and maintains surplus to policyholders of at least $35 million;

2. Establishes and maintains the reserves required in s. 627.972, except that if the reinsurance agreement is not pro rata, the contribution to the contingency reserve must be equal to 50 percent of the quarterly earned reinsurance premium;

3. Complies with s. 627.973(4), (5), and (6); and

4. If it is a parent, subsidiary, or affiliate of the insurer transacting financial guaranty insurance, the provisions of s. 627.973(4) and (5) shall be applied against the combined policyholders' surplus and contingency reserves of such parent, subsidiary, or affiliate reinsurers after elimination of equity investments of the insurer and such reinsurers in each other; or

(c) Is placed with an unauthorized or unaccredited reinsurer which otherwise complies with the provisions of paragraph (a) or subparagraphs (b)1. and 4., in an amount not to exceed the liabilities carried by the ceding insurer for amounts withheld under a reinsurance treaty with the reinsurer or amounts deposited by the reinsurer as security for the payment of obligations under the treaty, if the funds or deposit are held subject to withdrawal by, and under the control of the ceding insurer.

(2) In determining whether the insurer meets the limitations imposed by s. 627.973(4), in addition to credit for other types of qualifying reinsurance, the insurer's aggregate risk may be reduced to the extent of the limit for aggregate excess reinsurance, but in no event, in an amount greater than the amount of the aggregate risk which will become due during the unexpired term of the reinsurance agreement in excess of the insurer's retention pursuant to the reinsurance agreement.

Section 67. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (2) of section 639.108, Florida Statutes, is amended to read:

639.108 Preneed Funeral Contract Consumer Protection Trust Fund.—

(2) Within 60 days after the end of each *calendar* quarter, ~~of a certificateholder's fiscal year~~ for each preneed contract written during the quarter and not canceled within 30 days after the date of the execution of the contract, each certificateholder utilizing s. 639.11 or s. 639.149 shall remit the sum of $2.50 for each preneed contract having a purchase price of $1,500 or less, and the sum of $5 for each preneed contract having a purchase price in excess of $1,500; and each certificateholder utilizing s. 639.145 shall remit the sum of $5 for each preneed contract having a purchase price of $1,500 or less, and the sum of $10 for each preneed contract having a purchase price in excess of $1,500.

Section 68. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (5) of section 639.11, Florida Statutes, is amended to read:

639.11 Disposition of proceeds received on contracts.—

(5) The certificateholder, at his election, shall have the right and power, at any time, to revest in it title to the trust assets, or its pro rata share thereof, provided it has complied with s. 639.145. *Notwithstanding anything contained in this chapter to the contrary, the certificateholder, via its election to sell or offer for sale preneed contracts subject to this section, shall represent and warrant, and is hereby deemed to have done such, to all federal and Florida taxing authorities, as well as to all potential and actual preneed contract purchasers, that s. 639.145 is a viable option available to it at any and all relevant times. If in the certificateholder's opinion it does not have the ability to select the financial responsibility alternative of s. 639.145, then it shall not have the right to sell or solicit contracts pursuant to this section.*

Section 69. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 639.17, Florida Statutes, is amended to read:

639.17 Penalty.—

(1) Except as provided in subsection (2), any person who violates any of the provisions of this chapter or the rules promulgated under this chapter *commits* ~~is guilty of~~ a *misdemeanor* ~~felony~~ of the *first* ~~third~~ degree, punishable as provided in s. 775.082, *or* s. 775.083~~, or s. 775.084~~.

(2) Any person who violates the provisions of s. 639.09 or s. 639.11(1), s. 639.145(3) or s. 639.149(3) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 70. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, each section which is added to part I through part V of chapter 624, Florida Statutes, by this act is repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 71. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, part VI of chapter 624, Florida Statutes, consisting of sections 624.80, 624.81, 624.82, 624.83, 624.84, 624.85, 624.86, and 624.87, is created to read:

624.80 Definitions.—As used in this part:

(1) "Insurer" means and includes every person as defined in s. 624.03 as limited to:

(a) Any domestic or commercially domiciled insurer who is doing business as an insurer, or has transacted insurance in this state, and against whom claims arising from that transaction may exist now or in the future.

(b) Any domestic or commercially domiciled allied lines insurer as that term is defined in s. 628.4615.

(c) Any domestic or commercially domiciled fraternal benefit society which is subject to the provisions of chapter 632.

(2) "Unsound condition" means any of the following conditions:

(a) The insurer's required surplus, capital, or capital stock is impaired to an extent prohibited by law;

(b) The insurer continues to write new business when it has not maintained the required surplus or capital; or

(c) The insurer attempts to dissolve or liquidate without first having made provisions, satisfactory to the department, for liabilities arising from insurance policies issued by the insurer.

(3) "Exceeded its powers" means the following conditions:

(a) The insurer has refused to permit examination by the department of its books, papers, accounts, records or business practices;

(b) An insurer organized in this state has unlawfully removed from this state books, papers, accounts, or records necessary for an examination of the insurer by the department;

(c) The insurer has failed to promptly comply with the applicable financial reporting statutes and departmental requests relating thereto;

(d) The insurer has neglected or refused to observe an order of the department to correct a deficiency in its capital or surplus; or

(e) The insurer has unlawfully or in violation of a department order:

1. Totally reinsured its entire outstanding business; or

2. Merged or consolidated substantially its entire property or business with another insurer.

(4) "Consent" means authorized written agreement to supervision by the insurer.

(5) "Commercially domiciled insurer" means and includes any foreign or alien insurer which, during its 3 preceding fiscal years taken together, or during any lesser period of time if not authorized to do business in this state or if it has been licensed to transact its business in this state only for the lesser period of time, has written an average of 25 percent or more direct premiums in this state than it has written in its state of domicile during the same period, or the direct premiums written in this state constitute more than 55 percent of its total direct premiums written everywhere in the United States during its 3 preceding fiscal years taken together, or during any lesser period of time if not authorized to do business in this state or if it has been authorized to transact its business in this state only for the lesser period of time, as reported in its most recent applicable annual or quarterly statements.

624.81 Notice to comply with written requirements of department; noncompliance.—

(1) If the department determines that the conditions set forth in subsection (2) exist, the department shall notify the insurer in writing of its determination, setting forth the reasons giving rise to the determination, and specifying that the department is applying and effectuating the provisions of this part.

(2) An insurer shall be subject to administrative supervision by the department if upon examination or at any other time the department determines that:

(a) The insurer is in unsound condition;

(b) The insurer's methods or practices render the continuance of its business hazardous to the public or to its insureds; or

(c) The insurer has exceeded its powers granted under its certificate of authority and applicable law.

(3) Within 15 days of receipt of notice of the department's determination to proceed under this part, an insurer shall submit to the department a plan to correct the conditions set forth in the notice. For good cause shown, the department may extend the 15 day time period for submission of the plan. If the department and the insurer agree on a corrective plan, a written agreement shall be entered into to carry out the plan.

(4) If an insurer fails to timely submit a plan, the department may specify the requirements of a plan to address the conditions giving rise to imposition of administrative supervision under this part. In addition, failure of the insurer to timely submit a plan is a violation of the provisions of this code punishable in accordance with s. 624.418.

(5) The plan shall address, but shall not be limited to, each of the activities of the insurer's business which are set forth in s. 624.83.

(6) If the department and the insurer are unable to agree on the provisions of the plan, the department may proceed under applicable provisions of this code other than the provisions of this part.

(7) The insurer shall have 60 days, or a longer period of time as designated by the department but not to exceed 120 days, after the date of the written agreement or the receipt of the department's plan within which to comply with the requirements of the department. At the conclusion of the initial period of supervision, the department may extend the supervision in increments of 60 days or longer, not to exceed 120 days, if conditions justifying supervision exist. Each extension of supervision shall provide the insurer with a point of entry pursuant to chapter 120.

(8) The initiation or pendency of administrative proceedings arising from actions taken under this section shall not preclude the department from initiating judicial proceedings to place an insurer in conservation, rehabilitation, or liquidation or initiating other delinquency proceedings however designated under the laws of this state.

(9) If it is determined that the conditions giving rise to administrative supervision have been remedied so that the continuance of its business is not longer hazardous to the public or to its insureds, the department shall release the insurer from supervision.

624.82 Confidentiality of certain proceedings and records.—

(1) Notwithstanding the provisions of chapter 119 or any other provision of law; proceedings, hearings, orders, notices, correspondence, reports, records, and other information in the possession of the department relating to the supervision of any insurer are confidential except as provided by this part. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(2) The personnel of the department shall have access to proceedings, hearings, notices, correspondence, reports, records, or other information as permitted by the department.

(3) The department may open the proceedings or hearings or disclose the contents of the notices, correspondence, reports, records, or other information to a department, agency, or instrumentality of this or another state or the United States if it determines that the disclosure is necessary or proper for the enforcement of the laws of the United States or of this or another state of the United States.

(4) The department may open the proceedings or hearings or make public the notices, correspondence, reports, records, or other information if the department deems that it is in the best interest of the public, the insurer in supervision, or its insureds.

(5) This section does not apply to proceedings, hearings, notices, correspondence, reports, records, or other information obtained upon the appointment of a receiver for the insurer by a court of competent jurisdiction.

(6) The confidentiality provided by this section shall terminate on the earliest of the following dates:

(a) One year after the conclusion of the entire period of supervision, as determined pursuant to s. 624.81(3); or

(b) The entry of an order of seizure, rehabilitation, or liquidation pursuant to chapter 631.

624.83 Prohibited acts during period of supervision.—The department may provide that the insurer may not conduct the following activities during the period of supervision, without prior approval by the department:

(1) Dispose of, convey, or encumber any of its assets or its business in force;

(2) Withdraw any of its bank accounts;

(3) Lend any of its funds;

(4) Invest any of its funds;

(5) Transfer any of its property;

(6) Incur any debt, obligation, or liability;

(7) Merge or consolidate with another company;

(8) Enter into any new reinsurance contract or treaty;

(9) Terminate, surrender, forfeit, convert, or lapse any insurance policy, certificate, or contract of insurance, except for nonpayment of premiums due;

(10) Release, pay, or refund premium deposits, accrued cash or loan values, unearned premiums, or other reserves on any insurance policy or certificate; or

(11) Make any material change in management.

624.84 Review and stay of action.—During the period of supervision, the insurer may contest an action taken or proposed to be taken by the supervisor, specifying the manner wherein the action complained of would not result in improving the condition of the insurer, and the request shall stay the action specified pending reconsideration of the action by the department. If upon reconsideration the action of the department is upheld, the stay shall be lifted. Denial of the insurer's request upon reconsideration entitles the insurer to request a s. 120.57 proceeding.

624.85 Administrative election of proceedings.—If the department determines to act under authority of this part, the sequence of its acts and proceedings shall be as set forth herein. However, it is a purpose and substance of this part to allow the department administrative discretion in the event of insurer delinquencies and, in furtherance of that purpose, the department is hereby authorized, in respect to insurer delinquencies or suspected delinquencies, to proceed and administer either under the provisions of this part or under any other applicable law, or under the provisions of this part in conjunction with other applicable law, and it is so provided. Nothing contained in this part or in any other provision of law shall preclude the department from initiating judicial proceedings to place an insurer in conservation, rehabilitation, or liquidation proceedings or other delinquency proceedings however designated under the laws of this state, regardless of whether the department has previously initiated administrative supervision proceedings under this part against the insurer. The entry of an order of seizure, rehabilitation, or liquidation pursuant to chapter 631 shall terminate all proceedings pending pursuant to this part.

624.86 Other laws; conflicts; meetings between the department and the supervisor.—Notwithstanding the provisions of s. 286.011 or any other provision of law, the department may meet with a supervisor appointed under this part and with the attorney or other representative of the supervisor without the presence of any other person at the time of any proceeding or during the pendency of any proceeding held under authority of this part to carry out its duties under this part or for the supervisor to carry out its duties under this part.

624.87 Administrative supervision; expenses.—

(1) During the period of supervision the department by contract or otherwise may appoint a deputy supervisor to supervise the insurer.

(2) Each insurer which is subject to administrative supervision by the department shall pay to the department the expenses of its administrative supervision at the rates adopted by the department. Expenses shall include actual travel expenses, a reasonable living expense allowance, compensation of the deputy supervisor or other person employed or appointed by the department for purposes of the supervision, and necessary attendant administrative costs of the department directly related to the supervision. The travel expense and living expense allowance shall be limited to those expenses necessarily incurred on account of the administrative supervision and shall be paid by the insurer together with compensation upon presentation by the department to the insurer of a detailed account of the charges and expenses after a detailed statement has been filed by the deputy supervisor or other person employed or appointed by the department and approved by the department.

(3) All moneys collected from insurers for the expenses of administrative supervision shall be deposited into the Insurance Commissioner's Regulatory Trust Fund, and the department is authorized to make deposits from time to time into this fund from moneys appropriated for the operation of the department.

(4) Notwithstanding the provisions of s. 112.061, the department is authorized to pay to the deputy supervisor or person employed or appointed by the department for purposes of the supervision out of such trust fund the actual travel expenses, reasonable living expense allowance, and compensation in accordance with the statement filed with the department by the deputy supervisor or other person, as provided in subsection (2), upon approval by the department.

(5) The department may in whole or in part defer payment of expenses due from the insurer pursuant to this section upon a showing that payment would adversely impact on the financial condition of the insurer and jeopardize its rehabilitation. The payment shall be made by the insurer when the condition is removed and the payment would no longer jeopardize the insurer's financial condition.

Section 72. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later; part VI of chapter 624, Florida Statutes, as created by this act, is repealed on July 1, 1999, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 73. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (c) of subsection (1) of section 407.07, Florida Statutes, 1988 Supplement, is amended to read:

407.07 Health care costs and finances; analyses, studies, and reports.—

(1) The board shall have the authority to:

(c) Jointly develop, with the Department of Insurance or the Department of Health and Rehabilitative Services, criteria to analyze and study the ongoing effect upon health care costs of third-party reimbursement mechanisms, including the effects of Medicare, Medicaid, and other government reimbursement mechanisms. The board shall incorporate into its reports the findings of the Department of Insurance relating to the effect upon health care costs of third-party reimbursement mechanisms, including health insurance as defined in ss. 624.603 and 627.652, health care service plans as defined in s. 641.01, and health maintenance organizations as defined in s. 641.19~~(6)~~.

Section 74. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsections (1) through (16) of section 641.19, Florida Statutes, 1988 Supplement, are renumbered as subsections (2) through (17), respectively, and a new subsection (1) is added to said section to read:

641.19 Definitions.—As used in this part, the term:

(1) "Affiliate" means any entity which exercises control over or is controlled by the health maintenance organization, directly or indirectly, through:

(a) Equity ownership of voting securities;

(b) Common managerial control; or

(c) Collusive participation by the management of the health maintenance organization and affiliate in the management of the health maintenance organization or the affiliate.

Section 75. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsections (1) and (3) of section 641.26, Florida Statutes, 1988 Supplement, are amended to read:

641.26 Annual report.—

(1) Every health maintenance organization shall, annually within 3 months after the end of its fiscal year, or within an extension of time therefor as the department, for good cause, may grant, on forms prescribed by the department, file a report with the department, verified by the oath of two executive officers of the organization or, if not a corporation, of two persons who are principal managing directors of the affairs of the organization, showing its condition on the last day of the immediately preceding reporting period. Such report shall include:

(a) An audited financial statement of the organization, including its balance sheet and a statement of operations for the preceding year certified by an independent certified public accountant, prepared in accordance with statutory accounting principles;

~~(b) A list of the names and residence addresses of all persons responsible for the conduct of its affairs, together with a disclosure of the extent and nature of any contracts or arrangements between such persons and the health maintenance organization, including any possible conflicts of interest;~~

(b)~~(c)~~ The number of health maintenance contracts issued and outstanding and the number of health maintenance contracts terminated;

~~(d) A description by location and specialty of the providers retained or otherwise engaged by the organization to satisfy its contractual obligations with its subscribers;~~

(c)~~(e)~~ The number and amount of damage claims for medical injury initiated against the health maintenance organization and any of the providers engaged by it during the reporting year, broken down into claims with and without formal legal process, and the disposition, if any, of each such claim;

(d)~~(f)~~ An actuarial certification that:

1. The health maintenance organization is actuarially sound, which certification shall consider the rates, benefits, and expenses of, and any other funds available for the payment of obligations of, the organization;

2. The rates being charged or to be charged are actuarially adequate to the end of the period for which rates have been guaranteed;

3. Incurred but not reported claims and claims reported but not fully paid have been adequately provided for; and

(e)~~(g)~~ Such other information relating to the performance of health maintenance organizations as is required by the department.

(3) Any health maintenance organization which neglects to file an annual report or quarterly report in the form and within the time required by this section shall forfeit *up to* $1,000 for each day for the first 10 days during which the neglect continues and shall forfeit *up to* $2,000 for each day after the first 10 days during which the neglect continues; and, upon notice by the department to that effect, the organization's authority to enroll new subscribers or to do business in this state shall cease while such default continues. The department shall deposit all sums collected by it under this section to the credit of the Insurance Commissioner's Regulatory Trust Fund. The department shall not collect more than $100,000 for each report.

Section 76. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (b) of subsection (2) of section 641.35, Florida Statutes, 1988 Supplement, is amended, and paragraph (i) is added to said subsection, to read:

641.35 Assets, liabilities, and investments.—

(2) ASSETS NOT ALLOWED.—In addition to assets impliedly excluded by the provisions of subsection (1), the following assets expressly shall not be allowed as assets in any determination of the financial condition of a health maintenance organization:

(b) *Any note or account receivable from or advances* ~~Advances~~ to officers, directors, ~~entities, whether an advance or investment, which are directly or indirectly controlled by the health maintenance organization parent or affiliated with the parent or the health maintenance organization, except as allowed in subsections (11) and (12),~~ or controlling stockholders, whether secured or not, and advances to employees, agents, or other persons on personal security only.

(i) Any note, account receivable, advance, or other evidence of indebtedness, or investment in:

1. The parent of the health maintenance organization;

2. Any entity directly or indirectly controlled by the health maintenance organization parent; or

3. An affiliate of the parent or the health maintenance organization,

except as allowed in subsections (11) and (12). The department may, however, allow all or a portion of such asset, at values to be determined by the department, if deemed by the department to be available for the payment of losses and claims.

Section 77. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 641.386, Florida Statutes, is created to read:

641.386 Agent licensing required; exceptions.—

(1) With respect to a health maintenance contract, no person shall, unless licensed as a health insurance agent in accordance with the applicable provisions of the Florida Insurance Code:

(a) Solicit contracts or procure applications; or

(b) Engage or hold himself out as engaging in the business of analyzing or abstracting health maintenance contracts or of counseling or advising or giving opinions to persons relative to such contracts other than as a consulting actuary advising a health maintenance organization or as a salaried bona fide full-time employee so counseling and advising his employer relative to coverage for the employer and his employees.

(2) All qualifications, disciplinary provisions, licensing procedures, fees, and related matters contained in the Florida Insurance Code which apply to the licensing of health insurance agents by insurers shall apply to health maintenance organizations and to persons licensed by the health maintenance organization as their agents.

(3) No examination or license shall be required of any regular salaried officer or employee of a health maintenance organization who devotes substantially all of his services to activities other than the solicitation of health maintenance organization contracts from the public and who receives no commission or other compensation directly dependent upon the solicitation of such contracts.

Section 78. Effective July 1, 1989, or upon this act becoming a law, which occurs later, paragraph (d) of subsection (1) of section 641.441, Florida Statutes, is amended to read:

641.441 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following are defined as unfair methods of competition and unfair or deceptive acts or practices:

(1) MISREPRESENTATION AND FALSE ADVERTISING OF PREPAID HEALTH CLINIC CONTRACTS.—Knowingly making, issuing, circulating, or causing to be made, issued, or circulated, any estimate, illustration, circular, statement, sales presentation, omission, or comparison which:

(d) Is a misrepresentation for the purpose of inducing, or tending to induce, the lapse, forfeiture, exchange, conversion, or surrender of any prepaid health clinic contract, health maintenance contract as defined in s. 641.19~~(5)~~, or health insurance policy or contract providing health insurance as defined in s. 624.603.

Section 79. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsections (1) and (5) of section 641.47, Florida Statutes, are amended to read:

641.47 Definitions.—As used in this part, the term:

(1) "Health care services" means comprehensive health care services, as defined in s. 641.19~~(1)~~, when applicable to a health maintenance organization, and means basic services, as defined in s. 641.402(1), when applicable to a prepaid health clinic.

(5) "Organization" means any health maintenance organization as defined in s. 641.19~~(6)~~ and any prepaid health clinic as defined in s. 641.402(5).

Section 80. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, each section which is added to chapter 641, Florida Statutes, by this act is repealed on October 1, 1991, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 81. Effective October 1, 1989, subsection (3) of section 626.973, Florida Statutes, is amended to read:

626.973 Fictitious groups.—

(3) The restrictions and limitations of this section do not extend to property or casualty insurance issued in this state ~~on commercial risks~~, provided that:

(a) The policy requires active participation in a plan of risk management which has established measures and procedures to minimize both the frequency and severity of losses;

(b) The policy passes on the benefits of reduced losses to plan participants; ~~and~~

(c) Rates are actuarially measurable and credible and are sufficiently related to actual and expected loss and expense experience of the group so as to assure that nonmembers of the group are not unfairly discriminated against*; and*

(d) For any personal lines insurance risk, the group is composed of such members and meets the requirements specified in s. 627.552 for employee groups, s. 627.553 for debtor groups, s. 627.554 for labor union groups, s. 627.555 for trustee groups, s. 627.556 for credit union groups, and s. 627.572 for association groups; except that any provision of such sections which precludes individual selection of amounts of insurance shall not be applicable to property or casualty insurance.

Section 82 Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (d) of subsection (2) of section 648.34, Florida Statutes, 1988 Supplement, is amended to read:

648.34 Bail bondsmen; qualifications.—

(2) To qualify as a bail bondsman, it must affirmatively appear at the time of application and throughout the period of licensure that:

(d) The applicant has successfully completed a basic certification course in the criminal justice system, consisting of not less than 80 hours, approved by the board and has successfully completed, within 2 years of the date of his application, a correspondence course for bail bondsmen approved by the board. *The board shall annually review the correspondence course and basic certification course.*

Section 83. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (2) of section 648.36, Florida Statutes, is amended to read:

648.36 Bail bondsman's records.—

(2) On or before *April 1* ~~August 15~~ of each year, a sworn statement on a form furnished by the department and approved by the board shall be filed with the department by:

(a) Every professional bail bondsman listing his assets and liabilities, and

(b) Every bail bondsman ~~or every firm or agency if the bail bondsman is employed by, associated with, or is a member of such firm or agency,~~ listing every outstanding or unpaid forfeiture, estreature, and judgment, ~~together~~ with the *case number and the* name of the court in which such forfeiture, estreature, and judgment is recorded, *the name of the agency or firm which employs the bail bondsman,* and ~~submitting~~ all other pertinent information requested by the department or board.

Section 84. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 648.365, Florida Statutes, is amended to read:

648.365 Statistical reporting requirements; penalty for failure to report.—

(1) Each insurer, *within 45 days after the end of the reporting period,* and each bail bondsman engaged in the bail bond business in this

state, *within 30 days after the end of the reporting period,* shall transmit the following information, based on their Florida bail bond business, to the department semiannually, ~~within 30 days after the end of the period,~~ except that bail bondsmen shall *report the information separately for each company represented but shall* not report the information specified in *paragraph* ~~paragraphs~~ (a), *paragraph* (m), *or* ~~and~~ *paragraph* (n):

(a) Commissions paid.

(b) The number of, and the total dollar amount of, bonds executed.

(c) The number of defendants for whom bonds were executed.

(d) The number of, and the total dollar amount of, bonds declared forfeited.

(e) The number of defendants for whom a bond was declared forfeited.

(f) The number of, and the total dollar amount of, forfeitures discharged, remitted, or otherwise recovered prior to payment for any reason.

(g) The number of, and the total dollar amount of, forfeitures discharged, remitted, or otherwise recovered prior to payment due to the apprehension of the defendant by the bail bondsman.

(h) The number of, and the total dollar amount of, judgments entered.

(i) The number of, and the total dollar amount of, forfeitures paid and subsequently recovered from the court by discharge or remission or otherwise.

(j) The number of, and the total dollar amount of, bonds for which collateral was accepted.

(k) The actual realized value of collateral converted, excluding the cost of converting the collateral.

(l) The cost of converting collateral.

(m) The underwriting gain or loss.

(n) The net investment gain or loss allocated to the flow of funds associated with Florida business.

(o) Such additional information as the Insurance Commissioner or board may require in order to:

1. Evaluate the reasonableness of rates or assure that such rates are not excessive or unfairly discriminatory.

2. Evaluate the financial condition or trade practices of bail bondsmen and sureties executing bail bonds.

3. Evaluate the performance of the commercial bail bond industry in accordance with appropriate criminal justice system goals and standards.

Each bail bondsman shall submit a copy of such information to each insurer he represents.

Section 85. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (2) of section 648.39, Florida Statutes, 1988 Supplement, is amended to read:

648.39 Notice of appointment of agents; termination.—

(2) An insurer terminating the appointment of an agent shall, within *10* ~~30~~ days after such termination, file written notice thereof with the department together with a statement that it has given or mailed notice to the agent. Such notice filed with the department shall state the reasons, if any, for such termination. Information so furnished the department shall be privileged and shall not be used as evidence in or basis for any action against the insurer or any of its representatives.

Section 86. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (2) of section 648.41, Florida Statutes, is amended to read:

648.41 Notice of appointment of runners; termination.—

(2) A bail bondsman, insurer, or general agent terminating the appointment of a runner shall, within *10* ~~30~~ days, file written notice thereof with the department, together with a statement that he has given or mailed notice to the runner. Such notice filed with the department shall state the reasons, if any, for such termination. Information so furnished the department shall be privileged and shall not be used as evidence in any action against the bail bondsman.

Section 87. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (b) of subsection (1) of section 648.44, Florida Statutes, is amended to read:

648.44 Prohibitions; penalty.—

(1) No bail bondsman or runner shall:

(b) *Directly or indirectly* solicit business in or *on the property or grounds of a jail, prison, or other* ~~about any~~ place where prisoners are confined or in or *on the property or grounds of* ~~about~~ any court.

Section 88. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 903.27, Florida Statutes, is amended to read:

903.27 Forfeiture to judgment.—

(1) If the forfeiture is not paid or discharged by order of a court of competent jurisdiction within 35 days and the bond is secured other than by money and bonds authorized in s. 903.16, the clerk of the circuit court for the county where the order was made shall enter a judgment against the surety for the amount of the penalty and issue execution. Within 10 days, the clerk shall furnish the *Department of Insurance with a certified copy of the judgment docket and shall furnish the* surety company at its home office a copy of the judgment, which shall include the power-of-attorney number of the bond and the name of the executing agent. If the judgment is not paid within 60 days, the clerk shall furnish the Department of Insurance and the sheriff of the county in which the bond was executed, or the official responsible for operation of the county jail, if other than the sheriff, two copies of the judgment and a certificate stating that the judgment remains unsatisfied. When and if the judgment is properly paid or an order to vacate the judgment has been entered by a court of competent jurisdiction, the clerk shall immediately notify the sheriff, or the official responsible for the operation of the county jail, if other than the sheriff, and the Department of Insurance, if the department had been previously notified of nonpayment, of such payment or order to vacate the judgment. The clerk shall also immediately prepare and record in the public records a satisfaction of the judgment or record the order to vacate judgment.

Section 89. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 903.31, Florida Statutes, is amended to read:

903.31 Canceling the bond.—*Within 10 business days after* ~~When~~ the conditions of a bond have been satisfied or the forfeiture discharged or remitted, the court shall order the bond canceled *and, if the surety has attached a certificate of cancellation to the original bond, shall furnish an executed certificate of cancellation to the surety without cost.* An adjudication of guilt or innocence of the defendant shall satisfy the conditions of the bond. The original appearance bond shall not be construed to guarantee deferred sentences, appearance during or after a presentence investigation, appearance during or after appeals, conduct during or appearance after admission to a pretrial intervention program, payment of fines, or attendance at educational or rehabilitation facilities the court otherwise provides in the judgment.

Section 90. Section 631.221, Florida Statutes, is amended to read:

631.221 Deposit of moneys collected.—The moneys collected by the department in a proceeding under this chapter shall be *deposited in a qualified public depository as defined in s. 280.02, which depository with regards to such funds shall conform to and be bound by all the provisions of ch. 280, or invested with the State Treasurer pursuant to ch. 18* ~~from time to time deposited in one or more state or national banks, savings banks, trust companies, or savings and loan associations; and, in the case of the insolvency or voluntary or involuntary liquidation of any such depository which is an institution organized and supervised under the laws of this state, such deposits are entitled to priority of payment on an equality with any other priority given by the financial institutions codes of this state. The department may in its discretion deposit such moneys or any part thereof in such a financial institution as a trust fund~~.

Section 91. There is hereby appropriated the sum of $50,000 to the Department of Insurance from the Insurance Commissioner's Regulatory

Trust Fund for fiscal year 1989-1990 for the purpose of enabling the Bail Bond Regulatory Board to conduct a study of the provisions of chapter 648, Florida Statutes, which expires October 1, 1990, and is scheduled for review pursuant to s. 11.61, Florida Statutes, in advance of that date.

Section 92. Subsection (14) of section 768.28, Florida Statutes, 1988 Supplement, is amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions.—

(14)*(a)* The state and its agencies and subdivisions are authorized to be self-insured, to enter into risk management programs, or to purchase liability insurance for whatever coverage they may choose, or to have any combination thereof, in anticipation of any claim, judgment, and claims bill which they may be liable to pay pursuant to this section. Agencies or subdivisions, and sheriffs, that are subject to homogeneous risks may purchase insurance jointly or may join together as self-insurers to provide other means of protection against tort claims, any charter provisions or laws to the contrary notwithstanding.

(b) The claims files maintained by any risk management program administered by the state, its agencies, and its subdivisions and discussions pertinent to the evaluation of such claims files shall be considered privileged and confidential and shall be only for use by the administration of such risk management program in fulfilling its duties and responsibilities. Such claims files are exempt from the provisions of s. 119.07(1). This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(c) The proceedings, and the minutes thereof, of any risk management program administered by the state, its agencies, or its subdivisions, which relate solely to the evaluation of claims filed with such a risk management program or which relate solely to offers of compromise of claims filed with such a risk management program, shall not be subject to inspection under the provisions of s. 119.07(1); nor shall such proceedings be open to the public under the provisions of s 286 011. These exemptions are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

(d) The claims files and minutes of proceedings shall only be exempt from s. 119.07(1) until termination of all litigation and settlement of all claims arising out of the same incident.

Section 93. Section 627.6735, Florida Statutes, is amended to read:

627.6735 Order to discontinue certain advertising.—*An insurer must file with the department all advertisements for Medicare supplement policies pursuant to rules adopted by the department.* If, in the opinion of the department, any advertisement by a Medicare supplement policy insurer violates any of the provisions of part X of chapter 626 or any rule of the department, the department may enter an immediate order requiring that the use of the advertisement be discontinued. If requested by the insurer, the department shall conduct a hearing within 10 days of the entry of such order. If, after the hearing or by agreement with the insurer, a final determination is made that the advertising was in fact violative of any provision of part X of chapter 626 or of any rule of the department, the department may, in lieu of revocation of the certificate of authority, require the publication of a corrective advertisement; impose an administrative penalty of up to $10,000; and, in the case of an initial solicitation, require that the insurer, prior to accepting any application received in response to the advertisement, provide an acceptable clarification of the advertisement to each individual applicant.

Section 94. Subsections (1) and (3) of section 627.674, Florida Statutes, 1988 Supplement, are amended to read:

627.674 Minimum standards.—

(1) *An insurance policy or subscriber contract may not be advertised, solicited, or issued for delivery in this state as a Medicare supplement policy unless it meets the minimum standards. Such minimum standards do not preclude other provisions or benefits which are not inconsistent with these standards.* ~~The standards enumerated in this section shall be the minimum standards which a health insurance policy must meet before such a policy may be advertised, sold, delivered, or issued for delivery in this state as a Medicare supplement policy. Nothing in this section shall be construed as limiting or prohibiting the inclusion of additional coverages or benefits, provided such coverages or benefits are designed to fill the gaps in health care costs not addressed by the federal Medicare program.~~

(3) No policy shall be filed with the department as a Medicare supplement policy unless the policy meets or exceeds, either in a single policy or, in the case of nonprofit health care services plans, in one or more policies issued in conjunction with one another, the requirements of the NAIC Model Regulation to Implement the Individual Accident and Sickness Insurance Minimum Standards Act, as adopted by the National Association of Insurance Commissioners on *September 20, 1988* ~~June 6, 1979~~, as it applies to Medicare supplement policies. Requirements which must be satisfied include, but are not limited to, those which follow. The policy must:

(a) Cover *either* all *or none* of *the Medicare* Part A *inpatient hospital deductible amount* ~~(hospital insurance) eligible expenses for hospitalization to the extent not covered under Part A from the 61st day through the 90th day in any Medicare benefit period~~. *If a policy does not cover such deductible amount, that fact must be prominently stated at the top of the policy.*

(b) Cover *the daily copayment amount of Medicare* Part A eligible expenses *for the first 8 days per calendar year* incurred *for skilled nursing facility care* ~~as daily hospital charges during use of Medicare lifetime hospital inpatient reserve days~~.

(c) Cover; *the reasonable cost of the first 3 pints of blood, or an equivalent quantity of packed red blood cells, as defined by federal regulations under Medicare Part A, unless replaced in accordance with federal regulations* ~~upon exhaustion of all Medicare hospital inpatient coverage, including the lifetime reserve days, 90 percent of all Part A eligible expenses for hospitalization not covered by Medicare, subject to a lifetime maximum benefit of an additional 365 days~~.

(d)*1. Until January 1, 1990,* cover 20 percent of the amount of eligible expenses under Part B (supplementary medical insurance), regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of $200 of such expenses and to a maximum benefit of at least $5,000 per calendar year.

2. Beginning January 1, 1990, cover:

a. The copayment (20 percent) of Medicare eligible expenses, excluding outpatient prescription drugs, under Medicare Part B, regardless of hospital confinement up to the maximum out-of-pocket amount for Medicare Part B after the Medicare deductible amount.

b. Under Medicare Part B, the reasonable cost of the first 3 pints of blood, or an equivalent quantity of packed red blood cells, as defined by federal regulations, unless replaced in accordance with federal regulations.

c. The copayment amount of Medicare eligible expenses for covered home intravenous (IV) therapy drugs, as determined by the Secretary of Health and Human Services, subject to the Medicare outpatient prescription drug deductible amount, if applicable.

d. The copayment amount of Medicare eligible expenses for outpatient drugs used in immunosuppressive therapy, subject to the Medicare outpatient prescription drug deductible, if applicable.

(e) Have a definition of "Medicare eligible expense" that is not more restrictive than health care expenses of the kinds covered by Medicare or to the extent recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to Medicare claims.

(f) Provide that benefits designed to cover cost-sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factor. Premiums may be modified to correspond with such changes.

(g)~~(e)~~ Be written in simplified language, be easily understood by purchasers, and be otherwise in accordance with s. 627.602.

(h)~~(f)~~ Not limit or preclude liability under the policy for a period longer than 6 months because of a health condition existing before the policy is effective. The policy may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within 6 months before the effective date of coverage.

(i)~~(g)~~ Contain a prominently displayed no-loss cancellation clause enabling the applicant to return the policy within 30 days of the date of receipt of the policy, or the certificate issued thereunder, with return in full of any premium paid. Any refund made pursuant to this paragraph shall be paid in a timely manner by the insurer, directly to the individual who paid the premium.

(j)~~(h)~~ Contain a prominently displayed notice of any coordination-of-benefits clause which might in any way restrict payment under the policy.

(k)~~(i)~~ Be accompanied by a copy of the Medicare Supplement Buyer's Guide developed *jointly* by the National Association of Insurance Commissioners and the *Health Care Financing Administration of the* United States Department of Health *and Human Services*~~, Education, and Welfare~~. Delivery of the buyer's guide shall be made whether or not the policy qualifies as a Medicare supplement coverage in accordance with this act. Except in the case of a direct response insurer, delivery of the buyer's guide shall be made at the time of application, and acknowledgment of receipt or certification of delivery of the buyer's guide shall be provided to the insurer. Direct response insurers shall deliver the buyer's guide upon request but not later than at the time the policy is delivered.

(l)~~(j)~~ Be accompanied by an outline of coverage as to such policy, in the form prescribed by the National Association of Insurance Commissioners in the *NAIC Model Regulations to implement the* NAIC Medicare Supplement Insurance Minimum Standards Model Act as adopted by the National Association of Insurance Commissioners on *September 20, 1988* ~~December 8, 1987~~, and:

1. Such outline shall be delivered to the applicant at the time application is made, and, except for the direct response policy, acknowledgment of receipt or certification of delivery of such outline of coverage shall be provided to the insurer.

2. If the policy is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy, contract, or group certificate must accompany the policy, when it is delivered, and contain the following statement, in no less than 12-point type, immediately above the company name: "NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application, and the coverage originally applied for has not been issued."

3. Outlines of coverage delivered in conjunction with individual policies of hospital confinement insurance; indemnity insurance; specified disease insurance; specified accident insurance; supplemental health insurance, other than Medicare supplement insurance; or nonconventional health insurance coverage as defined by law in this state to persons eligible for Medicare by reason of age shall contain the following language which shall be printed on or attached to the first page: "This policy IS NOT A MEDICARE SUPPLEMENT policy. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the company."

Section 95. Subsection (1) of section 627.6745, Florida Statutes, 1988 Supplement, is amended to read:

627.6745 Loss ratio standards.—

(1) Medicare supplement policies shall return to policyholders in the form of aggregate benefits under the policy, as for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience, *or incurred health care expenses if coverage is provided by a health maintenance organization based on service rather than reimbursement,* and earned premiums for such period and in accordance with accepted actuarial principles and practices:

(a) At least 75 percent of the aggregate amount of premiums earned in the case of group policies; and

(b) For individual policies issued or renewed prior to July 1, 1989, at least 60 percent of the aggregate amount of premiums earned and for individual policies issued on or after July 1, 1989, at least 65 percent of the aggregate amount of premiums earned.

Section 96. Section 627.6746, Florida Statutes, is created to read:

627.6746 Compliance with Omnibus Budget Reconciliation Act.—Each entity that provides Medicare supplement policies or contracts must comply with all provisions of section 4081 of the Omnibus Budget Reconciliation Act of 1987 (P.L. 100-203) (OBRA).

Section 97. 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 98. The Division of Statutory Revision is hereby directed to prepare a revisor's bill to make corrections to other statutes reflecting the revisions made under this act.

Section 99. Except as otherwise provided herein, this act shall take effect upon becoming a law; and any policy or contract in force at the time of the effective date of this section must be amended to meet the requirements of this act upon renewal or upon the next anniversary date of the policy or contract, whichever occurs first.

Amendment 2—In title, on page 1, line 1 through page 10, line 10, strike all of said lines and insert:

A bill to be entitled An act relating to insurance and the State Fire Marshal; creating s. 627.482, F.S.; providing that interest is payable on the cash surrender of an insurance policy; creating s. 627.0645, F.S.; providing for annual filings; amending s. 627.410, F.S.; requiring certain insurers to annually submit rate filings to the Department of Insurance; providing a penalty; authorizing additional positions in the department; providing an appropriation; amending s. 631.011, F.S.; revising the definition of "secured claim"; amending s. 631.021, F.S.; providing that any delinquency proceeding brought under chapter 631, F.S., is in equity; creating s. 631.154, F.S.; providing the procedure to be utilized when funds or other property is in the possession of third persons and the receiver demands delivery of same; providing for the preservation of the property or funds; providing the elements of recovery should the receiver be successful in establishing its claim or any part thereof; creating s. 631.155, F.S.; providing that unearned commissions and unearned premiums constitute an asset of the insurer; providing for the duty to account for same; providing that compliance shall constitute a requirement for continued licensure under the Florida Insurance Code; amending s. 631.191, F.S.; providing that special deposit claims and secured claims are applicable to liquidation proceedings; revising provisions relating to the method of valuing such claims; amending s. 631.251, F.S.; providing that a claim of offset must be fully mature as of the date of filing of a liquidation order; amending s. 631.261, F.S.; providing that certain transfers of an affiliate are voidable and clarifying the time period in determining the voidable transfer; amending s. 631.262, F.S.; providing that transfers by an affiliate are included with respect to voidability; amending s. 631.361, F.S.; providing that a seizure order may direct the department to take possession and control of premium funds and other property of the insurer held by an affiliate and may enjoin any affiliate from certain actions; amending s. 631.55, F.S.; revising language with respect to the "Florida Life and Health Insurance Guaranty Association; amending s. 631.718, F.S.; reducing the classes of assessments; raising the cap on assessments; amending s. 626.901, F.S.; providing clarifying language with respect to persons prohibited from representing or aiding unauthorized insurers; amending s. 626.923, F.S.; requiring the furnishing of certain documents to the Department of Insurance by surplus lines agents upon request by the department; amending s. 626.930, F.S.; increasing the period of time for which surplus lines agents must maintain certain records; designating additional records to be maintained; amending s. 626.931, F.S.; requiring the listing of certain documents to be reported on the quarterly statement of surplus lines agents; amending s. 626.936, F.S.; providing an administrative penalty for the failure of a surplus lines agent to file a report or pay a required tax; creating s. 627.4143, F.S., to require an insurer to provide an outline of coverage upon delivery of a personal lines property or casualty policy; requiring disclosure of the principal benefits of the coverage, exclusions, limitations, reductions, renewal and cancellation provisions, and specific information relating to the cost of coverage; authorizing the Department of Insurance to promulgate rules; amending s. 624.404, F.S.; providing additional grounds for the Department of Insurance to deny, suspend, or revoke the authority of an insurer to transact insurance in this state; revising references to certain publications of the National Association of Insurance Commissioners; amending s. 624.407, F.S.; revising criteria with respect to capital funds required to transact insurance business in the state; providing for application; amending s. 624.408, F.S.; providing criteria necessary to maintain a certificate of authority to transact any one kind or combinations of kinds of insurance business in the state; amending s. 624.4095, F.S.; revising language with respect to restrictions on premiums written; amending s. 624.410, F.S.; eliminating certain insuring combinations which presently

may be conducted without additional capital funds; amending s. 624.411, F.S.; increasing deposit requirements for domestic and foreign insurers; revising requirements when the Department of Insurance determines that the financial condition of an insurer has deteriorated or that the policyholders' best interests are not being preserved by the activities of the insurer; amending s. 624.413, F.S.; revising language with respect to applications for certificate of authority; amending s. 624.414, F.S.; revising language with respect to issuance or refusal of authority; amending s. 624.420, F.S.; providing criteria for renewal of coverages by an insurer who has had his certificate of authority suspended; amending s. 624.421, F.S.; revising language with respect to the duration of suspension; amending s. 624.424, F.S.; providing clarifying language with respect to annual statements and other information; amending s. 624.430, F.S.; revising language with respect to withdrawal of an insurer or the discontinuance of writing certain kinds of lines of insurance; amending s. 624.609, F.S.; deleting language relating to limits of risk as to newly formed domestic mutual insurers; amending s. 624.610, F.S.; revising language with respect to reinsurance; providing for a summary statement and certification with respect to ceding insurers; creating s. 624.6011, F.S.; providing a definition of "kinds of insurance"; creating s. 624.6012, F.S.; providing a definition of "lines of insurance"; amending s. 625.031, F.S.; providing additional assets not allowed in determinations of financial condition under the Insurance Code; amending s. 625.041, F.S.; revising criteria with respect to liabilities charged against assets in determinations of financial condition, in general; amending s. 625.141, F.S.; providing for updated editions for valuation of bonds; amending s. 625.151, F.S.; providing for updated editions for valuation of securities; amending s. 625.161, F.S.; providing authority of the department in carrying out its responsibilities with respect to valuation of property; amending s. 625.305, F.S.; providing that the department may limit the extent of an insurer's deposits with any one financial institution under certain circumstances; amending s. 625.325, F.S.; providing for updated reference materials; amending s. 625.52, F.S.; revising language with respect to securities eligible for deposit; amending s. 628.071, F.S.; providing an additional ground for the grant or denial of a permit for stock and mutual insurers; amending s. 628.461, F.S.; revising language with respect to acquisition of controlling stock; amending s. 628.4615, F.S.; revising language with respect to acquisition of control of allied lines insurers; repealing s. 624.4081, F.S., relating to capital and surplus requirements of existing insurers; providing for review and repeal; amending s. 627.171, F.S.; expanding provisions which authorize, under specified conditions, the use of rates in excess of those which would otherwise be applicable to specific risks; creating s. 626.592, F.S.; requiring designation of a primary agent for each insurance agency location; providing definitions; providing conditions for suspension or revocation of a license; providing for verification of certain licensure status; requiring licensure of an agency under certain circumstances; amending s. 626.641, F.S.; prohibiting certain employment during suspension or revocation of a license or permit; amending s. 626.112, F.S.; revising criteria for the requirement of obtaining an insurance agency license; amending s. 626.621, F.S.; providing additional grounds for the discretionary refusal, suspension, or revocation of the license of any agent, solicitor, or adjuster, amending s. 626.641, F.S.; increasing the period of suspension or revocation; prohibiting suspended licensees or permittees from being employed by an insurance agent or agency; creating s. 626.8373, F.S.; requiring agents to perform certain duties to ensure that there shall not be overinsurance of health insurance or medical supplement insurance coverage; amending s. 626.9541, F.S.; revising language with respect to misrepresentation in insurance policies, twisting, refusal to insure with respect to unfair methods of competition an unfair or deceptive acts; amending s. 607.234, F.S.; correcting a reference; creating s. 624.1126, F.S.; providing an exemption from certain Insurance Code provisions for certain mutual aid associations; amending s. 626.211, F.S.; requiring that an applicant request a refund of license taxes after application disapproval in order to obtain the refund; amending s. 626.291, F.S.; requiring that an applicant request a refund of license taxes after license denial in order to obtain the refund; amending s. 626.9541, F.S., relating to the limit on the value of advertising gifts that an insurer or agent may give; amending s. 627.975, F.S.; revising provisions relating to credit for reinsurance for financial guaranty insurers; amending s. 639.108, F.S.; providing clarifying language with respect to the Preneed Funeral Contract Consumer Protection Trust Fund; amending s. 639.11, F.S.; adding requirements for the right to sell or solicit preneed funeral contracts; amending s. 639.17, F.S.; revising the criminal penalty provisions for violations of chapter 639, F.S., relating to preneed funeral contracts; providing for review and repeal; creating part VI of chapter 624, F.S.; providing for administrative supervision of an insurer by the Department of Insurance under specified conditions, including unsound condition, hazardous practices, and operation in excess of its certificate of authority; providing for confidentiality of certain proceedings and records; prohibiting certain acts during period of supervision; providing for other procedural matters with respect to such supervision including the payment of expenses; providing for review and repeal; amending s. 641.19, F.S.; defining "affiliate"; amending s. 641.26, F.S.; deleting certain annual report requirements; revising fines for neglecting to file such report; amending s. 641.35, F.S.; specifying certain assets not allowed in determination of financial condition; providing an exception; creating s. 641.386, F.S.; requiring certain agents of a health maintenance organization bo be licensed as a health insurance agent; amending ss. 407.07, 641.441, and 641.47, F.S.; correcting cross references; providing for review and repeal; amending s. 626.973, F.S.; revising state law relating to fictitious groups under the Florida Insurance Code to allow for group property or casualty insurance under certain circumstances; amending ss. 648.34, 648.36, 648.365, 648.39, 648.41, 648.44, 903.27, and 903.31, F.S.; providing for board review of courses for bail bondsmen; requiring the filing of an annual statement with the department; revising certain statistical reporting requirements; revising certain agent or runner termination reporting requirements; providing additional prohibitions regarding solicitation business;requiring certain filings with respect to forfeitures; providing procedures for cancellation of bonds; amending s. 631.221, F.S.; providing for the deposit of certain moneys collected by the Department of Insurance; providing an appropriation; amending s. 768.28, F.S.; providing for the confidentiality of claims files maintained by risk management programs of the state and its agencies and subdivisions; amending s. 627.6735, F.S.; requiring Medicare supplement policy insurers to file advertisements for such insurance with the Department of Insurance;amending s. 627.674, F.S.; requiring such policies to meet specified standards; providing for notification of certain provisions; amending s. 627.6745, F.S.; establishing loss ratio standards relating to returns to policy holders where service is provided by a health maintenance organization; creating s. 627.6746, F.S.; requiring Medicare supplement policy providers to comply with certain provisions of the Omnibus Budget Reconciliation Act of 1987; providing severability; providing an effective date.

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

CS for SB 845 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Dudley	Langley	Souto
Bankhead	Forman	Malchon	Stuart
Brown	Gardner	Margolis	Thomas
Bruner	Girardeau	McPherson	Thurman
Casas	Gordon	Meek	Walker
Childers, D.	Grant	Myers	Weinstein
Childers, W. D.	Grizzle	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard
Davis	Kirkpatrick	Ros-Lehtinen	
Deratany	Kiser	Scott	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments 2, 3, 5, 6, 8, 9, 10 and 13; has refused to concur in Senate Amendments 11 and 12 and requests the Senate to recede; has amended Senate Amendments 1 and 4, concurred in same as amended and passed CS for CS for CS for HB 950, as amended, and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for CS for HB 950—A bill to be entitled An act relating to health care; providing legislative findings and intent with respect to rural hospitals; amending s. 381.706, F.S.; exempting certain rural hospital programs from certificate-of-need requirements; exempting rural hospitals and emergency care hospitals from certificate-of-need application fees; amending s. 395.002, F.S.; defining "emergency care hospital"; providing for licensure; providing for participation in Medicaid and other programs and services; providing an exemption from certificate-of-need requirements; providing for rules; providing for a feasibility study for developing certain postsecondary allied health training and scholarship programs; providing for a rural hospital impact statement; amending s.

395.102, F.S.; clarifying the definition of "rural hospital"; including specified health personnel in a loan forgiveness program; providing for an alternative use of funds if federal matching funds are available; amending s. 400.602, F.S., authorizing the transfer of a hospice to certain entities; amending s. 407.002, F.S.; clarifying the definition of "rural hospital"; providing an appropriation; providing effective dates.

House Amendment 1 to Senate Amendment 1—On page 3, line 24, insert:

Section 15. *Notwithstanding the provisions of section 1.13.A. of Senate Bill 1500 as adopted by the 1989 Legislature:*

(1) Under the Prescription Drug Program, Co-payments shall be established as follows:

(a) $5.00 co-payment for brand-name drugs;

(b) $5.00 co-payment for generic drugs;

(c) $5.00 co-payment for mail-order drugs. There shall be a 90-day supply for all prescription drug purchases. In addition, pharmacies shall be reimbursed for the cost of goods at the average wholesale price plus a dispensing fee of $4. No participating pharmacy in the State Prescription Program shall be liable for any prescription which exceeds limitations of the plan or for any prescription dispensed to a person not listed as an eligible participant, as listed on the most recent eligiblity listing provided by the State to its administrators.

(Renumber subsequent sections.)

House Amendment 1 to Senate Amendment 4—On page 1, line 19, after the semicolon (;) insert: providing an exception to the appropriations act with respect to pharmacies and the prescription drug program;

On motions by Senator Thurman, the Senate receded from Amendments 11 and 12 and concurred in the House amendments to Senate Amendments 1 and 4.

CS for CS for CS for HB 950 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dudley	Langley	Stuart
Bankhead	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, D.	Grant	Myers	Weinstock
Childers, W. D.	Grizzle	Peterson	Woodson-Howard
Crenshaw	Johnson	Plummer	
Davis	Kirkpatrick	Ros-Lehtinen	
Deratany	Kiser	Souto	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1347 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1347—A bill to be entitled An act relating to growth management; creating s. 163.3179, F.S.; requiring local governments to provide for urban service areas in their comprehensive plans; requiring the state land planning agency to establish guidelines for such plans by rule; providing criteria; requiring that such rules be reviewed by the Legislature prior to their taking effect; amending s. 163.3161, F.S.; providing legislative intent; amending s. 163.3164, F.S.; providing for the definition of development; amending s. 163.3167, F.S.; revising provisions relating to sanctions against local governments that fail to submit a proposed comprehensive plan by the date required; amending s. 163.3171, F.S.; providing that the state land planning agency may waive or modify requirements for comprehensive plans, plan amendments, or land development regulations except concurrency for certain municipalities and providing requirements with respect thereto; amending s. 163.3174, F.S.; providing duties of the local planning agencies regarding comprehensive plan amendments; amending s. 163.3177, F.S., relating to required and optional elements of comprehensive plans; revising requirements relating to the capital improvements element, mass transit element, and parking element; providing requirements for a transportation system element; providing requirements for a plan element for infill development and redevelopment; amending s. 163.3184, F.S., relating to the process for adoption of comprehensive plans and amendments thereto; revising requirements and time periods relating to intergovernmental review, local government review of comments and adoption of plan or amendments and transmittal to specified agencies, imposition of sanctions, review by the state and regional planning agencies, and hearings regarding determination of compliance; providing procedures and duties of the Administration Commission, the local government, and the state land planning agency when a recommended order is to find a plan in compliance or not in compliance; authorizing compliance agreements between the state land planning agency and local governments and providing requirements regarding remedial actions and plan amendments; providing effect on administrative proceedings; amending s. 163.3187, F.S.; revising requirements relating to comprehensive plan amendments that may be approved without regard to limits on the frequency of such amendments; providing that amendments required by a compliance agreement may be approved without regard to such limits; amending s. 163.3191, F.S.; providing a time period for evaluation of initial comprehensive plans; amending s. 163.3202, F.S.; changing the time for submission of land development regulations; providing additional requirements relating to land development regulations; creating s. 163.3203, F.S.; creating the Florida Impact Fee Law; providing for the assessment and payment of impact fees; limiting circumstances under which counties may impose impact fees for transportation purposes; requiring governmental entities to provide certain impact fee credits; amending s. 163.3204, F.S.; authorizing the Department of Community Affairs to contract with regional planning agencies to assume certain of its duties under the act and providing for objections by local governments; creating s. 163.3216, F.S.; authorizing certain local governments to adopt sector plans as amendments to comprehensive plans; providing requirements for preparation, adoption, and amendment thereof; providing for fees; providing for contents; providing for review and annual reports; providing for appeals; authorizing the state land planning agency to carry out sector planning demonstration projects; requiring a report; ratifying certain stipulated settlement agreements and providing application of the act concerning such agreements; making retroactive the application of deadlines for adopting local land development regulations and applying concurrency; creating s. 186.009, F.S.; requiring the Executive Office of the Governor to prepare a Strategic Growth Management Implementation Plan; providing for the adoption of such plan by rule; providing requirements for the plan; amending s. 212.054, F.S.; providing for administering, collecting, and enforcing the discretionary sales surtax within a municipality; amending s. 212.055, F.S.; providing for the levy of a discretionary sales surtax pursuant to an extraordinary vote of the county governing authority or pursuant to referendum; providing notice requirements; authorizing certain municipalities to levy a local government surtax pursuant to referendum; amending s. 212.67, F.S.; renaming the Voted Gas Tax Trust Fund as the County Gas Tax Trust Fund; amending s. 336.021, F.S.; authorizing counties to impose a gas tax on fuel for county transportation purposes pursuant to ordinance rather than referendum; requiring the Department of Transportation to adopt rules establishing financially feasible level-of-service standards for roads on the State Highway System; providing requirements for such rules; providing for notice and public hearings; providing procedures for challenging rules establishing or modifying such level-of-service standards; requiring the Florida Transportation Commission to study the classification of roads on the State Highway System; requiring a report; requiring the Department of Community Affairs, with the assistance of the Advisory Council on Intergovernmental Relations, to analyze local government funding and taxpayer burden; providing an effective date.

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 163.3179, Florida Statutes, is created to read:

163.3179 Urban service areas.—

(1) In order to encourage more compact urban growth patterns, discourage urban sprawl, ensure an efficient transition of undeveloped land to developed land, facilitate the efficient provision of infrastructure and services, and protect natural resources and environmentally sensitive areas, local governments in their local government comprehen-

sive plans shall promote compact and mixed-use urban development within urban service areas and discourage urban development incompatible with the intent of this section. The state land planning agency shall establish, by rule, guidelines and principles for the establishment and implementation of urban service areas in local comprehensive plans. The guidelines and principles shall be developed on the basis of a comprehensive urban strategy, which strategy shall be included in the rule. The rule shall include minimum criteria for:

(a) The establishment and implementation of urban service areas in local government comprehensive plans.

(b) The provision of infrastructure and services within and outside urban service areas.

(c) The application of urban service area requirements in a differential manner between local governments of varying size and urban character, including exemptions from the requirements, where appropriate.

(2) The rule shall be consistent with the state comprehensive plan, chapter 163, chapter 9J-5, Florida Administrative Code, and the provisions of this section. A copy of the rule shall be submitted to the President of the Senate and the Speaker of the House of Representatives upon publication in the Florida Administrative Weekly. The rule shall not take effect before December 1, 1990. Local governments shall not be required to comply with the urban service area rule until the due date for submittal of their first evaluation and appraisal report.

(3) It is the intent of the Legislature that state and regional agencies shall adopt policies and programs which support and encourage the establishment and implementation of urban service areas and that government at all levels will provide regulatory incentives for development inside urban service areas. Prior to or simultaneously with the promulgation of the urban service area rule, the state land planning agency shall submit recommendations to the Legislature concerning the role of state and regional agencies in the establishment and implementation of urban service areas and regulatory incentives for development inside urban service areas.

(4) Nothing in this section is intended to modify, diminish or repeal any authority of the department existing prior to the effective date of this act.

Section 2. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (3) of section 163.3161, Florida Statutes, is amended to read:

163.3161 Short title; intent and purpose.—

(3) It is the intent of this act that its adoption is necessary so that local governments can preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; *direct development to those areas which have in place, or have agreements to provide, the land and water resources, fiscal ability, and the service capacity to accommodate growth in an environmentally acceptable manner as set forth in the state comprehensive plan;* overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; *provide for an efficient transition of rural land to urban land; enhance the liveability, character, and efficiency of urban areas through the encouragement of a mix of living, working, shopping, and recreational activities;* ~~prevent the overcrowding of land and avoid undue concentration of population;~~ facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

Section 3. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (5) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Definitions.—As used in this act:

(5) "Development" has the meaning given it in s. 380.04, *except that expansion of a road or of other infrastructure facilities within an existing right-of-way shall be considered development for the purposes of this part. The term "development" as used in this part shall not include the provision of roads, utilities, or other infrastructure facilities servicing development which has been specifically authorized within or in conjunction with a development order.*

Section 4. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (2) of section 163.3167, Florida Statutes, is amended to read:

163.3167 Scope of act.—

(2) Each local government shall prepare a comprehensive plan of the type and in the manner set out in this act or shall prepare amendments to its existing comprehensive plan to conform it to the requirements of this part in the manner set out in this part. Each local government, in accordance with the procedures in s. 163.3184, shall submit its complete proposed comprehensive plan or its complete comprehensive plan as proposed to be amended to the state land planning agency by the date specified in the rule adopted by the state land planning agency pursuant to this subsection. The state land planning agency shall, prior to October 1, 1987, adopt a schedule of local governments required to submit complete proposed comprehensive plans or comprehensive plans as proposed to be amended. Such schedule shall specify the exact date of submission for each local government, shall establish equal, staggered submission dates, and shall be consistent with the following time periods:

(a) Beginning on July 1, 1988, and on or before July 1, 1990, each county that is required to include a coastal management element in its comprehensive plan and each municipality in such a county; and

(b) Beginning on July 1, 1989, and on or before July 1, 1991, all other counties or municipalities.

Nothing herein shall preclude the state land planning agency from permitting by rule a county together with each municipality in the county from submitting a proposed comprehensive plan earlier than the dates established in paragraphs (a) and (b). Any county or municipality that fails to meet the schedule set for submission of its proposed comprehensive plan by more than *30* ~~90~~ days shall be subject to the sanctions described in s. 163.3184(11)*(g)*~~(a)~~ imposed by the Administration Commission. *Within 60 days after receipt of a notice of nonsubmission from the state land planning agency, the Administration Commission shall enter a final order concerning sanctions against the local government.* Notwithstanding the time periods established in this subsection, the state land planning agency may establish later deadlines for the submission of proposed comprehensive plans or comprehensive plans as proposed to be amended for a county or municipality which has all or a part of a designated area of critical state concern within its boundaries; however, such deadlines shall not be extended to a date later than July 1, 1991, or the time of re-designation, whichever is earlier.

Section 5. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (4) is added to section 163.3171, Florida Statutes, to read:

163.3171 Areas of authority under this act.—

(4) By written agreement with the governing body, the state land planning agency may waive or modify the content and format requirements for comprehensive plans or plan amendments that must be adopted under this part for any municipality the agency determines will have a population of fewer than 5,000 permanent and temporary residents in the year established for transmittal of the municipality's proposed comprehensive plan or plan amendments pursuant to s. 163.3167(2). The circumstances the agency considers in determining whether waiver or modification is appropriate for a municipality may include, but shall not be limited to, recent growth rates in population or land area; the extent to which it has vacant and developable land; its prospects of or need for redevelopment; the extent to which public services and facilities for its residents are supplied by other providers; and its past performance in responsible plan implementation and the adoption and enforcement of adequate land development regulations. An agreement between the state land planning agency and a municipality may not waive completely the format or content requirements for the future land use plan element, the capital improvements element, or the intergovernmental coordination element of the municipality's comprehensive plan. In no event shall an agreement waive or modify the concurrency requirements for infrastructure to be available when needed by development pursuant to s. 163.3177(10)(h) and s. 163.3202(2)(g). The governing body of the municipality must approve execution of an agreement under this subsection by formal action at a public hearing, with

notice as defined in s. 163.3164(17), with the notice being placed in the newspaper but not with the legal notices and classified ads. The state land planning agency shall adopt rules providing for the periodic review of agreements approved under this subsection to determine continuing eligibility for waiver or modification of requirements and rules providing time periods and procedures for the submission by the municipality of a plan or plan amendments, as required under this part. This subsection does not affect the procedure provided in this part for adoption or review of such comprehensive plan or plan amendment. As part of the evaluation and review process pursuant to s. 163.3191, the department shall review the agreement executed pursuant to this subsection and determine whether the agreement should be modified or voided using the criteria set forth above. The decision of the state land planning agency to execute, modify, or void an agreement pursuant to this subsection shall be final agency action and shall be subject to challenge by an affected person, as defined in s. 163.3184(1)(a).

Section 6. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) and paragraph (a) of subsection (4) of section 163.3174, Florida Statutes, are amended to read:

163.3174 Local planning agency.—

(1) The governing body of each local government, individually or in combination as provided in s. 163.3171, shall designate and by ordinance establish a "local planning agency," unless the agency is otherwise established by law. The governing body may designate itself as the local planning agency pursuant to this subsection. The governing body shall notify the state land planning agency of the establishment of its local planning agency. The local planning agency shall prepare the comprehensive plan *or plan amendment* after hearings to be held after due public notice and shall make recommendations to the governing body regarding the adoption of such plan or element, or portion thereof *or amendment thereto*. The agency may be a local planning commission, the planning department of the local government, or other instrumentality, including a countywide planning entity established by special act or a council of local government officials created pursuant to s. 163.02, provided the composition of the council is fairly representative of all the governing bodies in the county or planning area; however:

(a) If a joint planning entity is in existence on the effective date of this act which authorizes the governing bodies to promulgate and enforce a land use plan effective throughout the joint planning area, that entity shall be the agency for those local governments until such time as the authority of the joint planning entity is modified by law.

(b) In the case of chartered counties, the planning responsibility between the county and the several municipalities therein shall be as stipulated in the charter.

(4) The local planning agency shall have the general responsibility for the conduct of the comprehensive planning program. Specifically, the local planning agency shall:

(a) Be the agency responsible for the preparation of the comprehensive plan *or plan amendment* and shall make recommendations to the governing body regarding the adoption of such plan or element, or portion thereof *or amendment thereto*. During the preparation of the plan *or plan amendment* and prior to any recommendation to the governing body, the local planning agency shall hold at least one public hearing, with due public notice, on the proposed plan or element, or portion thereof *or amendment thereto*. The governing body in cooperation with the local planning agency may designate any agency, committee, department, or person to prepare the comprehensive plan or any element thereof *or amendment thereto*, but final recommendation of the adoption of such plan *or plan amendment* to the governing body shall be the responsibility of the local planning agency.

Section 7. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (b) of subsection (3), paragraph (a) of subsection (4), and paragraphs (a) and (d) of subsection (7) of section 163.3177, Florida Statutes, are amended, paragraph (c) is added to subsection (3) of said section, paragraph (j) is added to subsection (6) of said section, present paragraph (k) of subsection (7) of said section is redesignated as paragraph (l), and a new paragraph (k) is added to said subsection, to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.—

(3)

(b) The capital improvements element shall be reviewed *annually* ~~on an annual basis~~ and modified as necessary in accordance with s. 163.3187, except that corrections,~~; updates,~~ and modifications concerning costs,~~;~~ revenue sources~~;~~ *and* acceptance of facilities pursuant to dedications which are consistent with the plan,~~;~~ or *a cumulative delay of no more than 6 months in* the date of construction of any facility enumerated in the capital improvements element may be accomplished by ordinance and shall not be deemed to be amendments to the local comprehensive plan. All public facilities shall be consistent with the capital improvements element.

(c) In issuing development orders and permits, a local government may rely on the schedule for the first 3 years of the Department of Transportation's adopted work program; however, those projects that are relied upon for the issuance of development orders and permits shall be included in the capital improvements element.

(4)(a) Coordination of the local comprehensive plan with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region; with adopted rules pertaining to designated areas of critical state concern; and with the state comprehensive plan shall be a major objective of the local comprehensive planning process. To that end, in the preparation of a comprehensive plan or element thereof, and in the comprehensive plan or element as adopted, the governing body shall include a specific policy statement indicating the relationship of the proposed development of the area, *including any need for mitigation of extrajurisdictional impacts,* to the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region and to the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist.

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(j) As of July 1, 1991, or by the due date of its next evaluation and appraisal report required pursuant to s. 163.3191, whichever is later, any local government which is required pursuant to paragraph (i) to prepare a plan element pursuant to paragraphs (7)(a), (b), (c), and (d), or any local government which chooses to do so, shall submit a plan amendment to address such elements within a transportation system element which is integrated with and includes the traffic circulation element required within paragraph (b) and addresses the needs of the transportation disadvantaged.

(7) The comprehensive plan may include the following additional elements, or portions or phases thereof:

(a) As a part of the circulation element of paragraph (6)(b) or as a separate element, a mass-transit element showing proposed methods for the moving of people, rights-of-way, terminals, related facilities, and fiscal considerations for the accomplishment of the element. *The mass transit element must also identify existing and proposed transportation corridors for mass transit as determined under s. 337.273 for which the local government has entered into a corridor protection agreement with the Department of Transportation.*

(d) As a part of the circulation element of paragraph (6)(b) or as a separate element, a plan element for the development of ~~offstreet~~ parking facilities, *including onstreet parking,* for motor vehicles and the fiscal considerations for the accomplishment of the element.

(k) As part of the future land use element of paragraph (6)(a) or as a separate element, a plan element for infill development and redevelopment. This element should identify potential infill development and redevelopment sites inside designated urban service areas and may provide for a simplified and streamlined permit and development order approval process for infill and redevelopment projects. Within said areas, a local government may utilize special regulatory and economic incentives to promote infill development and redevelopment.

Section 8. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (a) of subsection (3), subsections (4), (7), (8), and (11), paragraph (b) of subsection (9), and paragraph (a) of subsection (10) of section 163.3184, Florida Statutes, are amended, subsections (12), (13), (14), and (15) are renumbered as subsections (13), (14), (15), and (16), respectively, and a new subsection (12) is added to said section, to read:

163.3184 Process for adoption of comprehensive plan or amendment thereto.—

(3) LOCAL GOVERNMENT TRANSMITTAL OF PROPOSED PLAN OR AMENDMENT.—

(a) Each local governing body shall, immediately following a public hearing pursuant to subsection *(16)* ~~(15)~~, transmit 10 copies of the complete proposed comprehensive plan or plan amendment to the state land planning agency for written comment. The local governing body shall also transmit a copy of the complete proposed comprehensive plan or plan amendment to any other unit of local government or government agency in the state that has filed a written request with the governing body for such plan, element, or plan amendment.

(4) INTERGOVERNMENTAL REVIEW.—The state land planning agency, upon receipt of a local government's complete proposed comprehensive plan or plan amendment shall transmit, within 5 working days after such receipt, a copy of the plan or plan amendment to various government agencies, as appropriate, for response or comment, including, but not limited to, the Department of Environmental Regulation, the Department of Natural Resources, the Department of Transportation, the water management district, and the regional planning council, and, in the case of municipal plans, to the county land planning agency. *If the complete proposed comprehensive plan or plan amendment of a local government is submitted after its scheduled submittal date, the state land planning agency shall transmit the copy of the plan or plan amendment to various government agencies, as appropriate, within the first 5 working days of the month following the month in which the state land planning agency receives the plan or plan amendment.* The governmental agencies shall provide comments to the state land planning agency *and to the local government* within 45 days after receipt of the plan or plan amendments. The appropriate regional planning council shall also provide its written comments to the state land planning agency within 45 days after receipt of the plan or plan amendments and shall specify any objections, recommendations for modifications, and comments of any other regional agencies to which the regional planning council may have referred the plan.

(7) LOCAL GOVERNMENT REVIEW OF COMMENTS; ADOPTION OF PLAN OR AMENDMENTS AND TRANSMITTAL.—The local government shall review the written comments submitted to it by the state land planning agency, and any other person, agency, or government. Any comments, recommendations, or objections and any reply thereto shall be public documents, a part of the permanent record in the matter, and admissible in any proceeding in which the comprehensive plan or plan amendment may be at issue. The local government, upon receipt of written comments from the state land planning agency, shall have *120* ~~60~~ days to adopt or adopt with changes the proposed comprehensive plan or s. 163.3191 plan amendments. In the case of comprehensive plan amendments other than those proposed pursuant to s. 163.3191, the local government shall have *120* ~~60~~ days to adopt the amendment, adopt the amendment with changes, or determine that it will not adopt the amendment. The adoption of the proposed plan or plan amendment or the determination not to adopt a plan amendment, other than a plan amendment proposed pursuant to s. 163.3191, shall be made in the course of a public hearing pursuant to subsection *(16)* ~~(15)~~. The local government shall transmit 5 copies of the adopted comprehensive plan or, in the case of plan amendments, 5 copies of the element amended and the text of the amendment to the state land planning agency within *10* ~~5~~ working days after adoption. The local governing body shall also transmit a copy of the adopted comprehensive plan or plan amendment to *the regional planning agency or to* any other unit of local government or governmental agency in the state that has filed a written request with the governing body for a copy of such plan, element, or plan amendment. *Any local government that fails to adopt or adopt with changes the proposed comprehensive plan within the required 120 days after receipt of written comments from the state land planning agency shall be subject to the sanctions described in subsection (11) and imposed by the Administration Commission.*

(8) NOTICE OF INTENT.—

(a) The state land planning agency, upon receipt of a local government's adopted comprehensive plan or plan amendment, shall have *60* ~~45~~ days for review and to determine if the plan or plan amendment is in compliance with this act. *The regional planning agency, upon receipt of the adopted plan or plan amendment, shall have 45 days to review the plan or plan amendment, to determine whether it is consistent with the appropriate comprehensive regional policy plan, and to notify the state land planning agency of its determination. The regional planning agency's determination shall be based upon its written comments pursuant to subsections (4) and (5) and any changes to the plan or plan amendment as adopted.* The state land planning agency may not find a local plan to be not in compliance unless the state land planning agency has participated in the public hearing pursuant to subsection (7) if requested to do so by the applicable local government. The agency's determination of compliance shall be only based upon ~~one or both of~~ the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); *or* ~~and~~

2. Any changes made by the local government to the comprehensive plan or plan amendment as adopted.

(b) During the *60-day* ~~45-day~~ period provided for in this subsection, the state land planning agency shall issue, ~~through a senior administrator other than the secretary,~~ as specified in the agency's procedural rules, a notice of intent to find that the local action is in compliance or not in compliance. A notice of intent shall be issued by publication of notice in the manner required by paragraph *(16)*~~(15)~~(c) and by mailing a copy to the local government and to persons who request notice. Notwithstanding the content requirements of paragraph *(16)*~~(15)~~(c), the content of the notice shall be sufficient to inform the public of the action taken.

(9) PROCESS IF LOCAL PLAN OR AMENDMENT IS IN COMPLIANCE.—

(b) The hearing shall be conducted by a hearing officer of the Division of Administrative Hearings of the Department of Administration, who shall hold the hearing in the *county of and convenient to the* affected local jurisdiction and submit a recommended order to the state land planning agency. The state land planning agency shall allow 10 days for the filing of exceptions to the recommended order and shall issue a final order within 30 days after receipt of the recommended order if the state land planning agency determines that the plan is in compliance. If the state land planning agency determines that the plan or plan amendment is not in compliance, the agency shall submit, within 30 days after receipt, the recommended order to the Administration Commission for final agency action.

(10) PROCESS IF LOCAL PLAN OR AMENDMENT IS NOT IN COMPLIANCE.—

(a) If the state land planning agency issues a notice of intent to find the comprehensive plan or plan amendment not in compliance with this act, the notice of intent shall be forwarded to the Division of Administrative Hearings of the Department of Administration, which shall conduct a proceeding under s. 120.57 in the *county of and convenient to the* affected local jurisdiction. The parties to the proceeding shall be the state land planning agency, the affected local government, and any affected person who intervenes. In the proceeding, the local government's determination that the comprehensive plan or plan amendment is in compliance is presumed to be correct. The local government's determination shall be sustained unless it is shown by a preponderance of the evidence that the comprehensive plan or plan amendment is not in compliance. The local government's determination that elements of its plans are related to and consistent with each other shall be sustained if the determination is fairly debatable.

(11) ADMINISTRATION COMMISSION.—

(a) If the recommended order is to find the comprehensive plan or plan amendment in compliance, the Administration Commission shall issue a final order pursuant to paragraph (g).

(b) If the recommended order is to find the plan or plan amendment not in compliance, the recommended order shall specify the remedial actions which would bring the plan or plan amendment into compliance. The recommended order shall also recommend the type and amount of funds and grants that should be withheld from local government pursuant to paragraphs (g) and (h) and the extent to which other sanctions in paragraph (h) shall be applied. The recommended order shall also recommend the extent to which the issuance of local development orders and permits should be prohibited. Recommendations regarding sanctions shall reasonably relate to the provisions of the plan or plan amendment found inconsistent with this part and shall take into account the nature and extent of the inconsistency. The recommendations concerning the nature and extent of the sanctions are advisory and shall not limit the Administration Commission's discretion.

(c) The local government shall, within 45 days after the receipt of the recommended order, complete the remedial actions and transmit five copies of any adopted plan amendments and other specified documents to the state land planning agency.

(d) A local government may adopt a plan amendment pursuant to a recommended order in accordance with the requirements of paragraph (16)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (16)(b)2. and paragraph (16)(c).

(e) The state land planning agency shall, within 45 days after receipt of the adopted plan amendments and other specified documents submitted pursuant to paragraph (c), review the plan amendments and other documents, determine if the local government has completed the remedial actions specified in the recommended order, and notify the Administration Commission of its determination.

(f) If the local government fails to transmit the copies of any adopted plan amendments to the state land planning agency within 45 days after receipt of the recommended order, the state land planning agency shall notify the Administration Commission.

(g)~~(a)~~ *The Administration Commission shall issue a final order to find the comprehensive plan or plan amendment in compliance or not in compliance.* If the Administration Commission~~, upon a hearing pursuant to subsection (9) or subsection (10),~~ finds that the comprehensive plan or plan amendment is not in compliance ~~with this act~~, the commission shall specify remedial actions which would bring the comprehensive plan or plan amendment into compliance. The commission *may prohibit the issuance of development orders and permits by the local government which are reasonably related to the provisions of the plan or plan amendment found inconsistent with this part and* may direct state agencies not to provide funds to increase the capacity of roads, bridges, or water and sewer systems within the boundaries of those local governmental entities which have comprehensive plans or plan elements that are determined not to be in compliance. The commission order may also specify that the local government shall not be eligible for grants administered under the following programs:

1. The Florida Small Cities Community Development Block Grant Program, as authorized by ss. 290.0401-290.049.

2. The Florida Recreation Development Assistance Program, as authorized by chapter 375.

3. Revenue sharing pursuant to ss. 206.60, 210.20, and 218.61 and part I of chapter 212, to the extent not pledged to pay back bonds.

(h)~~(b)~~ If the local government is one which is required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), the commission order may also specify that the local government is not eligible for funding pursuant to s. 161.091. The commission order may also specify that the fact that the coastal management element has been determined to be not in compliance shall be a consideration when the Department of Natural Resources considers permits under s. 161.053 and when the Board of Trustees of the Internal Improvement Trust Fund considers whether to sell, convey any interest in, or lease any sovereignty lands or submerged lands until the element is brought into compliance.

(i) If the Administration Commission finds that a local government has failed to submit a proposed plan within 30 days of the due date established pursuant to s. 163.3167(2) or an adopted plan within 30 days of the due date pursuant to subsection (7), the commission shall by final order impose the sanctions described in paragraphs (g) and (h) except to the extent that imposition of such sanctions would have a direct and adverse impact on another local government.

(12) COMPLIANCE AGREEMENTS.—

(a) At any time following the issuance of a notice of intent to find a comprehensive plan not in compliance with this part, the state land planning agency and the local government may enter into a compliance agreement. The compliance agreement must list each portion of the plan which is not in compliance, must specify remedial actions which the local government must complete within a specified time period in order to bring the plan into compliance, including transmittal and adoption of all necessary plan amendments, and may establish conditions under which the local government may issue development orders and permits until the state land planning agency determines that the comprehensive plan is in compliance with this part. All remedial actions shall be completed not later than 1 year after the issuance of a notice of intent to find the plan not in compliance.

(b) A compliance agreement must be approved by the local governing body at a public hearing. The public hearing to consider a compliance agreement shall be advertised at least 14 days before the public hearing in a newspaper of general circulation in the area. The advertisement shall substantially comply with the quarter-page advertisement requirements of subsection (16). The publication of the advertisement shall constitute the point of entry for affected persons who challenge provisions of the proposed compliance agreement, except for affected persons who have already intervened in the underlying s. 120.57 proceeding.

(c) Upon filing by the state land planning agency of a fully executed compliance agreement with the Division of Administrative Hearings of the Department of Administration, any administrative proceeding under s. 120.57 regarding those portions of the plan covered by the compliance agreement shall be stayed.

(d) A local government may adopt a plan amendment pursuant to a compliance agreement in accordance with the requirements of paragraph (16)(a). The plan amendment shall be exempt from the requirements of subsections (2)-(7). The local government shall hold a single adoption public hearing pursuant to the requirements of subparagraph (16)(b)2. and paragraph (16)(c). Within 10 working days after adoption of a plan amendment, the local government shall transmit five copies of the element amended, and the text of the amendment, to the state land planning agency and one copy to each governmental agency that has filed a written request for a copy of the plan amendment.

(e) The state land planning agency, upon receipt of a plan amendment adopted pursuant to a compliance agreement, shall issue a notice of intent upon the complete comprehensive plan submitted pursuant to s. 163.3167 in accordance with subsection (8). The agency's determination of compliance shall be based upon the provisions of the compliance agreement and actions which the local government agreed to take.

(f) If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the plan in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings of the Department of Administration, and the pending s. 120.57 proceeding pursuant to subsection (10) shall be dismissed by the hearing officer as to the portions of the plan subject to the compliance agreement. The dismissal shall constitute final agency action. Subsection (9) is applicable following the issuance of the notice of intent.

(g) If the local government adopts a comprehensive plan amendment pursuant to a compliance agreement and a notice of intent to find the comprehensive plan not in compliance is issued, the state land planning agency shall forward the notice of intent to the Division of Administrative Hearings of the Department of Administration, which shall consolidate the matter with the pending proceeding pursuant to subsection (10) and conduct a single proceeding under s. 120.57.

(h) If the local government fails to adopt a comprehensive plan amendment pursuant to a compliance agreement, the state land planning agency shall notify the Division of Administrative Hearings of the Department of Administration, which shall hold the pending s. 120.57 proceeding.

(i) This subsection does not prohibit a local government from amending portions of its comprehensive plan other than those which are the subject of the compliance agreement. However, such amendment to the plan may not be inconsistent with the compliance agreement, and a determination by the state land planning agency of inconsistency with the compliance agreement shall be sufficient reason to find the plan amendment not in compliance under this section.

Section 9. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, paragraph (c) of subsection (1) of section 163.3187, Florida Statutes, is amended, and paragraph (d) is added to said subsection, to read:

163.3187 Amendment of adopted comprehensive plan.—

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(c) Any local government comprehensive plan amendments *of the future land use map* directly related to proposed small scale development activities may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan under the following conditions:

1. The proposed amendment is a residential land use of 5 acres or less and a density of 5 units per acre or less or involves other land use categories, singularly or in combination with residential use, of 3 acres or less and:

a. The cumulative effect of the above *amendments* ~~condition~~ shall not exceed 30 acres annually;

b. The proposed amendment does not involve the same property more than once a year; ~~and~~

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within a period of 12 months; *and*

d. Public facilities and services are available to support the proposed uses consistent with ss. 163.3177(10)(h) and 163.3202(2)(g).

2. *By March 1 of each year,* the local government shall provide a ~~semiannual~~ report to the state land planning agency, *summarizing for the previous* ~~by July 1 and by December 31 of each~~ calendar year ~~summarizing~~ the type and frequency of use of the exemptions and the action taken on each by the local government; and

3. A local government is not required to comply with the *quarter-page publication* requirements of s. 163.3184*(16)*~~(15)~~(c), for plan amendments pursuant to this paragraph if the local government substantially complies with the *content* provisions in s. 163.3184*(16)*~~(15)~~(c) in a legal advertisement in a newspaper of general circulation within the local government's jurisdiction.

Plan amendments adopted pursuant to paragraph (1)(c) shall not be subject to a review and determination of compliance by the state land planning agency until the local government has adopted a comprehensive plan pursuant to s. 163.3184. *Within 5 working days after adoption of the plan amendment, the local government shall transmit to the state land planning agency a copy of the ordinance and one copy of the plan amendment. The state land planning agency shall review the annual reports for irregularities and misuse of these procedures.* The state land planning agency shall prepare a report to the Legislature by January 1 *of each year,* ~~1988,~~ setting forth its findings relating to the type and frequency of use of these exemptions and its recommendations.

(d) Any comprehensive plan amendment required by a compliance agreement pursuant to s. 163.3184(12) may be approved without regard to the provisions of this subsection on the frequency of adoption of amendments to the local comprehensive plan.

Section 10. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsection (1) of section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.—

(1) The planning program shall be a continuous and ongoing process. The local planning agency shall prepare periodic reports on the comprehensive plan, which shall be sent to the governing body and to the state land planning agency at least once every 5 years after the adoption of the comprehensive plan, *except that the comprehensive plan adopted pursuant to s. 163.3167(2) shall be evaluated within 3 years after it is adopted.* Reports may be transmitted at lesser intervals as may be required or upon request of the governing body. It is the intent of this act that adopted comprehensive plans be periodically updated through the evaluation and appraisal report.

Section 11. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, subsections (1) and (2) of section 163.3202, Florida Statutes, are amended to read:

163.3202 Land development regulations.—

(1) Within 1 year after *issuance of the notice of intent by the state land planning agency pursuant to s. 163.3184(8)* ~~submission of its revised comprehensive plan for review pursuant to s. 163.3167(2)~~, each county, each municipality required to include a coastal management element in its comprehensive plan pursuant to s. 163.3177(6)(g), and each other municipality in this state shall adopt or amend and enforce land development regulations that are consistent with and implement their adopted comprehensive plan.

(2) Local land development regulations shall contain specific and detailed provisions necessary or desirable to implement the adopted comprehensive plan and shall as a minimum:

(a) Regulate the subdivision of land.;

(b) Regulate the use of land and water for those land use categories included in the land use element and ensure the compatibility of adjacent uses and provide for open space.;

(c) Provide for protection of potable water wellfields.;

(d) Regulate areas subject to seasonal and periodic flooding and provide for drainage and stormwater management.;

(e) Ensure the protection of environmentally sensitive lands designated in the comprehensive plan.;

(f) Regulate signage.;

(g) Provide that public facilities and services meet or exceed the standards established in the capital improvements element required by s. 163.3177 and are available when needed for the development, or that development orders and permits are conditioned on the availability of these public facilities and services necessary to serve the proposed development. Not later than 1 year after its due date established by the state land planning agency's rule for submission of local comprehensive plans pursuant to s. 163.3167(2), a local government shall not issue a development order or permit which results in a reduction in the level of services for the affected public facilities below the level of services provided in the comprehensive plan of the local government.

(h) Ensure safe and convenient onsite traffic flow, considering needed vehicle parking, *including onstreet parking.*

(i) Ensure the protection of existing and proposed transportation rights-of-way and corridors designated in the comprehensive plan.

Section 12. (1) *The change in the time for adopting local land development regulations contained in this act, amending subsection (1) of s. 163.3202, Florida Statutes, is hereby declared to be retroactive and shall apply to all local governments which have adopted comprehensive plans or plan amendments pursuant to s. 163.3167, Florida Statutes, on or before the effective date of this section. Therefore, actions against, or requests of, a local government may not be initiated under subsection (4) of s. 163 3202, Florida Statutes, or s. 163.3213, Florida Statutes, until 1 year after the date of issuance of the notice of intent, and all pending actions against, or requests of, local government under subsection (4) of s. 163.3202, Florida Statutes, or s. 163.3213, Florida Statutes, are hereby continued until 1 year after the date of issuance of the notice of intent concerning that local government's plan.*

(2) This section shall take effect July 1, 1989, or upon this act becoming a law, whichever occurs later.

Section 13. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 163.3216, Florida Statutes, is created to read:

163.3216 Sector planning process.—

(1) PURPOSE.—In order to assist in the implementation of its local comprehensive plan, a local government may adopt a sector plan as an amendment to its comprehensive plan. A sector plan will allow a local government, in cooperation with the public, to address the impact of development on natural, environmental, and historical resources and to ensure the provision of the public facilities and services needed to serve that development.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Sector plan" means a plan, or any amendment thereto, that is a more detailed plan for a defined planning area than the adopted local government comprehensive plan, is consistent with such comprehensive plan, and otherwise meets the requirements of this section.

(b) "Sector planning area" means the area encompassed by a sector plan. The land parcels comprising the sector planning area must be contiguous and must exceed 5 gross acres.

(3) PREPARATION, ADOPTION, AND AMENDMENT OF SECTOR PLANS.—

(a)1. This section applies only in those jurisdictions in which the local government has authorized, by resolution or local ordinance, sector planning pursuant to the provisions of this section. A local government, or a person who represents property ownership interest in at least 51 percent of the total lands within the sector planning area, may sponsor the preparation and adoption of a sector plan.

2. A local government may proceed with the preparation of a sector plan only after the local government comprehensive plan has been found to be in compliance by the state land planning agency and the local government has adopted land development regulations to implement the comprehensive plan.

3. It shall be the responsibility of the local government to prepare a sector plan for an area under its jurisdiction; however, if the sponsor of the sector plan is other than the local government, the local government may by written agreement authorize the sponsor to prepare some or all of a proposed sector plan.

(b)1. A sector plan shall be adopted as an amendment to the local government comprehensive plan as prescribed by the provisions of s. 163.3184(3), (4), (5), (6), (7), and (16), in addition to any other requirements for the preparation or adoption of a sector plan which are provided in this section.

2. A local governing body may consider the adoption of a sector plan without regard to the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan.

(c) Amendments to an adopted sector plan must comply with the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan; however, a sector plan amendment incorporating a development of regional impact may be considered for adoption by the local government without regard to the provisions of s. 163.3187(1) regarding the frequency of adoption of amendments to the local comprehensive plan.

(4) PLANNING AND REVIEW FEES.—

(a) The local government may impose a planning fee upon persons that seek governmental approvals for development within the sector planning area. Such planning fees, in the aggregate, must defray but not exceed the cost of the preparation, adoption, and administration of the sector plan. The fee charged each landowner must be a prorated amount based on ownership of property in the sector or another reasonable basis. It is the intent of the Legislature in providing for such fees to charge persons who benefit from sector plans for the costs of developing those sector plans.

(b) The appropriate regional planning agency may calculate and collect a fee in an amount that does not exceed the cost of performing the review of a sector plan.

(5) CONTENTS OF A SECTOR PLAN.—A sector plan must contain:

(a) A statement certifying and demonstrating that the sector plan is consistent with the local government comprehensive plan and a description of how the sector plan will further the goals and policies of the local comprehensive plan.

(b) A master development plan for the sector planning area.

(c) A map of existing and proposed land uses by type and density, including development phasing, if applicable.

(d) Provisions to ensure that all public facilities, as defined by s. 163.3164(23), and those related services which the local government deems necessary to operate the facilities necessitated by the development allowable under the sector plan are available concurrent with the impacts of development. In lieu of, or in addition to, such provisions, the sector plan may incorporate an executed development agreement, pursuant to the Florida Local Government Development Agreement Act, that has been entered into between the local government and the sponsor of the sector plan to provide the necessary facilities and services.

(e) An assessment of the impacts of development allowable under the sector plan that would affect lands outside the boundaries of the sector plan, including lands in other jurisdictions, and the conditions and provisions to mitigate those impacts.

(f) An identification of the natural, environmental, and historical resources of state or regional significance for state and regional review, and of local significance for local review, potentially adversely affected by development under the sector plan and the provisions and conditions to protect those resources or mitigate any adverse effects.

(g) Provisions for the equitable distribution of development rights under the sector plan.

(h) Identification of the monitoring procedures and the local official responsible for assuring compliance with the conditions of the sector plan.

(i) A description of all land development regulations that will apply to development under the sector plan.

(j) A date by which the local government agrees that the sector plan and the sector planning area shall not be subject to down-zoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the adoption of the sector plan have occurred, that the sector plan was based on substantially inaccurate information, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

(k) Identification of any other conditions or requirements which the local government determines to be necessary or desirable for the implementation of the local government comprehensive plan.

(6) REGIONAL REVIEW.—The review of the sector plan by the regional planning agency shall be limited to the information required in a sector plan under paragraphs (5)(e) and (f); however, nothing shall preclude the regional planning agency from conducting a review of other information in the sector plan for the local government through contractual agreement.

(7) RULE AUTHORITY.—The state land planning agency shall adopt rules, including standards and criteria, to ensure uniform construction, application, preparation, review, and adoption of sector plans, and annual reports on sector plans, by local government.

(8) APPEAL STANDING.—An affected person who has standing to challenge an amendment to a local government comprehensive plan amendment has standing to challenge a sector plan or amendment to a sector plan, but such challenge is limited to the issue of the consistency of the sector plan or amendment to the sector plan with the local government comprehensive plan.

(9) AUTHORITY FOR SECTOR PLANNING DEMONSTRATION PROJECTS.—

(a) The state land planning agency is hereby authorized to carry out sector planning demonstration projects with up to three local governments that have been authorized, by resolution or local ordinance, to do sector planning pursuant to the provisions of this section.

(b) As part of its authority to conduct sector planning demonstration projects under this section, the state land planning agency shall:

1. Have the authority to waive any or all provisions of s. 380.06 as such section would apply to a development undertaken as part of a sector planning demonstration project.

2. Prepare a final report to be submitted to the President of the Senate and the Speaker of the House of Representatives no later than July 1, 1993, on the effect of the sector planning demonstration projects conducted under this section, including, but not limited to, an assessment of the manner in which extrajurisdictional impacts of development were considered and successfully resolved.

(10) This section shall stand repealed on July 1, 1994. All sector plans adopted prior to that date shall remain in effect until modified or repealed by the appropriate local government.

Section 14. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 186.009, Florida Statutes, is created to read:

186.009 Legislative review of state comprehensive plan; Strategic Growth Management Implementation Plan.—

(1) The Legislature shall undertake a thorough review, prior to its next regular session, of the goals, policies, and objectives of the state comprehensive plan.

(2)(a) By January 15, 1990, the Executive Office of the Governor shall provide a report to the presiding officers of the Legislature which shall:

1. Recommend changes in the format of state agency functional plans, and the reasons therefor.

2. Recommend changes to the annual report requirement contained in s. 186.031, and the reasons therefor.

3. Recommend changes to the capital improvements planning of state agencies and the Executive Office of the Governor, and the reasons therefor.

(b) The Executive Office of the Governor, assisted by the Department of Community Affairs, shall prepare a proposed Strategic Growth Management Implementation Plan to provide guidance for the development of plans and capital improvement programs by governmental entities influencing Florida's growth. The proposed plan shall be submitted to the Administration Commission, the Speaker of the House of Representatives, and the President of the Senate by March 1, 1990. The plan shall be adopted by the Administration Commission as a rule pursuant to chapter 120 by no later than July 1, 1990. Such rule shall take effect December 1, 1990, and shall apply only to state agencies.

(3) The Strategic Growth Management Implementation Plan shall include the goals and measurable objectives for growth and development in the state.

(4) To implement the goals and measurable objectives established under subsection (3), the Strategic Growth Management Implementation Plan shall include, but not be limited to:

(a) Strategies state agencies will use to encourage or limit various types of growth.

(b) Identification of areas of state environmental significance and strategies to protect the natural values of these areas and prohibit their urbanization through regulation, acquisition of interests in property, and incentives and disincentives to steer growth away from the areas identified.

(c) Strategies for achieving an equitable system of taxation to accomplish the strategies included in the plan.

(d) Strategies for ensuring that there is an integrated approach at all levels of government toward accomplishing the concurrency requirements set forth in ss. 163.3177(10)(h) and 163.3202(2)(g).

(e) Strategies for ensuring that state agencies administer their regulatory, construction, and funding programs so as to encourage the efficient provision of urban services and protect areas of state environmental significance.

(f) Strategies to establish state solutions which will assist local governments in providing affordable housing.

(g) Strategies to resolve or reduce intergovernmental disputes in determining which unit of government will be the provider of particular urban facilities and services.

(h) Other strategies as are necessary to provide an integrated and comprehensive approach to growth and development and which are consistent with the state comprehensive plan.

(5) All rules of state agencies adopted or amended after the effective date of the rule and all expenditures for state agency purposes for capital improvements after the effective date of the rule shall be consistent with the Strategic Growth Management Implementation Plan, as it may be amended from time to time, except to the extent that the rule or expenditure cannot be consistent with the Strategic Growth Management Implementation Plan and still adhere to specific direction given to the agencies by the Legislature through law or appropriation.

Section 15. Effective October 1, 1990, section 339.178, Florida Statutes, is created to read:

339.178 Levels of service for the State Highway System.—

(1) The definition of the term "State Highway System" provided in s. 334.03 is incorporated by reference in this section.

(2)(a) The Department of Transportation shall establish and adopt, by rule, level-of-service standards for sections of roads on the State Highway System. In establishing level-of-service standards the Department of Transportation shall consider and balance:

1. Existing land development patterns, land development patterns in approved local government comprehensive plans, and policies and goals in the comprehensive regional policy plans and the state comprehensive plan;

2. Design and operational parameters as established by the Department of Transportation in accordance with Federal Highway Administration guidelines;

3. The safe and efficient movement of people and goods;

4. The geographic location of individual roads or a portion of a road, including, but not limited to, whether the road or a portion of a road is within an existing urbanized area, an incorporated place outside an existing urbanized area, an area projected to become part of an urban or urbanized area within a planning period of approximately 20 years, or a rural area;

5. The functional classification of the road; and

6. Existing access and access-management systems available to the department to maintain and enhance the capacity of state roads or transportation systems.

(b) In establishing level-of-service standards, the Department of Transportation shall designate sections of roads on the State Highway System for special consideration where:

1. The existing level of service is at the lowest established level-of-service standard and major capacity improvements are not included in the Department of Transportation's adopted work program or the capital improvement element of the local government's comprehensive plan;

2. The road is constrained either physically or environmentally from major capacity improvements; or

3. The road is parallel to a transit facility that is supported by local government efforts to promote that transit facility.

The Department of Transportation shall, in connection with such special state road designation, establish standards and methodologies on the amount of acceptable increases in the traffic volume on such designated roads on the State Highway System until the incorporation of major capacity improvements in the department's adopted work program or the capital improvement element of the local government's comprehensive plan. Such standards and methodologies shall include, but not be limited to, consideration of the range of impact of land densities and traffic flows to existing interchanges and major access points and specific transportation corridor policies and programs.

(c) Level-of-service standards established for roads on the State Highway System shall be financially feasible based on current operating conditions and currently available revenue sources which are projected in the department's adopted work program or the capital improvement element of the local government's comprehensive plan. Nothing contained herein shall be construed or interpreted to preempt the provisions of chapter 9J-5, Florida Administrative Code, as amended.

(d) The level of service standards shall be established in a manner that divides the State Highway System into sections of varying lengths. These sections may be continuous as long as highway and traffic characteristics remain significantly unchanged. Significant changes in such characteristics shall require the identification of new sections. Factors to be considered in establishing termini of sections include, but are not limited to:

1. A major change in access points or a change identified in an adopted access management classification;

2. A major change in existing land use, intensities, and densities;

3. A major change in land use, intensities, and densities projected in an approved local government comprehensive plan;

4. A change in the number of through lanes;

5. An intersecting principal arterial or freeway;

6. A change in functional classification;

7. A major change in traffic volume.

(3) The Department of Transportation shall hold at least one public hearing in each district at least 30 days prior to the filing of the notice of rulemaking. Such public hearing shall be noticed to the public in a manner similar to advertisement requirements for a public hearing in s. 163.3184(16)(c). Immediately following the public hearing, the affected local government may submit comments to the Department of Transportation. Adoption of rules establishing level-of-service standards on roads on the State Highway System shall not be subject to a rule challenge under s. 120.54(4) or drawout proceedings under s. 120.54(17), but shall be subject to challenge under s. 120.56. However, pursuant to s. 120.56, a local government, a regional planning council, or any affected person as defined in s. 163.3184(1) may challenge the establishment or modification of a level of service as applied to a road or segment of road on the State Highway System within the local government's jurisdiction.

Section 16. (1) *The Florida Transportation Commission shall perform a study of the functional classification of roads on the State Highway System. The commission shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than September 15, 1989. In its report, the commission shall, at a minimum:*

(1) Determine the fiscal impact and any other effects of a transfer of responsibility to the counties, if made pursuant to s. 335.04, Florida Statutes, for those urban minor arterials on the State Highway System that should be reclassified and transferred.

(2) Evaluate the appropriateness of transferring responsibility to the counties for those minor arterial extensions into urban areas that are on the State Highway System. In addition, determine the fiscal impact and other effects of a transfer of responsibility for such roads and recommend a reasonable timeframe for the phased transfer of such roads, if different than that already provided by law.

(3) Evaluate existing requirements for establishing levels of service on public roads and recommend whether procedures for setting levels of service on segments and corridors of the State Highway System should be established and what those procedures should be.

(4) Provide an estimate of the costs for improving the State Highway System from the current, actual operating level of service standards to the financially feasible level of service standards established by the department and an estimate of the costs for improving the State Highway System from the financially feasible level of service standards to those levels of service standards that are derived from the Highway Capacity Manual Special Report 209, Transportation Research Board, National Research Council, 1985 System Level of Service Standards and Guidelines Manual dated January 1989.

(2) This section shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Section 17. Effective July 1, 1989, or upon becoming a law, whichever occurs later, section 163.709, Florida Statutes, is created to read:

163.709 Analysis of local government funding.—

(1) To assist the Governor and Legislature in making decisions relating to shared state-local programs and funding, the Advisory Council on Intergovernmental Relations shall conduct an annual assessment of local government funding and publish an index of average taxpayer burden in each local jurisdiction by December 1 of each year.

(2) The assessment of local government funding shall be based upon the most recent financial information available and shall contain an analysis of the revenue sources available to the local government, including shared state resources, and an evaluation of the extent each tax source is utilized.

(3) The index of average taxpayer burden shall be developed by the council and shall reflect a composite of local taxes and fees levied by all local governmental units, including special districts and regional agencies, paid by an average household. In addition to the composite index, the council may provide analyses of individual services which are supported by local taxes or fees. In evaluating individual services, the council may survey and report its evaluation of the comparative effect of private providers, as well as various governmental providers, of the same services.

Section 18. Effective upon this act becoming a law, subsection (2) of section 335.182, Florida Statutes, 1988 Supplement, is amended to read:

335.182 Regulation of connections to roads on State Highway System; definition.—

(2) Counties, municipalities, or transportation or expressway authorities may adopt standards for access permitting on the State Highway System which meet or exceed the department's standards, provided that such standards may not be inconsistent with standards adopted by the department. ~~Except when the department has delegated its access permitting function to another permitting authority pursuant to s. 335.189,~~ Permits from both the department and the other permitting authority shall be required for connections to the State Highway System. Where the permit conditions of such permitting authority are inconsistent with the permit conditions required by the department, the department's requirements shall control.

Section 19. Effective upon this act becoming a law, section 335.1825, Florida Statutes, 1988 Supplement, is amended to read:

(Substantial rewording of section. See s. 335.1825, F.S., 1988 Supp., for present text.)

335.1825 Access permit required; conditions; denial by department; local government action; expiration; closing of unpermitted connections.—

(1) Access to roads on the State Highway System shall be allowed only when authorized by a permit issued by the department and any other permitting authority authorized to do so pursuant to this act.

(2) Subject to all applicable provisions of chapter 120, access permits may be issued subject to conditions requiring the performance of certain actions by the permittee, including the use of joint-use connections, improving road segments on the State Highway System, connecting to existing local road systems that already connect to the State Highway System, or other actions that ensure the safe and efficient use of the State Highway System while ensuring that adopted level of service standards are maintained and are not reduced.

(3)(a) No access permit shall be issued if the estimated traffic volume from the proposed connection would cause a reduction in the level of service standard established by the department or in an approved local government comprehensive plan which has been deemed in compliance pursuant to part II of chapter 163.

(b) If the department denies an access permit pursuant to this subsection, the local government with jurisdiction for approving the development associated with the access permit may deny the development approval. Action in such case by the permittee shall be against the department.

(c) If the department denies an access permit pursuant to this subsection and the local government with jurisdiction for approving the development associated with the access permit approves the development, the local government shall, before issuing a final development order:

1. Undertake such improvements as are required to ensure that adopted level of service standards are maintained and are not reduced; or

2. Require the permittee, as a condition of development approval, to undertake such improvements; or

3. Require, as a condition of development approval, that the development be phased over time to correspond with planned road improvements so that the intensity or density of the development be changed so that the adopted level of service standards are maintained and are not reduced; or

4. Reduce the level of services standard for the affected road segment in order to meet the requirements of s. 163.3202(2)(g). The local government shall conduct a special hearing to take public testimony on the effects of the proposed development on the transportation system, especially the adopted level of service standard. Such hearing shall be in addition to any hearings required in order to adopt amendments to the local comprehensive plan or the capital improvements element pursuant to part II of chapter 163. A local government shall not use this option if the department officially determines that a reduction in the level of service standard is not in the best interests of the state because

a particular road segment is critical to the functioning of the State Highway System. The hearing required by this subparagraph shall be held after 5 p.m. on a weekday and notice thereof shall be advertised at least 7 days prior to the hearing in accordance with the requirements of s. 125.66(5)(b)2.; the form of the notice shall be determined by the local government but shall conform to the intent of s. 125.66(5)(b)2.

If the local government complies with the requirements of subparagraph 1., subparagraph 2., subparagraph 3., or subparagraph 4., the department shall approve the access permit if all other requirements of this act have been met.

(4) All access permits issued pursuant to this act shall automatically expire and become invalid 1 year after issuance if the connection or required improvements are not constructed by such time.

(5) Except as otherwise provided in this act, an unpermitted connection shall be closed by the department or other permitting authority which may remove or install barriers across the connection. Reasonable notice shall be provided by the department or permitting authority to the property owners served by the connection to be closed. The department shall prescribe by rule its procedures for preventing the operation of unpermitted connections and for providing the notice required by this subsection.

Section 20. *Effective upon this act becoming a law, section 335.185, Florida Statutes, 1988 Supplement, as created by chapter 88-224, Laws of Florida, is hereby repealed.*

Section 21. Effective upon this act becoming a law, subsection (1) of section 335.187, Florida Statutes, 1988 Supplement, is amended to read:

335.187 Unpermitted connections; existing access permits; nonconforming permits; modification and revocation of permits.—

(1) Unpermitted connections to the State Highway System in existence on July 1, 1988, which have been in continuous use for a period of 1 year or more shall not require the issuance of a permit and may continue to provide access to the State Highway System. However, a permitting authority may require that a permit be obtained for such a connection if a significant change occurs in the use, design, or traffic flow of the connection or of the state highway to which it provides access. If a permit is not obtained, the connection may be closed pursuant to s. 335.1825*(5)*~~(3)~~.

Section 22. Effective upon this act becoming a law, paragraph (c) of subsection (2) of section 335.188, Florida Statutes, 1988 Supplement, is amended to read:

335.188 Access management standards; access control classification system; criteria.—

(2) The principal component of the roadway access management standards shall be an access control classification system for all routes on the State Highway System, the purpose of which shall be to provide specific standards to be adhered to in the planning for and approval of access to roads on the State Highway System. Such classification system shall be developed consistent with the following:

(c) The rule required by this section shall provide that assignment of a road segment to a specific access category be made in consideration of the following criteria:

1. The current functional classification as well as potential future functional classification of each road on the State Highway System;

2. Existing and projected traffic volumes;

3. The adopted level of service standard for the road or road segment;

4.~~3.~~ Existing and projected state, local, and metropolitan planning organization transportation plans and needs;

5.~~4.~~ Drainage requirements;

6.~~5.~~ The character of lands adjoining the highway;

7.~~6.~~ Local land-use plans and zoning, as set forth in comprehensive plans;

8.~~7.~~ The type and volume of traffic requiring access;

9.~~8.~~ Other operational aspects of access;

10.~~9.~~ The availability of reasonable access by way of county roads and city streets to a state highway as an alternative to a connection to a state highway; and

11.~~10.~~ The cumulative effect of existing and projected connections on the State Highway System's ability to provide for the safe and efficient movement of people and goods within the state.

Section 23. Effective upon this act becoming a law, section 335.189, Florida Statutes, 1988 Supplement, is amended to read:

335.189 *Authority of* ~~Delegation of access permitting function to~~ other governmental entities *to permit access*; permitting process; interlocal agreements.—

(1) The department *may authorize* ~~is authorized to delegate its access permitting function to~~ those counties, municipalities, or expressway or transportation authorities it finds to be financially and technically capable of implementing *such responsibility to act as access permitting authorities pursuant to this act* ~~the delegation~~.

(2) The department may *grant such* ~~only delegate its~~ permitting authority *only* when regulations have been adopted by the local governmental entity that address, at a minimum, all current access standards adopted by the department. The local regulations must meet or exceed those standards currently adopted by the department. Additional standards not contained in the department's standards *which exceed such standards* may be included.

(3) The department is authorized to enter into interlocal agreements to carry out the provisions of this act. Such agreements shall contain the following:

(a) A provision determining responsibility for any liabilities that might be incurred through performance of the interlocal agreement;

(b) A requirement that the department be provided notification of intent to issue a permit within a reasonable period of time before the permit is issued;

(c) A procedure for allowing the department to challenge the intent to issue a permit by the local governmental entity;

(d) A provision setting forth a procedure for relocating, altering, or closing of a connection when required by the department for good cause;

(e) A provision that any changes to the local access regulations that result in standards which do not meet or exceed the standards of the department shall provide grounds for rescinding or terminating the agreement; ~~and~~

(f) A provision that a determination by the department that a particular road segment is critical to the functioning of the State Highway System allows the department to invalidate a permit issued by the local governmental entity; and

(g)~~(f)~~ A provision that any changes to the department's standards shall be included in the local access regulations.

(4) A local governmental entity may request that permitting authority be *granted* ~~delegated~~ by the department. Upon a determination by the department that the requirements of this section have been met, such *authority* ~~delegation~~ shall be effective as provided in an interlocal agreement.

(5) A *grant of authority* ~~delegation~~ pursuant to this section may be rescinded if the secretary determines that such *authority* ~~delegation~~ is not being carried out in accordance with the interlocal agreement.

Section 24. Effective July 1, 1989, or upon this act becoming a law, whichever occurs later, section 163.3203, Florida Statutes, is created to read:

163.3203 Impact fees.—

(1) This section may be cited as the "Florida Impact Fee Law."

(2) Impact fees shall be assessed no later than at the time of the issuance of a building permit. Payment of the impact fee shall occur no later than the issuance of a certificate of occupancy or other final action authorizing the intended use of a structure.

(3) Any governmental entity imposing a new impact fee or increasing the limit of an existing impact fee on residential property subse-

quent to October 1, 1989, shall make a legislative finding as to the effect of such impact fee on affordable housing within its jurisdictional limits. Such legislative finding shall be in the ordinance imposing such impact fee or in any documentation establishing the methodology for the calculation of the impact fees. Factors to be considered in making such legislative finding shall include, but not be limited to, the cumulative effect of all impact fees imposed on residential property by all governmental units within the jurisdiction, the need and availability of affordable housing within the jurisdiction or within areas of customary commuting distance, and the availability within the jurisdictional limits of the governmental entity of established programs to provide assistance to persons and families in obtaining affordable housing.

(4) After adoption of a capital improvement element pursuant to s. 163.3177(3), a governmental entity may not impose a new impact fee or raise the level of an existing impact fee without having identified the type of facility or improvement for which the fee is being collected in the capital improvement element, or, for a facility or improvement not required to be in the capital improvement element, in a separate document adopted by the governmental entity. The ordinance imposing the impact fee shall establish a methodology for determining the impacts of new or expanded development on the facility or improvement to be funded at least in part by impact fees. The impact fees in the aggregate may not exceed such impact and shall be reduced by the future revenue credit provided in paragraph (5)(a).

(5) A governmental entity collecting an impact fee shall adopt a method for providing credits against the amount of the impact fee that can be imposed for:

(a) Future revenues generated by new or expanded development which are allocated by the governmental entity for the same type capital facility or improvement for which the impact fee has been collected. The timeframe for consideration of future revenues shall be consistent with the planning timeframe of the capital improvement element, or, for a facility or improvement not required to be in the capital improvements element, a timeframe adopted by the local government in a separate document;

(b) Dedications of property and construction of a specific facility or improvement identified in the capital improvement element, or the separate document adopted by the governmental entity, which has a capacity in excess of that required to accommodate the development or burden imposed by the existence of the development; and

(c) Other mandatory monetary contributions exacted for the same type of capital improvement for which the impact fee has been collected.

(6) Governmental entities may recoup the proportionate share of the public facilities capital improvement costs of excess capacity in existing capital facilities where such excess capacity has been provided in anticipation of the needs of new development.

(7) A county or municipality may, by ordinance, provide for the waiver of any or all impact fees for the purposes of promoting affordable housing or urban redevelopment.

(8) This section does not alter, diminish, or increase the impact fee criteria as established by case law of the state other than to provide for the specific conditions and limitations provided in this section.

(9) This section does not limit a governmental entity from requiring construction of or contributions of internal onsite facilities or facilities built to serve the development to alleviate the impact caused by development if required by local, state, or federal regulations.

Section 25. Effective January 1, 1990, section 192.039, Florida Statutes, is created to read:

192.039 Fractional-year assessment roll.—

(1) A structure or other improvement to real property and tangible personal property which is not substantially complete as of January 1 of the prior year but which, prior to January 1 of the current year, is substantially complete, shall be assessed and listed on a fractional-year assessment roll in addition to being assessed and listed on the current real and personal property tax roll.

(2) The property appraiser shall annually prepare, publish, and extend taxes against the fractional-year assessment roll. All provisions of law relating to preparation, publication, and approval of real and personal property assessment rolls and extension and collection of taxes shall apply to the fractional-year assessment roll, except that:

(a) The assessed value shall be the just value of comparable structures, improvements, or tangible personal property on January 1 of the prior year, prorated in proportion to the number of days in that year.

(b) In lieu of the information specified in s. 200.069, the taxpayer for each parcel listed on the fractional-year assessment roll shall be sent by first-class mail a notice containing the prorated assessment, the location of the property, the date from which the proration was made, and notice of the taxpayer's right to confer with the property appraiser and file a petition with the property appraisal adjustment board, as described in s. 200.069(8). The department shall specify the format of the notice by rule which shall include a brief statement explaining that buildings, structures, and tangible personal property completed during the year are back-assessed for the prior year and currently assessed for the present year.

(c) When extending taxes against the fractional-year assessment roll, the property appraiser shall use millage rates applicable in the prior year, and shall apply them based on the jurisdictional boundaries of the various taxing authorities in the prior year. However, taxes may not be extended for any taxing authority which does not levy a millage rate in the current year.

(d) The property appraiser may not certify value with respect to the fractional-year assessment roll and taxes levied thereon are not subject to the rollback and notice requirements of ss. 200.065 and 197.342.

(e) All exemptions authorized in chapter 196 based on ownership and use of property shall apply to property listed on the fractional-year assessment roll. The amount of the exemption shall be prorated in proportion to the number of days in the prior year that the property was owned and used for exempt purposes, but in no event shall the proportion exceed that determined under paragraph (a). The property appraiser shall grant or deny the exemption based on the original application for exemption made for the current year pursuant to s. 196.011. An additional exemption application may not be required with respect to the fractional-year assessment roll. Applications which claim a partial year exemption shall specify the time period for which exemption is sought. In situations where the applicant seeking an exemption has previously applied for and received an exemption for other property which no longer qualifies for an exemption based on the applicant's ownership and use, the exemption granted for the fractional-year assessment roll shall be reduced by the amount of the exemption granted on the property no longer in use.

Section 26. Effective January 1, 1990, subsection (1) of section 193.052, Florida Statutes, is amended to read:

193.052 Preparation and serving of returns.—

(1) The following returns shall be filed:

(a) Tangible personal property; ~~and~~

(b) Tangible personal property which meets the definition of "construction work in progress" as provided in s. 192.001(11)(d) and which is substantially completed or acquired subsequent to January 1 of the prior year and which, prior to January 1 of the current year, has been substantially completed or acquired. Such return shall include a statement setting forth the date on which tangible personal property was substantially completed or acquired;

(c) Structures or improvements to real property which are substantially completed, less real property removed, subsequent to January 1 of the prior year and which, prior to January 1 of the current year, have been substantially completed. Such return shall include a statement setting forth the date on which the structure or improvement was substantially completed; and

(d)~~(b)~~ Property specifically required to be returned by other provisions in this title.

Section 27. (1) *Each unit of local government that issues a building permit and each lending institution that issues a closing statement in this state shall advise the permit applicant or borrower of the provisions of s. 193.052(1)(b) and (c), Florida Statutes, and the applicable filing deadline and penalties.*

(2) This section shall take effect January 1, 1990.

Amendment 2—Strike the entire title and insert: A bill to be entitled An act relating to growth management; creating s. 163.3179, F.S.; providing for urban service areas in local government comprehensive plans; requiring the state land planning agency to establish guidelines for such areas by rule; providing criteria; providing intent with respect thereto; amending s. 163.3161, F.S.; providing legislative intent with respect to the Local Government Comprehensive Planning and Land Development Regulation Act; amending s. 163.3164, F.S.; redefining "development"; amending s. 163.3167, F.S.; revising provisions relating to sanctions against local governments that fail to submit a proposed comprehensive plan by the date required; amending s. 163.3171, F.S.; providing that the state land planning agency may waive or modify requirements for comprehensive plans or plan amendments, except concurrency, for certain municipalities, and providing requirements with respect thereto; amending s. 163.3174, F.S.; providing duties of the local planning agencies regarding comprehensive plan amendments; amending s. 163.3177, F.S., relating to required and optional elements of comprehensive plans; revising requirements relating to coordination of plans; revising requirements relating to the capital improvements element, mass transit element, and parking element; providing requirements for a transportation system element; providing requirements for a plan element for infill development and redevelopment; amending s. 163.3184, F.S., relating to the process for adoption of comprehensive plans and amendments thereto; revising requirements and time periods relating to intergovernmental review, local government review of comments and adoption of plan or amendments and transmittal to specified agencies, imposition of sanctions, review by the state and regional planning agencies, and hearings regarding determination of compliance; providing procedures and duties of the Administration Commission, the local government, and the state land planning agency when a recommended order is to find a plan in compliance or not in compliance; authorizing compliance agreements between the state land planning agency and local governments and providing requirements regarding remedial actions and plan amendments; providing effect on administrative proceedings; amending s. 163.3187, F.S.; revising requirements relating to comprehensive plan amendments that may be approved without regard to limits on the frequency of such amendments; providing for an annual report; providing that amendments required by a compliance agreement may be approved without regard to such limits; amending s. 163.3191, F.S.; providing a time period for evaluation of initial comprehensive plans; amending s. 163.3202, F.S.; changing the time for adoption of land development regulations; providing additional requirements relating to land development regulations; making retroactive the application of deadlines for adopting local land development regulations and continuing certain pending actions; creating s. 163.3216, F.S.; authorizing local governments to adopt sector plans as amendments to comprehensive plans; providing requirements for preparation, adoption, and amendment thereof; providing for fees; providing for contents; providing for review; providing for rules; providing for appeals; authorizing the state land planning agency to carry out sector planning demonstration projects; requiring a report; providing for repeal; creating s. 186.009, F.S.; providing for legislative review of the state comprehensive plan; requiring the Executive Office of the Governor to report to the Legislature and prepare a Strategic Growth Management Implementation Plan; providing for adoption of the plan by rule; providing requirements for the plan; providing for consistency of certain state agency rules and expenditures; creating s. 339.178, F.S.; requiring the Department of Transportation to adopt rules establishing financially feasible level-of-service standards for roads on the State Highway System; providing requirements for such rules; providing for notice and public hearings; providing procedures for challenging rules establishing or modifying such level-of-service standards; requiring the Florida Transportation Commission to study the classification of roads on the State Highway System; requiring a report; creating s. 163.709, F.S.; directing the Advisory Council on Intergovernmental Relations to conduct an annual assessment of local government funding and publish an index of average taxpayer burden in each local jurisdiction; amending s. 335.182, F.S.; requiring permits for connections to roads on the State Highway System from both the Department of Transportation and any other permitting authority; amending s. 335.1825, F.S.; revising requirements relating to such permits; providing for permit conditions; providing for denial by the department under certain conditions and for related local government action; providing for expiration; providing for closing of unpermitted connections; repealing s. 335.185, F.S., relating to permit conditions and expiration; amending s. 335.187, F.S., to conform; amending s. 335.188, F.S.; revising criteria for assignment of a road segment to a specific access category; amending s. 335.189, F.S.; providing procedures and requirements for the department to grant access permitting authority to certain other governmental entities; providing conditions under which the department may invalidate a permit issued by such entity; creating s. 163.3203, F.S.; creating the Florida Impact Fee Law; providing for the assessment and payment of impact fees; providing requirements with respect thereto; requiring governmental entities to provide certain impact fee credits; creating s. 192.039, F.S.; providing for tangible personal property and structures or improvements to real property that are substantially completed prior to January 1 of the current year to be listed on a fractional-year assessment roll by the property appraiser and assessed a prorated ad valorem tax; providing notice requirements; providing for certain exemptions; amending s. 193.052, F.S.; providing for filing returns for taxes on such property; requiring local governments and lending institutions to give notice of provisions relating to the filing of returns for property listed on a fractional-year assessment roll; providing effective dates.

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

Amendment 1—On page 53, between lines 23 and 24, insert:

Section 19. Subsection (2) of section 212.055, Florida Statutes, 1988 Supplement, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.—

(a) The governing authority in each county may levy, for a period of up to 15 years from the date of levy, a discretionary sales surtax of 0.5 percent or 1 percent. The levy of the surtax shall be pursuant to *one of the following methods:*

1. An ordinance enacted by a majority of the members of the county governing authority and approved by a majority of the electors of the county voting in a referendum on the surtax~~. If~~

2. The governing bodies of the municipalities representing a majority of the county's *municipal* population *may* adopt uniform resolutions establishing the rate of the surtax and calling for a referendum on the surtax, *in which case* the levy of the surtax shall be placed on the ballot and shall take effect if approved by a majority of the electors of the county voting in the referendum on the surtax*; or*

3. An ordinance enacted by an extraordinary vote of the members of the county governing authority, provided that the county governing authority and the governing bodies of municipalities representing a majority of the county's municipal population enter into an interlocal agreement regarding the distribution of the proceeds of the surtax. ~~No referendum election called pursuant to the provisions of this subsection shall be held between March 9 and December 31, 1988.~~

(b) *A county governing authority that enacts the tax by extraordinary vote pursuant to ordinance shall follow the regular enactment procedure for ordinances as set out in s 125 66, except that the advertisement must contain a statement which includes a brief general description of the projects to be funded by the surtax. If the surtax is enacted pursuant to a referendum,* a statement which includes a brief general description of the projects to be funded by the surtax and which conforms to the requirements of s. 101.161 shall be placed on the ballot by the governing authority of any county which enacts an ordinance calling for a referendum on the levy of the surtax or in which the governing bodies of the municipalities representing a majority of the county's municipal population adopt uniform resolutions calling for a referendum on the surtax. The following question shall be placed on the ballot:

. . . . FOR the . . . . -cent sales tax

. . . . AGAINST the . . . . -cent sales tax

(c) Pursuant to s. 212.054(4), *any instance where the surtax has been enacted by a referendum,* the proceeds of the surtax levied under this subsection shall be distributed to the county and the municipalities within such county in which the surtax was collected, according to:

1. An interlocal agreement between the county governing authority and the governing bodies of the municipalities representing a majority of the county's municipal population; *the interlocal agreement may include district school boards with the consent of the county governing authority and the municipalities representing a majority of the county's municipal population;* or

2. If there is no interlocal agreement, according to the formula provided in s. 218.62.

(d)1. The proceeds of the surtax authorized by this subsection and any interest accrued thereto shall be expended within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to finance, plan, and construct infrastructure. Neither the proceeds nor any interest accrued thereto shall be used for operational expenses of any infrastructure, *except that the proceeds and any interest accrued thereto may be used for planning purposes in the development and implementation of the Local Government Comprehensive Planning and Land Development Regulation Act, pursuant to part II of chapter 163.* Counties *and municipalities,* ~~as defined in s. 125.011(1),~~ may, in addition, use the proceeds to retire or service indebtedness incurred for bonds issued ~~prior to July 1, 1987,~~ for infrastructure purposes, *the provision of affordable housing, and land acquisition for public recreation or conservation of natural resources.*

2. For the purposes of this paragraph, "infrastructure" means any fixed capital expenditure or fixed capital costs associated with the construction, reconstruction, or improvement of public facilities which have a life expectancy of 5 or more years and any land acquisition, land improvement, design, and engineering costs related thereto.

(e) Counties and municipalities receiving proceeds under the provisions of this subsection may pledge such proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Local governments may use the services of the Division of Bond Finance of the Department of General Services pursuant to the State Bond Act to issue any bonds through the provisions of this subsection. In no case may a jurisdiction issue bonds pursuant to this subsection more frequently than once per year. Counties and municipalities may join together for the issuance of bonds authorized by this subsection.

(f) Counties and municipalities shall not use the surtax proceeds to supplant or replace user fees or to reduce ad valorem taxes existing prior to the levy of the surtax authorized by this subsection.

~~(g) No referendum proposing the levying of such surtax shall be held after November 30, 1992.~~

(g)~~(h)~~ Notwithstanding s. 212.054(5), the surtax must take effect on the first day of a month, as fixed by the ordinance adopted pursuant to paragraph (a), and may not take effect until at least 60 days after the date *of enactment* ~~that the referendum approving the levy is held~~.

(h) No county or municipality may levy the surtax without referendum unless:

1. The county governing board is under a federal or state requirement to plan, construct, or acquire infrastructure;

2. The county governing board makes a legislative finding that the revenue to be derived from the tax is necessary to avoid an imminent federal or state requirement to plan, construct, or acquire infrastructure;

3. The county governing board makes a legislative finding that the early imposition of the tax is necessary to plan, construct, or acquire infrastructure required by s. 163.3177(6) in an economically feasible manner; or

4. The local government comprehensive plan has been found to be in compliance by the Department of Community Affairs or there is a valid compliance agreement or a final order finding the plan in compliance has been issued by the Administration Commission pursuant to chapter 163, part II.

(i) Nothing herein shall preclude local government from using the surtax to fund infrastructure needed to meet compliance in the comprehensive plan.

(j) With respect to any tax enacted by a municipality pursuant to this section, taxable transactions and administrative procedures shall be as provided in s. 212.054, except that the tax shall only be applicable to transactions occurring in the municipality enacting the tax according to the rules and presumptions set forth in subsection (3) of s. 212.054 as applied to the geographical and jurisdictional boundaries of the municipality. The tax on any sales amount above $5,000 on any item of tangible personal property and on long distance telephone service shall not be subject to the surtax.

Section 20. Paragraph (b) of subsection (1) of section 212.67, Florida Statutes, 1988 Supplement, is amended to read:

212.67 Refunds.—

(1) The following refunds apply to the tax imposed by this part, to the extent provided in this section:

(b) Refunds to retail dealers for shrinkage of motor fuel.—Every retail dealer licensed under s. 206.404 is entitled to a refund of 1.4 percent of the tax imposed by this part on motor fuel purchased by such retail dealer to cover losses due to evaporation and shrinkage of motor fuel. However, any retail dealer who sells motor fuel within a county which imposes a tax under s. 336.021, s. 336.025, or s. 336.026 may take as a credit against any tax due on his local option gas tax return the amount to which he is entitled as a refund under this paragraph. Nothing in this paragraph shall be construed to allow this credit to be subtracted from the moneys deposited in the Local Option Gas Tax Trust Fund or the *County* ~~Voted~~ Gas Tax Trust Fund.

Section 21. Section 336.021, Florida Statutes, is amended to read:

336.021 County transportation system; levy of ~~voted~~ gas tax on motor fuel and special fuel.—

(1) Any county in the state, in the discretion of its governing body ~~and subject to a referendum,~~ may impose *by ordinance,* in addition to all other taxes required or allowed by law, a 1-cent ~~voted~~ gas tax upon every gallon of motor fuel and special fuel sold in such county and taxed under the provisions of part I or part II of chapter 206, for the purpose of paying the costs and expenses of establishing, operating, and maintaining a transportation system and related facilities and the cost of acquisition, construction, reconstruction, and maintenance of roads and streets. The governing body of the county may provide that the *ordinance* ~~referendum~~ be worded to limit the number of years such tax will remain in effect. The governing body of the county may, by joint agreement with one or more of the municipalities located therein, provide for these transportation purposes and the distribution of the proceeds of this tax within both the unincorporated and incorporated areas of the county. The tax shall be collected and remitted by any person engaged in selling at retail motor fuel or using or selling at retail special fuel within a county in which the tax is authorized and shall be distributed monthly by the department to the county where collected. The provisions for refund provided in ss. 206.625 and 206.64 shall not be applicable to such tax levied by any county. Any person licensed under part I or part II of chapter 206 who uses motor fuel or special fuel or who engages in selling motor fuel or special fuel at retail shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 3 percent of the tax on motor or special fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. If the amount of taxes due and remitted to the department for the reporting period exceeds $1,000, the 3-percent allowance shall be reduced to 1 percent for all amounts in excess of $1,000. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post office date stamped on the envelope in which the report is submitted shall be considered as the date the report is received by the department.

(2) The additional tax collected by the department pursuant to subsection (1) shall be transferred to the *County* ~~Voted~~ Gas Tax Trust Fund, which fund is created for distribution to the county in which the tax was collected. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax levied by any county and shall promulgate such rules as may be necessary for the enforcement of this section, which rules shall have the full force and effect of law. The sections of chapter 206, including, but not limited to, those sections relating to timely filing of reports and tax collected, suits for collection of unpaid taxes, department warrants for col-

lection of unpaid taxes, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement and collection also apply to the tax authorized in this section.

(3) It is expressly recognized and declared by the Legislature that the establishment, operation, and maintenance of a transportation system and related facilities and the acquisition, construction, reconstruction, and maintenance of roads and streets fulfill a public purpose and that payment of the costs and expenses therefor may be made from county general funds, special taxing district funds, or such other funds as may be authorized by special or general law. Counties are authorized to expend the funds received under this section in conjunction with the state or federal government in joint projects.

(4) A certified copy of the ordinance *levying* ~~proposing to levy~~ the tax allowed by this section shall be furnished by the county to the department within 10 days of approval of such ordinance. ~~Furthermore, the county levying such tax shall notify the department within 10 days after the passage of the referendum of such passage and of the time period during which the tax will be levied. The failure to furnish the certified copy will not invalidate the passage of the ordinance.~~

(5) The tax shall not take effect until at least 60 days after the county notifies the department of passage of the *ordinance* ~~referendum~~. No decision to rescind the tax shall take effect until at least 60 days after the county notifies the department of such decision.

(Renumber subsequent section.)

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

Amendment 2—On page 50, lines 24-31; on page 51, lines 1-31; on page 52, lines 1-31; and on page 53, lines 1-23, strike all of said lines and insert:

Section 25. Effective January 1, 1990, section 192.039, Florida Statutes, is created to read:

192.039 Fractional-year assessment roll.—

(1) A structure or other improvement to real property which is not substantially complete as of January 1 of the prior year but which, prior to January 1 of the current year, is substantially complete, shall be assessed and listed on a fractional-year assessment roll in addition to being assessed and listed on the current real property tax roll.

(2) The property appraiser shall annually prepare, publish, and extend taxes against the fractional-year assessment roll. All provisions of law relating to preparation, publication, and approval of real property assessment rolls and extension and collection of taxes shall apply to the fractional-year assessment roll, except that:

(a) The assessed value shall be the just value of comparable structures or improvements on January 1 of the prior year, prorated in proportion to the number of days in that year. For purposes of preparing the fractional-year assessment roll, a structure or other improvement to real property shall be deemed to be substantially complete when the improvement or some self-sufficient unit within it is occupied or otherwise used. In no event shall such period exceed 60 days from the date the property appraiser determines that the improvement is substantially complete.

(b) In lieu of the information specified in s. 200.069, the taxpayer for each parcel listed on the fractional-year assessment roll shall be sent by first-class mail a notice containing the prorated assessment, the location of the property, the date from which the proration was made, and notice of the taxpayer's right to confer with the property appraiser and file a petition with the property appraisal adjustment board, as described in s. 200.069(8). The department shall specify the format of the notice by rule which shall include a brief statement explaining that structures or improvements completed during the year are back-assessed for the prior year and currently assessed for the present year.

(c) When extending taxes against the fractional-year assessment roll, the property appraiser shall use millage rates applicable in the prior year, and shall apply them based on the jurisdictional boundaries of the various taxing authorities in the prior year. However, taxes may not be extended for any taxing authority which does not levy a millage rate in the current year.

(d) The property appraiser may not certify value with respect to the fractional-year assessment roll and taxes levied thereon are not subject to the rollback and notice requirements of ss. 200.065 and 197.342.

(e) All exemptions authorized in chapter 196 based on ownership and use of property shall apply to property listed on the fractional-year assessment roll. The amount of the exemption shall be prorated in proportion to the number of days in the prior year that the property was owned and used for exempt purposes, but in no event shall the proportion exceed that determined under paragraph (a). The property appraiser shall grant or deny the exemption based on the original application for exemption made for the current year pursuant to s. 196.011. An additional exemption application may not be required with respect to the fractional-year assessment roll. Applications which claim a partial year exemption shall specify the time period for which exemption is sought. In situations where the applicant seeking an exemption has previously applied for and received an exemption for other property which no longer qualifies for an exemption based on the applicant's ownership and use, the exemption granted for the fractional-year assessment roll shall be reduced by the amount of the exemption granted on the property no longer in use.

Section 26. Effective January 1, 1990, subsection (1) of section 193.052, Florida Statutes, is amended to read:

193.052 Preparation and serving of returns.—

(1) The following returns shall be filed:

(a) Tangible personal property; ~~and~~

(b) Structures or improvements to real property which are substantially completed, less real property removed, subsequent to January 1 of the prior year and which, prior to January 1 of the current year, have been substantially completed. Such return shall include a statement setting forth the date on which the structure or improvement was substantially completed; and

(c)~~(b)~~ Property specifically required to be returned by other provisions in this title.

Section 27. (1) *Each unit of local government that issues a building permit and each lending institution that issues a closing statement in this state shall advise the permit applicant or borrower of the provisions of s. 193.052(1)(b), Florida Statutes, and the applicable filing deadline and penalties.*

(2) This section shall take effect January 1, 1990.

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

Amendment 1—In title, on page 1, insert: amending s. 212.055, F.S.; providing for the levy of a discretionary sales surtax pursuant to an extraordinary vote of the county governing authority or pursuant to referendum; providing notice requirements; authorizing certain municipalities to levy a local government surtax pursuant to referendum; amending s. 212.67, F.S.; renaming the Voted Gas Tax Trust Fund as the County Gas Tax Trust Fund; amending s. 336.021, F.S.; authorizing counties to impose a gas tax on fuel for county transportation purposes pursuant to ordinance rather than referendum;

On motions by Senator Meek, 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 1347 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—21

Mr. President	Forman	Margolis	Souto
Beard	Grant	McPherson	Stuart
Casas	Grizzle	Meek	Woodson-Howard
Davis	Johnson	Myers	
Deratany	Kiser	Peterson	
Dudley	Malchon	Scott	

Nays—16

Bankhead	Childers, W. D.	Langley	Thurman
Brown	Crenshaw	Plummer	Walker
Bruner	Gardner	Ros-Lehtinen	Weinstein
Childers, D.	Gordon	Thomas	Weinstock

Vote after roll call:

Yea—Girardeau

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB 1474 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1474—A bill to be entitled An act relating to transportation; amending s. 339.135, F.S.; providing definitions; revising terminology; revising procedures and requirements for submittal of the legislative budget request and tentative work program; deleting obsolete provisions; providing for certain reports to be submitted by the department to the Legislature; specifying procedures for development of the tentative work program and for changes thereto submitted by metropolitan planning organizations; providing for objections to be filed by the metropolitan planning organizations under certain circumstances; revising requirements for publication of the tentative work program; providing for review of the tentative work program by the Department of Community Affairs for specified purposes; providing for separate identification by specific appropriation of certain projects included in the appropriations act; defining the original approved budget of the department; revising requirements for certification forward of funds at the end of the fiscal year; providing procedures for roll forward of spending authority under certain circumstances; revising procedures for amending the adopted work program and for notification and approvals related thereto; providing for temporary transfers of funds between districts in certain circumstances; providing requirements for performance monitoring by the department and for annual reporting related thereto; amending s. 339.155, F.S.; providing for development of a statewide transportation plan; providing that the plan of work prepared by a metropolitan planning organization must be consistent, to the maximum extent feasible, with specified local government comprehensive plans; providing for the program and resource plan as a section of the Florida Transportation Plan; amending s. 339.175, F.S.; expanding the planning responsibilities of the metropolitan planning organizations; providing for rescheduling or deletion of projects from transportation improvement programs under certain circumstances; providing for consistency of metropolitan planning organization plans and programs with specified local government comprehensive plans; providing that the department shall give priority to certain transportation improvements in a transportation improvement program; providing for review of transportation improvement programs by the Department of Community Affairs for specified purposes and providing for notifications related thereto; amending s. 339.2405, F.S.; revising the number of members which constitutes a quorum of the Florida Highway Beautification Council; amending s. 20.23, F.S.; assigning the Florida Transportation Commission of the department to the Office of the Secretary for specific purposes only; providing for the commission to employ sufficient staff; requiring the secretary to provide assistance and information to the commission or its staff, upon request; providing for the commission to develop and submit a budget; revising certain current functions, and providing additional functions of the commission; reorganizing the department; specifying the qualifications, titles, and duties of certain employees of the department; specifying the reporting responsibilities of certain employees of the department; exempting specified department employees from part III of ch. 110, F.S., relating to the Senior Management Service System and providing that their salaries be set in accordance with specified considerations; providing that the commission and secretary determine the reports to be submitted by the district secretaries; deleting obsolete language; amending s. 216.163, F.S.; providing the content and form of the Governor's recommended budget; amending ss. 215.605, 332.007, 337.015, 337.11, 338.223, 339.12, 339.402, 341.041, 341.051, 341.302, 341.303, F.S.; conforming to changes in cross-references and terminology; providing for the disposition of certain appropriated funds under certain circumstances; providing an effective date.

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Effective July 1, 1990, section 216.0152, Florida Statutes, is amended to read:

216.0152 Inventory of state-owned or state-occupied facilities.—

(1) ~~Prior to July 1, 1986,~~ The Department of General Services shall develop *and maintain* an automated inventory of all facilities owned, leased, rented, or otherwise occupied *or maintained* by any agency of the state, except those with less than 3,000 square feet. The inventory shall include the location, occupying agency, ownership, size, condition *assessment*, maintenance record, age, parking and employee facilities, and other information as required by the department for determining *maintenance needs and* life-cycle cost evaluations of the facility. *The inventory need not include a condition assessment or maintenance record of facilities not owned by a state agency.* The term "facility," as used in this *section* ~~act~~, means buildings, ~~and~~ structures, *and building systems* but does not include ~~equipment, nor does it include~~ transportation facilities of the state transportation system. The Department of Transportation shall develop and maintain an inventory of transportation facilities of the state transportation system. The Board of Regents and the Division of Community Colleges of the Department of Education shall *develop and maintain an* inventory, in the manner prescribed by the Department of General Services, *of* all higher education facilities and shall *make* ~~report~~ the data *available* in a format acceptable to the Department of General Services.

(2) The Department of General Services shall update *its inventory and cause to be updated the other inventories required by subsection (1) at least once every 5 years* ~~the inventory every 3 years~~, but *the inventories* ~~it~~ shall record acquisitions of new facilities and *significant* changes in existing facilities as they occur. The Department of General Services shall provide each agency with the most recent inventory applicable to that agency. Each agency shall, in the manner prescribed by the Department of General Services, report significant changes in the inventory as they occur. Items relating to the condition and life-cycle cost of a facility shall be updated at least every *5* ~~3~~ years.

(3) The Department of General Services shall, every 3 years, publish a complete report detailing this inventory and shall publish an annual update of the report. The department shall furnish the updated report to the Executive Office of the Governor and the Legislature no later than September 1 of each year.

Section 2. Effective July 1, 1990, section 216.016, Florida Statutes, is amended to read:

216.016 Evaluation of plans; determination of financing method.—

(1) Pursuant to the requirements of s. 216.044, the Department of General Services shall evaluate the agency plans.

(2)*(a) The Executive Office of the Governor shall develop a finance plan for meeting the state's infrastructure and fixed capital outlay needs.*

(b) The Division of Bond Finance of the Department of General Services shall work with the Executive Office of the Governor and all agencies to determine the most cost-beneficial and effective financing methods for the satisfaction of the capital facility needs described or identified ~~in the 5-year plan and~~ in the state comprehensive plan for facility needs.

(c) The Executive Office of the Governor shall develop policies and criteria to determine which fixed capital outlay projects, maintenance projects, and transportation projects should be paid for out of the State Infrastructure Fund established by s. 212.235.

Section 3. Paragraph (h) of subsection (3) of section 216.163, Florida Statutes, is redesignated as paragraph (i), and a new paragraph (h) is added to said subsection, to read:

216.163 Governor's recommended budget; form and content.—

(3) The Governor's recommended budget shall also include:

(h) With respect to the Department of Transportation, a reconciliation of his recommendations for the funding of the agency budget and tentative work program with the budget and tentative work program submitted by the department pursuant to s. 339.135 by project, by project phase, by department district, and by appropriation category.

Section 4. Section 339.135, Florida Statutes, 1988 Supplement, is amended to read:

339.135 *Work program; legislative budget request; definitions* ~~Budgets~~; preparation, adoption, execution, and amendment.—

(1) *DEFINITIONS.—As used in this section, the term:* ~~FISCAL YEAR.—~~

(a) "Fiscal year" ~~The fiscal year~~ of the department *means the period beginning* ~~shall begin~~ July 1 of each year and *ending* ~~end on~~ June 30 of the succeeding year. Such fiscal year constitutes a budget year for all operating funds of the department.

(b) "District work program" means the 5-year listing of transportation projects planned for each fiscal year which is prepared by each of the seven districts of the department, and which must be submitted to the central office for review and development of the tentative work program.

(c) "Tentative work program" means the 5-year listing of all transportation projects planned for each fiscal year which is developed by the central office based on the district work programs.

(d) "Adopted work program" means the 5-year work program adopted by the department as provided in subsection (6).

(2) *SUBMISSION* ~~FILING~~ OF *LEGISLATIVE* BUDGET *REQUEST.*—The department shall file *the legislative* ~~each~~ budget *request* in the manner required by chapter 216, *setting forth the department's proposed revenues and expenditures for operational and fixed capital outlay needs to accomplish the objectives of the department in the ensuing fiscal year.* ~~except that~~ The right-of-way, construction, *preliminary engineering,* ~~and~~ maintenance, ~~plan expenditures~~ and all grants and aids *programs* of the department shall be set forth only in *program totals. The legislative budget request must include a balanced 36-month forecast of cash and expenditures and a 5-year finance plan* ~~total in such budget with the project details to be submitted as provided in subsection (5)~~. *The legislative budget request shall be amended to conform to the tentative work program that shall be submitted annually by January 15. The department may amend its legislative budget request and the tentative work program based on the most recent revenue estimate by the Transportation Estimating Conference and the most recent federal aid apportionments.*

~~(3) PROPOSED ANNUAL PROGRAM BUDGET. The department shall prepare a proposed annual program budget pursuant to the budgets submitted as provided by chapter 216.~~

(3)~~(4)~~ NATURE AND SCOPE OF THE *TENTATIVE AND ADOPTED WORK PROGRAMS* ~~ANNUAL PROGRAM BUDGETS~~.—

(a) The *tentative* ~~proposed~~ and *adopted work programs* ~~final annual program budgets~~ required by subsections *(4)*~~(3)~~ and *(6)*~~(7)~~ shall *be based on* ~~present~~ a complete, balanced financial plan for the State Transportation Trust Fund and the *other* ~~restricted~~ funds *managed by the department. The tentative and adopted work programs shall set forth the proposed commitments and planned expenditures, respectively, of the department classified by major program and fixed capital appropriation categories to accomplish the objectives of the department included in the program and resource plan of the Florida Transportation Plan required in s. 339.155(6)(a)6.*

(b) *The tentative and adopted work programs for the State Transportation Trust Fund and other funds managed by the department, except as otherwise provided by law, must be so planned as to deplete the estimated resources of each fund for the fiscal year. An emergency reserve may be requested in the legislative budget request for the purpose of performing emergency work necessary during the fiscal year in order to prevent the stoppage of travel over any transportation facility over which the department has jurisdiction and control.* ~~The receipt side of such budgets shall set forth all anticipated fund balances to be brought forward at the beginning of the budget year. The fund balance is the difference between the current assets and the current liabilities and reserves, as commonly defined in accounting terminology, of each fund enumerated herein. It shall set forth by source all estimated revenues and receipts anticipated to be available during the ensuing year for which the budgets are prepared, except that~~

(c) No anticipated *funds* ~~receipts~~ estimated to be received from various federal-aid acts of Congress shall be budgeted in excess of the amount which may be earned by the amount of state *funds* ~~receipts~~ set aside to match such federal aid; and the state funds thus set aside to match federal-aid funds shall be used only for such matching purposes. The department shall, prior to the preparation of the *tentative work program* ~~budgets~~, ascertain the amount of apportionments of federal-aid funds which ~~are, or which are~~ estimated to be~~,~~ available to the department for expenditure in the fiscal *years* ~~year~~ for which the *tentative work program is* ~~budgets are~~ prepared; and the department shall budget sufficient funds for matching purposes.

~~(c) The expenditure side of the annual program budgets shall set forth the proposed expenditures of the department as classified by major program and appropriation categories to accomplish the objectives of the department.~~

~~(d) The annual program budgets for the State Transportation Trust Fund and restricted funds, unless otherwise provided by law, shall be so planned as to exhaust the estimated resources of each fund for the year, with the exceptions of an emergency reserve (in such amount as the department deems necessary) for the purpose of doing emergency work which may be found to be necessary to be done during the year in order to prevent the stoppage of travel over any transportation facility over which the department has jurisdiction and control and the reserve required in paragraph (8)(b). At any time during the last 2 months of the fiscal year, the emergency work reserve or any portion of it may be used as provided for herein.~~

(4)~~(5)~~ FUNDING AND DEVELOPING A *TENTATIVE WORK PROGRAM* ~~TRANSPORTATION PLAN~~.—

(a) To assure that no district or county is penalized for local efforts to improve the State Highway System, the department shall, for the purpose of developing a *tentative work program* ~~proposed 5-year transportation plan~~, allocate funds for new construction to the various districts based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation, public transit projects, and other programs with quantitative needs assessments shall be allocated based on the results of these assessments. *The department shall not transfer any funds allocated to a district under this paragraph to any other district except as provided in subsection (8).* ~~Funds for other programs shall be allocated as directed in the General Appropriations Act.~~

(b)1. A *tentative work program, including* ~~plan of work to be undertaken during~~ the ensuing *fiscal* ~~budget~~ year *and the successive 4 fiscal years,* shall be prepared for the State Transportation Trust Fund and *other funds managed by the department* ~~each restricted fund~~, unless otherwise provided by law. *The tentative work program shall be based on the district work programs and shall set,* ~~setting~~ forth all *projects by phase* ~~projects~~ to be undertaken during *the ensuing fiscal* ~~such budget~~ year, *and planned for the successive 4 fiscal years.* ~~For each budget year, the transportation plan of the annual program budget shall be for the ensuing 5 years and shall be referred to as the "5-year transportation plan."~~ The total amount of the *liabilities accruing* ~~5-year transportation plan~~ in each fiscal year *of the tentative work program* shall not exceed *the revenues available for expenditure during the respective fiscal year based on the cash forecast for that respective fiscal year* ~~an amount that would prevent the department from meeting the expenditure requirements for the projects set forth therein~~.

2. The tentative *work program* ~~5-year transportation plan~~ shall be developed in accordance with *the program and resource plan of the Florida Transportation Plan required in s. 339.155(6)(a)6. and shall comply with the program funding levels contained in the program and resource plan* ~~and include a statement of short-term, specific, and measurable policies.~~ ~~In addition,~~ The department shall not in any year include any project or allocate *any* funds to a program *or project* in the *tentative work program* ~~5-year transportation plan~~ that is contrary to existing law for that particular year.

3.~~2.~~ The department is authorized to include *in the tentative work program proposed* changes to the *programs* ~~policies~~ contained in the *previous work program* ~~current~~ adopted *pursuant to subsection (6); however, the department shall, to the maximum extent feasible, minimize changes and adjustments that affect the scheduling of project phases in the 4 common fiscal years contained in the previous adopted work program and the tentative work program* ~~5-year transportation plan~~. *The department, in the development of the tentative work program, shall advance by 1 fiscal year all projects included in the second year of the previous year's adopted work program, unless the secretary specifically determines that it is necessary, for specific reasons, to reschedule or delete one or more projects from said year. Any such changes and*

adjustments shall be clearly identified and reflect the effect on the 4 common fiscal years contained in both the previous adopted work program and the tentative work program. It is the intent of the Legislature that the first 3 years of the adopted work program stand as the commitment of the state to undertake transportation projects that local governments may rely on for planning purposes and in the development and amendment of the capital improvements elements of their local government comprehensive plans. ~~Any such change shall be clearly identified and reflect the effect of such change on the adopted policies and funds allocated for programs in the tentative 5-year transportation plan. Such changes shall be made in the final program budget and 5-year transportation plan proposed and adopted pursuant to the provisions of paragraph (7)(a).~~

4.~~3.~~ The *tentative work program* ~~5-year transportation plan~~ shall include *a balanced 36-month forecast of cash and expenditures and a 5-year finance plan supporting the tentative work program.*:

~~a. A summary of construction, rights-of-way land acquisition, and public transportation appropriation categories to show the amounts programmed in each appropriation category by district;~~

~~b. A 5-year plan of average construction contract time for each construction program category by district; and~~

~~c. A manpower report that indicates the department's current production capacity and that projects the production capacity needed for each year of the 5-year transportation plan and for compliance with paragraph (g). The report shall indicate the portion of production that is to be performed by department personnel and the portion that is to be performed by consultants.~~

(c)1.~~4.~~ The *district work program* ~~5-year transportation plan shall be developed in conformance with the provisions of s. 339.155(6)(c). Projects shall not be undertaken unless they are listed in the 5-year transportation plan. Such plan~~ shall be developed cooperatively from the outset with the various metropolitan planning organizations of the state *and.* ~~The 5-year transportation plan~~ shall include, to the maximum extent feasible, *the* ~~transportation plans, project priorities, and~~ transportation improvement programs of metropolitan planning organizations, *and changes to the improvement programs which have been submitted to the department at least 90 days prior to the submission of the tentative work program to the Florida Transportation Commission.*

2. The *district* ~~department~~ shall provide a metropolitan planning organization with written justification *no less than 14 days prior to* ~~for~~ the rescheduling or deletion of *any* a project *from the district work program* which is part of the metropolitan planning organization's transportation improvement program *and is contained in the last 4 years of the previous adopted work program* ~~from the 5-year plan~~. *The affected metropolitan planning organization may file an objection to such rescheduling or deletion. When such an objection is filed with the secretary, such rescheduling or deletion shall not be included in the district work program unless the inclusion of such rescheduling or deletion is specifically approved by the secretary. The Florida Transportation Commission shall include such objections in its evaluation of the tentative work program only when the secretary has approved the rescheduling or deletion.*

(d)~~(c)~~ Prior to the *submission* ~~annual adoption~~ of the *district work program to the central office, each district office* ~~5-year transportation plan, the department~~ shall hold a public hearing in at least one urbanized area in ~~each of~~ the *district* ~~transportation districts~~ and shall make a presentation at a meeting of each metropolitan planning organization *in the district* to determine the necessity of making any changes to projects included or to be included in the *district work program* ~~5-year transportation plan~~ and to hear requests for new projects to be added to, or existing projects to be deleted from, the *district work program; however, the district and metropolitan planning organization shall, to the maximum extent feasible, minimize changes to, deletions from, or adjustments to projects or project phases contained in the 4 common years of the previous adopted work program and the district work program* ~~5-year transportation plan~~. *The district shall provide the metropolitan planning organization with a written explanation for any project which is contained in the metropolitan planning organization's transportation improvement program and which is not included in the district work program.* The metropolitan planning organization may request in writing to the appropriate district *secretary* ~~office~~ further consideration of any specific project not included or not adequately addressed in the *district work program* ~~5-year transportation plan~~. The *district secretary* ~~head of the department~~ shall acknowledge and review all such requests ~~and include them in the deliberations of the department~~ prior to the submission of the *district work program* ~~5-year transportation plan~~ to the *central office and shall forward a copy of such requests to the secretary and the Florida Transportation Commission* ~~Legislature~~. *The commission shall include such requests in its evaluation of the tentative work program.*

(e) Following submission of each district work program to the central office, the department shall develop the tentative work program based on the district work programs, review the individual district work programs for compliance with the work program instructions prepared by the department, and ensure that the tentative work program complies with the requirements of paragraph (b).

(f) The central office shall submit the tentative work program to the Florida Transportation Commission and the Department of Community Affairs at least 30 days prior to submission to the Governor and Legislature. The department shall provide the Department of Community Affairs with copies of the preliminary tentative work program for review as soon as feasible. The Department of Community Affairs shall transmit to the Florida Transportation Commission a list of those projects and project phases contained in the tentative work program which are identified pursuant to s. 339.175(10) as being inconsistent with approved local government comprehensive plans. Said list shall not contain any project or project phase which is scheduled in a transportation improvement program unless such inconsistency has been previously reported to the affected metropolitan planning organization. The commission shall consider said list as part of its evaluation of the tentative work program.

(g)~~(d)~~ The *tentative work program* ~~5-year transportation plan~~ prepared under the provisions of this subsection *following evaluation by the Florida Transportation Commission* shall be submitted to the *Executive Office of the Governor and the* legislative appropriations committees no later than *January 15* ~~March 1~~ of each year. ~~Such plan shall include a comparison, by project phase, of the tentative 5-year transportation plan to the current adopted 5-year transportation plan.~~

(h)~~(e)~~ The department shall submit with its *tentative work program* ~~proposed 5-year transportation plan~~ a report that includes:

1. How its *legislative* budget request and *tentative work program* ~~5-year transportation plan~~ comply with the program objectives set forth in section 334.046 *and compare to the needs quantified pursuant to s. 339.155(5).*

2. How commitments from the prior fiscal year and the projection of the current fiscal year comply with those same program objectives.

3. An analysis of the variance between the dollars and numbers of projects committed in the most recently completed fiscal year and the adopted *work program* ~~5-year transportation plan~~ for that year and of the variance in projections for the current fiscal year and the current adopted *work program* ~~5-year transportation plan~~. The analysis shall include the number and dollar amount of projects committed or projected to be committed in each year that were not in the adopted *work program* ~~5-year transportation plan~~.

4. An analysis of the variance in the actual and planned construction contract time and the planned construction contract time for the most recently completed 6 quarters.

5. A comparison of the department's manpower utilization and the accomplishments of the department for the current fiscal year and the last completed fiscal year.

6. A summary of work program categories to show the amounts programmed in each appropriation category by district.

7. A manpower report that indicates the department's current production capacity and that projects the production capacity needed for each year of the tentative work program and for compliance with paragraph (j). The report shall indicate the portion of production that is to be performed by department personnel and the portion that is to be performed by consultants.

8. A statement of proposed program changes and related policy changes and the effects of such changes on the programs in the tentative work program.

9. A project comparison, by project phase and cost, for the 4 common years between the tentative work program and the previous work program adopted pursuant to subsection (6).

10. A list of projects in the tentative work program organized and presented:

a. By fiscal year;

b. By department district;

c. By county;

d. By project phase; and

e. By fixed capital appropriation category and fund.

(i)~~(f)~~ *Prior to or* during each regular session of the Legislature, the department shall *make a presentation of the tentative work program and* ~~orally present~~ the report required in paragraph *(h)*~~(e) and a summary of the 5-year transportation plan~~ as submitted to *the Executive Office of the Governor and* the Legislature, to the transportation committees of the Senate and House of Representatives.

(j)~~(g) Beginning with the 1983-1985 biennium,~~ The department shall develop and maintain a list of projects that could be made production-ready within the biennium to use additional sources of revenue. The list shall consist of projects defining programs for the interstate system; non-interstate road and bridge rehabilitation and replacement; traffic operations; public transportation; and major new road and bridge construction. Program amounts shall equal approximately 50 percent of the corresponding funded program in the *first 2 years of the tentative work program* ~~biennium plan~~, except that higher limits may be established by the department to accommodate anticipated federal funding actions. Program amounts shall include all project phases. If any of these stated programs is not funded in the *tentative work program* ~~biennium plan~~, the department may determine an appropriate program amount not to exceed $50 million. Projects within each program shall be prioritized based on need. The project list shall be independent of the *tentative work program,* ~~5-year transportation plan,~~ except that funded projects in later years of such *program* ~~plan~~ may be included in the project list and advanced to an earlier year if justified by priority. The list shall be submitted to *the Executive Office of the Governor and* the legislative appropriations committees *no later than January 15 of each year* ~~prior to the start of the regular legislative session~~.

(k)~~(h)~~ Beginning with the legislative budget request for fiscal year 1989-1990, the department shall develop proposals to assist local governments with their unfunded transportation needs. The department, in conjunction with the Department of Community Affairs, shall develop criteria for a local government cooperative program to plan, design, or construct transportation projects as required pursuant to the Growth Management Act, but which cannot be funded with local government revenues. The department shall provide a list of projects that qualify under these criteria to the Legislature for consideration. This list of projects shall be prioritized based upon the criteria developed pursuant to this paragraph and shall not reduce funds requested by the department under the other provisions of this chapter.

(5)~~(6)~~ *STATEWIDE PUBLIC HEARING ON THE TENTATIVE WORK PROGRAM* ~~PUBLICATION OF THE PROPOSED ANNUAL PROGRAM BUDGET~~.—

~~(a)~~ The *Florida Transportation Commission* ~~department~~ shall appoint a time and place for a statewide public hearing on the *tentative work program* ~~proposed annual program budget and 5-year transportation plan prepared for the State Transportation Trust Fund and restricted funds as required herein~~, at which time it shall hear all questions, suggestions, or other comments offered by the public ~~in regard to such budget~~. *The commission shall advertise the time, place, and purpose of the hearing in the Administrative Weekly at least 7 days prior to the hearing.*

~~(b) At least 5 days prior to the date set for such hearing, there shall be published once in one of the newspapers of general circulation in the state in each of the transportation districts a notice of the time and place of the public meeting for considering such proposed annual program budget, together with a notice that such budget and the 5-year transportation plan of the department are available for inspection by the public at the office of the clerk of the circuit court or chairman of the board of county commissioners.~~

~~(c) A copy of the proposed annual program budget and 5-year transportation plan shall be forwarded to the office of the chairman of each board of county commissioners and another copy shall be furnished to each clerk of the circuit court, together with a notice of the public hearing referred to above. The clerk shall post at the front door of the courthouse a copy of the public hearing notice at least 5 days prior to the date of the hearing, along with a notice that the proposed annual program budget and 5-year transportation plan of the department are available for public inspection during his regular office hours. A copy shall also be provided to each municipality which has a population of 3,000 persons or more. The department, upon request, shall provide a copy to any person at cost.~~

(6)~~(7)~~ ADOPTION OF THE *WORK PROGRAM* ~~FINAL PROGRAM BUDGET AND 5-YEAR TRANSPORTATION PLAN OF THE DEPARTMENT~~.—

~~(a)~~ *The original approved budget for operational and fixed capital expenditures for the department shall be the Governor's budget recommendation and the first year of the tentative work program, as both are amended by the General Appropriations Act and any other act containing appropriations.* In accordance with the appropriations act, the department shall, prior to the beginning of the fiscal year, ~~prepare and~~ adopt a final *work* program *which shall only include the original approved budget for the department for the ensuing fiscal year together with any rollforwards approved pursuant to paragraph (7)(c) and the portion of the tentative work program for the following 4 fiscal years revised in accordance with the original approved budget for the department for the ensuing fiscal year together with said rollforwards. The adopted work program* ~~budget and 5-year transportation plan in accordance with the foregoing requirements, which~~ may include only those projects submitted as part of the *tentative work program developed* ~~5-year transportation plan prepared~~ under the provisions of subsection *(4)*~~(5)~~ plus any projects *which are separately identified by specific appropriation in the General Appropriations Act and any rollforwards approved pursuant to paragraph (7)(c)* ~~contained in the original operating budget as provided in s. 216.181(3)~~. In the event that additional funds are appropriated in excess of those required to fund the projects contained in the *tentative work program* ~~5-year transportation plan~~ developed pursuant to this paragraph, such funds shall be utilized only on projects developed *under paragraph (4)(j)* ~~in accordance with the provisions of paragraphs (5)(a) and (g)~~.

~~1. Beginning with the 1986-1987 adopted 5-year transportation plan, the department shall include in its adopted plan a statement of the major transportation policies from which the plan is developed. Each year thereafter, the 5-year transportation plan shall be developed in accordance with the short-term, specific, measurable policies of the department, and a statement of said policies shall be included in the adopted plan. No policy shall be included in the adopted plan that is contrary to existing law.~~ In addition, the department shall not in any year include any project or allocate funds to a program in the *adopted work program* ~~5-year transportation plan~~ that is contrary to existing law for that particular year.

~~2. Such plan shall include a comparison by project phase of work committed during the previous fiscal year to the work scheduled for commitment in the prior 5-year transportation plan.~~

~~(b)~~ Projects shall not be undertaken unless they are listed in the *adopted work program* ~~annual transportation plan~~. ~~However, in case any project listed in such plan cannot be undertaken during that year for any justifiable reason, then another project listed in order of priority in the 5-year transportation plan may be undertaken. This provision does not apply to unforeseen emergency projects approved by the department.~~

(7)~~(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) *Notwithstanding the provisions of ss. 216.301(3)(a) and 216.351* ~~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 *project phases* ~~projects~~ which are part of the *adopted* ~~multiyear~~ work program, and for which contracts have been executed or bids have been let*; and for right-of-way land acquisition and relocation assistance for parcels from project phases in the adopted work program for which appraisals have been completed and approved,* may be certified forward as fixed capital outlay under the provisions of s. 216.301(2)*(a)*~~, (3)~~. *Any project phases in the adopted work program not certified forward under the provisions of s. 216.301(2)(a) shall be available for roll forward for the next fiscal year of the adopted work program. Spending authority associated with such project phases may be rolled forward to the next fiscal year pursuant to paragraph (e). Any project phase certified forward for which bids have been let but subsequently rejected shall be available for roll forward in the adopted work program for the next fiscal year. Spending authority associated with such project phases may be rolled forward into the current year from funds certified forward pursuant to paragraph (e).* The amount certified forward may include contingency allowances for *right-of-way acquisition and relocation,* asphalt and petroleum product escalation clauses, and contract overages, which allowances shall be separately identified in the certification detail. *Right-of-way acquisition and relocation and contract overages contingency allowances shall be based on documented historical patterns.* 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) The department ~~of Transportation~~ shall allocate resources provided in the General Appropriations Act to the districts prior to July 31 of each year. The allocation shall be promptly reported to the Executive Office of the Governor and the legislative appropriations committees, and all subsequent amendments shall be reported promptly to the secretary of the department. The secretary shall require each district ~~deputy assistant~~ secretary to submit a monthly report on the status of his budgets which shall indicate, by major budget category within each budget entity, the monthly expenditure, the cumulative expenditures to date, and the remaining balance of the regional allocations. Quarterly summaries of these reports shall be provided to the Executive Office of the Governor and the legislative appropriations committees.

(e) This subsection does not apply to any bonds issued on behalf of the department pursuant to the State Bond Act.

(f) Notwithstanding the provisions of ss. 216.181(3), 216.292, and 216.351, the Executive Office of the Governor may amend that portion of the department's original approved fixed capital outlay budget which comprises the work program pursuant to subsection (8). Increase in spending authority in paragraph (c) shall be limited to amounts of unexpended balances by appropriation category.

(8)~~(9)~~ AMENDMENT OF THE *ADOPTED WORK PROGRAM* ~~FINAL ANNUAL PROGRAM BUDGET AND 5-YEAR TRANSPORTATION PLAN.—~~

(a) Notwithstanding the provisions of ss. 216.181(3), 216.292, and 216.351, the adopted work program may be amended only pursuant to the provisions of this subsection.

(b) The department shall not transfer any funds for any project or project phase between department districts. However, a district secretary may agree to a temporary loan of funds to another district provided that:

1. Such funds are used solely to maximize the amount of federal aid available to the state;

2. Such loan is executed in writing and is signed by the district secretaries of the respective districts;

3. Repayment of such loan is to be made no later than the end of the next fiscal year;

4. The district loaning such funds does not have the ability, according to the district secretary, to utilize such funds during the current fiscal year; and

5. Such loan shall constitute an amendment to the adopted work program and shall be subject to the procedures in paragraph (c).

(c) The department may amend the adopted work program to transfer appropriations within the department, except that the following amendments shall be subject to the procedures in paragraph (d):

1. Any amendment which deletes any project or project phase;

2. Any amendment which adds a project estimated to cost over $150,000;

3. Any amendment which advances or defers for a period of 6 months or more, a right-of-way phase, a construction phase, or a public transportation project phase estimated to cost over $500,000; however, any such phase may not be deferred for more than 1 year during any fiscal year of the department from the year in which it is scheduled in the adopted work program; or

4. Any amendment which advances or defers for a period of 6 months or more, any preliminary engineering phase or design phase estimated to cost over $150,000; however, any such phase may not be deferred for more than 1 year during any fiscal year of the department from the year in which it is scheduled in the adopted work program.

(d)1. Whenever the department proposes any amendment to the adopted work program, which amendment is defined in subparagraphs 1., 2., 3., or 4. of paragraph (c), it shall submit the proposed amendment to the Governor for approval and shall immediately notify the chairmen of the legislative appropriations committees, the chairmen of the legislative transportation committees, each member of the Legislature who represents a district affected by the proposed amendment, each metropolitan planning organization affected by the proposed amendment, and each unit of local government affected by the proposed amendment. Such proposed amendment shall provide a complete justification of the need for the proposed amendment.

2. The Governor shall not approve a proposed amendment until 14 days following the notification required in subparagraph 1.

3. If either of the chairmen of the legislative appropriations committees or the President of the Senate or the Speaker of the House of Representatives objects in writing to a proposed amendment within 14 days following notification and specifies the reasons for such objection, the Governor shall disapprove the proposed amendment or shall submit the proposed amendment to the Administration Commission. The proposed amendment may be approved by the Administration Commission by a two-thirds vote of the members present with the Governor voting in the affirmative. In the absence of approval by the commission, the proposed amendment shall be automatically disapproved.

(9) PERFORMANCE MONITORING.—The department shall continuously monitor and annually report to the Executive Office of the Governor and the Legislature on the compliance with and accomplishment of the adopted work program compared to the guidelines of the program and resource plan of the Florida Transportation Plan required in s. 339.155(6)(a)6 ~~The department has the authority to amend its final annual program budget and 5-year transportation plan at any time during the fiscal year as follows. It may:~~

~~(a) Transfer within the same fund any unencumbered budget item, or any portion thereof, from one activity to another.~~

~~(b) Transfer between the State Transportation Trust Fund and the restricted funds or between restricted funds, within the provisions of the restrictions by law or by agreement as to the expenditure of such funds, any unencumbered funds.~~

~~(c) Budget in the proper fund and expend any receipts not anticipated in the adoption of the budget or receipts in excess of the total anticipated receipts in the adopted budget.~~

~~(d) Substitute a project in the adopted 5-year transportation plan for any other project in such plan; however, when any such substitution results in the delay of the right-of-way or construction phase of a project estimated to cost in excess of $500,000, the department shall notify the legislative appropriations committees and transportation committees. The transportation committees shall notify each member of the Legislature who represents the district or districts affected by the substitution. Such notification shall include the name, location, and estimated costs of any project that is advanced in the adopted 5-year transportation plan as a result of the delay of another project. Prior to any such substitution, the department shall also notify any local governmental entity in which such project is located.~~

~~(e) Add a project as approved by the department within funds available when the project is less than $150,000 in cost and the addition would not cause a delay of existing projects or add a project as approved by the department when the project is not funded with State Transportation Trust Fund moneys.~~

~~(f) Add to, delete from, or reschedule in the adopted 5-year transportation plan projects implemented from aid to local governments public transportation matching grants in order to reflect local government decisions; however, when any such addition, deletion, or rescheduling results in the delay of the right-of-way phase or construction phase of a project estimated to cost in excess of $500,000, the notification process required in paragraph (d) shall be observed.~~

Section 5. Subsection (2), paragraph (a) of subsection (4), and subsections (5) and (6) of section 339.155, Florida Statutes, 1988 Supplement, are amended to read:

339.155 Transportation planning.—

(2) DEVELOPMENT OF STATEWIDE TRANSPORTATION PLAN.—A statewide transportation plan shall be developed by the department in conjunction with appropriate local governmental entities. The statewide transportation plan shall be known as the Florida Transportation Plan. The transportation planning functions which are required of state and local governmental entities shall be undertaken consistent, to the maximum extent feasible, with the policies and guidelines section of the Florida Transportation Plan as provided in paragraph (6)(a). In developing the Florida Transportation Plan, the department shall ~~take into account~~:

(a) *Consider* future as well as present needs;

(b) *Consider* all possible alternative modes of transportation;

(c) *Consider* the joint use of transportation corridors and major transportation facilities for alternate transportation and community uses;

(d) *Consider* the integration of any proposed system into all other types of transportation facilities in the community;

(e) *Ensure that the plan is consistent, to the maximum extent feasible,* ~~Consistency~~ with regional comprehensive plans and *approved* local government comprehensive plans so as to contribute to the management of orderly and coordinated community development; and

(f) *Consider* the total environment of the community and region, including land use, entrepreneurial decisions, population, *environmentally sensitive lands,* travel patterns, traffic control features, ecology, stormwater management plans, pollution effects, aesthetics, safety, and social and community values.

(4) REGIONAL OR LOCAL TRANSPORTATION PLANS.—

(a)1. Each metropolitan planning organization of the state shall submit to the department annually a listing of construction and periodic maintenance projects located within its study area which cost $100,000 or more and which the local governmental entities therein have reported that they intend to undertake during the next 5 years. The listing shall include the estimated amounts to be spent on each project during each budget year. The governmental entities responsible for such construction or maintenance shall provide the metropolitan planning organization with the necessary information by the date requested. The metropolitan planning organization may include the list in, or as an informational section of, its transportation improvement program.

2. The metropolitan planning organization for each urbanized area shall submit to the appropriate *district* ~~deputy assistant~~ secretary, with a copy to the head of the department, a plan of work for the construction and periodic maintenance of transportation facilities to be undertaken during the ensuing 5 years with any funding source by any governmental entity within its jurisdiction. The plan of work shall list the estimated amounts to be expended on each project during each budget year and shall be prepared by the metropolitan planning organization, with approval by the governing entity of the political subdivision responsible for the construction and maintenance of such transportation facilities, *and shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plan of the units of local government whose boundaries are within the urbanized area.*

(5) SYSTEMATIC PLANNING PROCESS.—The department shall institute *and publish* a systematic planning process for considering those factors to be used in developing the statewide transportation plan pursuant to subsection (2) so that any major transportation facility is so planned that it will function as an integral part of the overall plan for local, regional, and state development. The process shall:

(a) Provide the necessary framework to guide transportation planning in the state, consistent with the state comprehensive plan. In order to assist the department in the systematic planning process, there is created the Metropolitan Planning Organization Advisory Committee. The committee shall be composed of a representative from each metropolitan planning organization in the state. Each metropolitan planning organization shall select one representative to serve on the committee and shall notify the department of such selection or any change in representation. The advisory committee shall, by majority vote, make recommendations to the department concerning the statewide transportation plan. The department shall formally document actions taken in response to such recommendations. The advisory committee will augment, and not supplant, the role of individual metropolitan planning organizations in the cooperative transportation planning process.

(b) Identify statewide and local transportation needs and issues by documenting transportation system conditions and projecting future mobility demands. In identifying such needs and issues, consideration shall be given to the condition of existing facilities and services, as well as to new facilities and services. *The identification of needs shall be by category by district and shall state the cost to meet such needs.*

(c) Apply appropriate methods to evaluate transportation facilities and services. Such transportation facilities and services shall be planned in a manner to achieve an effective balance of modes of transportation which are consistent with statewide transportation needs and issues.

(d) Establish priorities for programs and funding levels which incorporate, to the maximum extent feasible, the project priorities of the metropolitan planning organizations.

(e) Require the department to solicit and consider recommendations from the general public and governmental entities.

(f) Realistically assess funding levels and other resources which are required to provide the needed facilities and services.

(g) Monitor ongoing planning and project implementation by the department and other governmental entities to determine compliance with, and the effectiveness of, the Florida Transportation Plan.

(6) FLORIDA TRANSPORTATION PLAN.—

(a) The department shall *adopt* ~~fully document the systematic planning process pursuant to subsection (5) by adopting~~ the Florida Transportation Plan. The plan shall, at a minimum, consist of the following sections:

1. Systematic planning process.—This section will consist of the published systematic planning process required by subsection (5).

2.~~(a)~~ Transportation policies and guidelines.—This section will direct implementation of the Florida Transportation Plan by the department and the development of the budget for the department. It will serve as the basis for the development of all other sections of the plan and will set forth the overall goals and objectives of the department. This section will guide and assist the development of corresponding regional, metropolitan planning organization, and local transportation plans and programs. The policies and guidelines shall be developed consistent with the systematic planning process outlined in subsection (5).

3.~~(b)~~ Transportation modes.—This section will direct the departmental plans and programs in the selection of modes of transportation by

evaluating individual system plans. The section will set forth the emphasis and priorities of the department by mode, consistent with the statewide transportation needs and issues.

4.~~(c)~~ Transportation corridor designation and coordination.—This section will designate specific transportation corridors which have been determined to be of major statewide or regional significance and which contain or are planned to contain transportation facilities owned, constructed, or operated in whole or in part by the department. The department shall cooperate with the state land planning agency, state and local natural resource and environmental agencies, regional planning councils, metropolitan planning organizations, and other local governmental entities in the designation of transportation corridors.

5.~~(d)~~ Performance monitoring.—This section will establish the process which the department will utilize to evaluate the compliance of the department and other governmental entities with the provisions of the Florida Transportation Plan. It will also review the effectiveness of the department in implementing the projects and programs in the *adopted work program* ~~5-year transportation plan~~. This section will further provide an overall evaluation of the operation and effectiveness of the department in meeting its goals and objectives. The result of performance monitoring shall be used to guide revisions of the Florida Transportation Plan.

6.~~(e)~~ Five-year program *and resource* plan.—This section will *establish the program funding levels* ~~coordinate and effectuate the various sections of the Florida Transportation Plan into specific guidelines~~ for *developing the tentative work program* ~~the development of the 5-year transportation plan~~ of the department *under s. 339.135(4). The plan will identify the policy guidelines* and *program* ~~will establish~~ priorities, *based on other sections of the Florida Transportation Plan, that are to guide program* ~~for programs~~ and funding *decisions. Program funding levels shall be in compliance with the 36-month forecast of cash and expenditures and the 5-year finance plan required under s. 339.135(2)* ~~levels which will direct the scheduling of projects in that plan. To the maximum extent feasible, the department shall provide for the project priorities of the metropolitan planning organizations.~~

(b) The Florida Transportation Plan shall be reviewed and updated annually *and shall be submitted to the legislative appropriations committees no later than January 15 of each year.*

Section 6. Subsection (8) of section 339.175, Florida Statutes, 1988 Supplement, is hereby repealed, present subsections (9) and (10) of said section are renumbered as subsections (8) and (9), respectively, a new subsection (10) is added to said section, and present subsections (5), (6), (7), and (10) of said section are amended, to read:

339.175 Transportation planning organization.—

(5) The authority and responsibility of an M.P.O. is for the management of a continuing, cooperative, and comprehensive transportation planning process that results in the development of plans and programs which are consistent, *to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within* ~~with the comprehensively planned development of~~ the urbanized area *of the M.P.O.* An M.P.O. shall be the forum for cooperative decisionmaking by the principal elected officials of general purpose local government *in the development of an annually updated transportation improvement program.*

(6) Each M.P.O. is responsible for the development of a transportation improvement program and for initiating federally aided transportation facilities and improvements *as well as other transportation facilities and improvements to be funded from the State Transportation Trust Fund* within its urbanized area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. *The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the urbanized area of the M.P.O.*

(7) Projects *included in the transportation improvement program* ~~selected on the federal-aid highway urban system, urban extensions of the federal-aid highway primary system, and the interstate system~~ may only be removed from *or rescheduled in* a *subsequent* transportation improvement *program* ~~plan~~ by the joint action of the M.P.O. and the department when such projects have advanced to *the detailed design stage of preliminary engineering. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the fifth year of such program* ~~federal authorization to acquire rights-of-way or have advanced to federal approval of physical construction or implementation if right-of-way acquisition was not previously federally funded~~.

(8)~~(9)~~ Each M.P.O. is responsible for transportation-related air, noise, and water quality planning within the urbanized area as assigned to it by federal or state laws, rules, or regulations.

(9)~~(10)~~ The powers, privileges, and authority of an M.P.O. are those specified in this section and incorporated in the interlocal agreement authorized under s. 163.01. The duties of an M.P.O. are described as those duties required by federal and state laws, rules, and regulations, now and subsequently applicable, which are necessary to qualify the urbanized areas of the state to receive all federal-aid transportation funds for which they are legally eligible as a consequence of the proper exercise of such duties. Such duties include, in cooperation with the department, the following functions, including any subsequent amendments or expansions required by federal and state laws, rules, and regulations:

(a) Development of:

1. A comprehensive transportation plan which includes consideration of long-range goals and transportation systems management measures.

2. An annual unified planning work program which will identify the planning budget and the planning activities to be undertaken during the program year. *The work program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the urbanized area of the M.P.O.*

3. An annually updated transportation improvement program, which shall consist of improvements recommended from the *comprehensive* transportation plan developed and recommended for federal *or state* funding during the program period and which shall:

a. Identify transportation improvements recommended for advancement during the *next fiscal year and 4 subsequent state fiscal* ~~program period of not less than 3~~ years. *Such improvements shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the urbanized area of the M.P.O. The department shall give primary priority to those transportation improvements that are:*

(I) Designed to maximize safe and efficient travel;

(II) Identified in approved local government comprehensive plans to receive local matching funds in accordance with the provisions of s. 335.20, or to be funded pursuant to the provisions of s. 339.12;

(III) Within transportation corridors protected by local government action;

(IV) Used in the operation of or in conjunction with public transportation facilities; and

(V) Located within the boundaries of a local government which has made a responsible local effort to fund improvements needed to accommodate local traffic.

b. Indicate the priorities for the area.

c. Group improvements of similar urgency and anticipated staging into appropriate staging periods.

d. Include realistic estimates of total costs and revenues for the program period.

e. Include a discussion of how improvements relate to the comprehensive transportation plan.

f. Indicate how the improvements are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the urbanized area.

The annual transportation improvement program shall be submitted to the district secretary and the Department of Community Affairs at least 90 days prior to the submission of the tentative work program to the Florida Transportation Commission.

(b) Recommendation to the department and local governmental entities regarding transportation plans, programs, and projects to better ensure their compatibility with the long-range plans and programs of the M.P.O.

(c) Representation of all the jurisdictional areas within the approved urbanized limits in the formulation of those transportation plans and programs defined herein, and otherwise authorized by state and federal laws, rules, and regulations.

(d) Performance of other duties delegated to it by federal and state laws, rules, or regulations.

(10) The Department of Community Affairs shall review the annual transportation improvement program of each metropolitan planning organization for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the urbanized area of each metropolitan planning organization and shall identify those projects which are inconsistent with such comprehensive plans. The Department of Community Affairs shall notify a metropolitan planning organization of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the urbanized area of the metropolitan planning organization.

Section 7. Subsection (3) of section 339.2405, Florida Statutes, is amended to read:

339.2405 Florida Highway Beautification Council.—

(3) The council shall meet no less than semiannually at the call of the chairman or, in his absence or incapacity, at the call of the head of the department. *Four* ~~Five~~ members shall constitute a quorum for the purpose of exercising all of the powers of the council. A vote of the majority of the members present shall be sufficient for all actions of the council.

Section 8. Section 20.23, Florida Statutes, 1988 Supplement, is amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)(a)1. The head of the Department of Transportation is the Secretary of Transportation. The secretary shall be appointed by the Governor from among three persons nominated by the Florida Transportation Commission and shall be subject to confirmation by the Senate, except that any secretary that was appointed before October 1, 1987, need not have been nominated by the commission. The secretary shall serve at the pleasure of the Governor.

2. The secretary shall be a proven, effective administrator who by a combination of education and experience shall clearly possess a broad knowledge of the administrative, financial, and technical aspects of the development, operation, and regulation of transportation systems and facilities or comparable systems and facilities.

(b)1. The secretary shall employ all personnel of the department. He shall implement the policies of the department, and he may not by his actions disregard or act in a manner contrary to any such policy. He shall represent the department in its dealings with other state agencies, local governments, special districts, and the Federal Government. He shall have authority to sign and execute all documents and papers necessary to carry out his duties and the operations of the department. At each meeting of the Florida Transportation Commission, the secretary shall submit a report of major actions taken by him as official representative of the department.

2. The secretary shall cause the annual department budget *request*, the Florida Transportation Plan, and the *tentative work program* ~~5-year transportation plan~~ to be prepared in accordance with *all applicable laws and* departmental policies and shall submit the budget, ~~and~~ plan, *and program* to the Florida Transportation Commission. The commission shall *perform an in-depth evaluation of* ~~review~~ the budget, ~~and~~ plan, *and program* for compliance with *all applicable laws and* departmental policies. If the commission determines that the ~~final~~ budget, ~~or~~ plan, *or program* is not in compliance with *all applicable laws and* departmental policies, it shall report *its findings and recommendations regarding* such noncompliance to the *Legislature* ~~secretary~~ and the Governor.

3. The secretary shall provide ~~from existing department personnel such staff support services~~ to the Florida Transportation Commission *or its staff, such assistance, information, and documents as are requested by the commission or its staff* ~~in Tallahassee as is necessary~~ to enable the commission to fulfill its duties and responsibilities.

(c) The secretary shall appoint *three* ~~an~~ assistant *secretaries who* ~~secretary who shall possess qualifications similar to those for the secretary and who shall act in the absence of the secretary. The assistant secretary~~ shall be directly responsible to the secretary and *who* shall perform such duties as are *specified in this section and such other duties as are* assigned ~~to him~~ by the secretary. *The secretary may delegate to any assistant secretary the authority to act in the absence of the secretary.* The assistant *secretaries* ~~secretary~~ shall serve at the pleasure of the secretary.

(d) Any secretary appointed after the effective date of this act and the assistant secretaries shall be exempt from the provisions of part III of chapter 110 and shall receive compensation commensurate with their qualifications and competitive with compensation for comparable responsibility in the private sector. When the salary of any assistant secretary exceeds the limits established in part III of chapter 110, the Governor shall approve said salary.

(2)(a)1. The Florida Transportation Commission is hereby created and shall consist of seven members appointed by the Governor subject to confirmation by the Senate. Members of the commission shall serve staggered terms of 4 years each. ~~Initially, however, two members shall be appointed to terms of 2 years, two members shall be appointed to terms of 3 years, and three members shall be appointed to terms of 4 years.~~

2. Members shall be appointed in such a manner as to equitably represent all geographic areas of the state. Each member must be a registered voter and a citizen of the state. Each member of the commission must also possess business managerial experience in the private sector.

3. A member of the commission shall represent the transportation needs of the state as a whole and may not subordinate the needs of the state to those of any particular area of the state.

4. The commission is assigned to the Office of the Secretary of the Department of Transportation for administrative and fiscal accountability purposes, but it shall otherwise function independently of the control and direction of the department.

(b) The commission shall have the primary functions to:

1. ~~Jointly with the secretary,~~ Recommend major transportation policies for the Governor's approval, and assure that approved policies and any revisions thereto are properly executed.

2. ~~Jointly with the secretary,~~ Periodically review the status of the state transportation system and recommend improvements therein to the Governor and the Legislature.

3. *Perform an in-depth evaluation of the annual department budget request, the Florida Transportation Plan, and the tentative work program* ~~Review~~ for compliance with *all applicable laws and* established departmental policies ~~the annual department budget, the Florida Transportation Plan, and the 5-year transportation plan~~. *Except as specifically provided in s. 339.135(4)(c)2., (d), and (f),* the commission may not consider individual construction projects, but shall consider methods of accomplishing the goals of the department in the most effective, efficient, and businesslike manner.

4. Review all construction, design, and maintenance standards which may have been issued by the department and cause to have issued only those standards which can be shown to be cost-effective, consistent with any federal regulations or other prevailing state law which may apply.

5. Monitor the financial status of the department on a regular basis to assure that the department is managing revenue and bond proceeds responsibly and in accordance with law and established policy.

6. Monitor on at least a quarterly basis, the efficiency, productivity, and management of the department, using performance and production standards developed by the commission.

7. Perform an in-depth evaluation of the factors causing disruption of project schedules in the adopted work program and recommend to the Legislature and the Governor methods to eliminate or reduce the disruptive effects of these factors.

8. Review all employee positions in the department and provide to the Legislature by January 1, 1991, recommendations as to those positions in the department that should be exempt from the Career Service System.

9. Perform a study of the functional classification of roads on the State Highway System. The commission shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than September 15, 1989. In its report, the commission shall, at a minimum:

a. Determine the fiscal impact and any other effects of a transfer to the counties of those urban minor arterials on the State Highway System and recommend a reasonable timeframe for the phased transfer of such roads to the counties;

b. Evaluate the appropriateness of transferring to the counties those minor arterial extensions into urban areas that are on the State Highway System. In addition, determine the fiscal impact and other effects of a transfer of such roads and recommend a reasonable timeframe for the phased transfer of such roads; and

c. Recommend the factors or criteria that should be included in a systematic approach for evaluating urban principal arterials on the State Highway System to determine whether such roads are of regional or statewide significance and should, therefore, remain on the State Highway System, or whether such roads primarily serve a local transportation function and should, therefore, be transferred to the appropriate local governmental entity.

(c) The commission or a member thereof may not enter into the day-to-day operation of the department and is specifically prohibited from taking part in:

1. The awarding of contracts.

2. The selection of a consultant or contractor or the prequalification of any individual consultant or contractor. However, the commission may recommend to the secretary standards and policies governing the procedure for selection and prequalification of consultants and contractors.

3. The selection of a route for a specific project.

4. The specific location of a transportation facility.

5. The acquisition of rights-of-way.

6. The employment, promotion, demotion, suspension, transfer, or discharge of any department personnel.

7. The granting, denial, suspension, or revocation of any license or permit issued by the department.

(d)1. The ~~first~~ chairman of the commission shall be ~~designated by the Governor and shall serve as chairman for 1 year. Each subsequent chairman shall be~~ selected by the commission members and shall serve a 1-year term.

2. The commission shall hold a minimum of 4 regular meetings annually and other meetings may be called by the chairman upon giving at least 1 week's notice to all members and the public pursuant to chapter 120. Other meetings may also be held upon the written request of at least four other members of the commission, with at least 1 week's notice of such meeting being given to all members and the public by the chairman pursuant to chapter 120. Emergency meetings may be held without notice upon the request of all members of the commission.

3. Five members of the commission constitute a quorum at any meeting of the commission. An action of the commission is not binding unless the action is taken pursuant to an affirmative vote of at least four members of the commission at a meeting held pursuant to subparagraph 2. and the vote is recorded in the minutes of that meeting.

4. The chairman shall cause to be made a complete record of the proceedings of the commission, which record shall be open for public inspection.

(e) The meetings of the commission shall be held in the central office of the department in Tallahassee unless the chairman determines that special circumstances warrant meeting at another location.

(f) Members of the commission are entitled to per diem and travel expenses pursuant to s. 112.061.

(g) A member of the commission may not have any interest, direct or indirect, in any contract, franchise, privilege, or other benefit granted or awarded by the department during the term of his appointment and for 2 years after the termination of such appointment.

(h) The commission shall appoint an executive director, who shall serve under the direction, supervision, and control of the commission. The executive director, with the consent of the commission, shall employ such staff as are necessary to perform adequately the functions of the commission, within budgetary limitations. All employees of the commission are exempt from part II of chapter 110 and shall serve at the pleasure of the commission. The salaries and benefits of all employees of the commission shall be set in accordance with the Selected Exempt Service; provided, however, that the commission shall have complete authority for fixing the salary of the executive director.

(i) The commission shall develop a budget pursuant to chapter 216. The budget is not subject to change by the department, but such budget shall be submitted to the Governor along with the budget of the department.

(3)(a) The central office shall establish departmental policies, rules, procedures, and standards and shall monitor the implementation of such policies, rules, procedures, and standards in order to ensure uniform compliance and quality performance by the districts. In conjunction with its monitoring function, the central office shall provide such training and administrative support to the districts as the department determines to be necessary to ensure that the department's programs are carried out in the most efficient and effective manner.

(b) The minimum resources necessary to ensure the efficiency, effectiveness, and quality of performance by the department of its statutory responsibilities shall be allocated to the central office.

(c) The secretary shall appoint *an Assistant Secretary for Planning and Engineering, an Assistant Secretary for Finance and Administration, and an Assistant Secretary for District Operations* ~~a State Transportation Planner, a State Transportation Engineer, and a State Operations Administrator,~~ each of whom shall serve at the pleasure of the secretary. ~~The positions shall be classified at a level equal to a deputy assistant secretary.~~ The positions are responsible for developing policy and managing major technical programs ~~within the central office~~. The responsibilities and duties of these positions include, but are not limited to, the following functional areas:

1. *Assistant Secretary for Planning and Engineering* ~~State Transportation Planner.~~—

a. Development of the agency functional plan and other policy planning; ~~and~~

b. Development of statewide modal systems plans, including public transportation systems;.

~~2. State Transportation Engineer.—~~

c.~~a.~~ Design of transportation facilities;

d.~~b.~~ Construction of transportation facilities; ~~and~~

e.~~c.~~ Acquisition and management of transportation rights-of-way; *and*.

f. Administration of motor carrier compliance and safety.

2.~~3.~~ *Assistant Secretary for District Operations* ~~State Operations Administrator.~~—

a. Administration of the seven districts;

b. Implementation of the decentralization of the department; and

c.~~a.~~ Administration of the Florida Turnpike.~~; and~~

~~b. Administration of other operating units involving statewide responsibilities.~~

3. Assistant Secretary for Finance and Administration.—

a. Financial planning and management;

b. Information systems;

c. Accounting systems;

d. Administrative functions; and

e. Administration of toll operations.

(d)1. Policy, program, or operations offices shall be established within the central office for the purposes of:

a. Developing policy and procedures and monitoring performance to ensure compliance with these policies and procedures;

b. Performing statewide activities which it is more cost-effective to perform in a central location; and

c. Performing other activities of a statewide nature.

~~2. The heads of such policy, programs, or operations offices may report to the assistant secretary, the state transportation planner, the state transportation engineer, the state operations administrator, or to the manager of another office whose scope of duties include these responsibilities.~~

~~2.~~3. The following offices are established and shall be headed by a manager, each of whom shall be appointed by and serve at the pleasure of the secretary. The positions shall be classified at a level equal to a division director:

a. The Office of Administration;

b. The Office of Policy Planning;

c. The Office of Design;

d. The Office of Construction;

e. The Office of Right-of-Way;

f. The Office of Toll *Operations* ~~Facilities~~;

g. The Office of Public Transportation Operations; and

h. The Office of Florida Turnpike.

~~3.~~4. Other offices may be established in accordance with s. 20.04(6). The heads of such offices are exempt from part II of chapter 110. No office or organization shall be created at a level equal to or higher than a division without specific legislative authority.

(e) The Assistant Secretary for Finance and Administration shall be the chief financial officer for the department. The Assistant Secretary for Finance and Administration must possess a broad knowledge of the administrative, financial, and technical aspects of a complete cost-accounting system, budget preparation and management, and management information systems. The Assistant Secretary for Finance and Administration must be a proven effective manager with specialized skills in financial planning and management.

(f)~~(e)~~1. Within the central office there is created an Office of Management and Budget. The head of the Office of Management and Budget *is responsible to the Assistant Secretary for Finance and Administration and* is exempt from part II of chapter 110.

2. The functions of the Office of Management and Budget include, but are not limited to:

a. Preparation of the *work program* ~~5-year transportation plan~~;

b. Preparation of the departmental budget;

c. Production management; and

d. Coordination of related policies and procedures.

3. The Office of Management and Budget shall also be responsible for developing uniform implementation and monitoring procedures for all activities performed at the district level involving the budget and the *work program* ~~5-year transportation plan~~.

(g)~~(f)~~ The secretary shall appoint an inspector general who shall be directly responsible to the secretary and shall serve at the pleasure of the secretary.

(h)~~(g)~~ The secretary shall appoint an internal auditor who shall be included in the Career Service System. The duties of the internal auditor shall include, but are not restricted to, reviewing, evaluating, and reporting on the policies, plans, procedures, and accounting, financial, and other operations of the department and recommending changes for the improvement thereof, as well as performing audits of contracts and agreements between the department and private entities or other governmental entities. The internal auditor shall have access at all times to any personnel, records, data, or other information of the department and shall determine the methods and procedures necessary to carry out his duties. The internal auditor is responsible for audits of departmental operations and for audits of consultant contracts and agreements, and such audits shall be conducted in accordance with generally accepted governmental auditing standards. The internal auditor shall report on the efficiency and effectiveness of contracts executed by the department with private entities and other governmental entities. The internal auditor has the sole responsibility for the contents of his reports, and a copy of each report containing his findings and recommendations shall be furnished directly to the secretary.

(i)~~(h)~~1. The secretary shall appoint a comptroller who shall be *responsible to the Assistant Secretary for Finance and Administration* ~~the chief financial officer for the department~~. This position is exempt from part II of chapter 110.

2. The comptroller shall be a proven, effective administrator who by a combination of education and experience clearly possesses a broad knowledge of the administrative, financial, and technical aspects of a complex cost-accounting system. The comptroller must also have a working knowledge of generally accepted accounting principles. At a minimum, the comptroller must have a degree with a major in accounting or finance. In addition to the requirements of the Florida Fiscal Accounting Management Information System Act, the comptroller is responsible for the development, maintenance, and modification of an accounting system which will in a timely manner accurately reflect the revenues and expenditures of the department and which shall include a cost-accounting system to properly identify, segregate, allocate, and report department costs. The comptroller shall supervise and direct preparation of a detailed 36-month forecast of cash and expenditures and shall be responsible for managing cash and determining cash requirements. The comptroller shall review all comparative cost studies which examine the cost-effectiveness and feasibility of contracting for services and operations performed by the department. The review shall state that the study was prepared in accordance with generally accepted cost-accounting standards applied in a consistent manner using valid and accurate cost data. ~~The comptroller shall report to the secretary or his designee, except that the designee may not hold a position below that of assistant secretary.~~

3. The comptroller must give bond in the amount of $100,000, payable to the Governor and his successors in office, to be approved by the Department of Banking and Finance and conditioned upon the faithful performance of his duties. The premiums of such bond shall be paid from the funds for the maintenance of the department.

4. The department shall by rule or internal management memoranda as required by chapter 120 provide for the maintenance by the comptroller of financial records and accounts of the department as will afford a full and complete check against the improper payment of bills and provide a system for the prompt payment of the just obligations of the department, which records must at all times disclose:

a. The several appropriations available for the use of the department;

b. The specific amounts of each such appropriation budgeted by the department for each improvement or purpose;

c. The apportionment or division of all such appropriations among the several counties and districts, when such apportionment or division is made;

d. The amount or portion of each such apportionment against general contractual and other liabilities then created;

e. The amount expended and still to be expended in connection with each contractual and other obligation of the department;

f. The expense and operating costs of the various activities of the department;

g. The receipts accruing to the department and the distribution thereof;

h. The assets, investments, and liabilities of the department; and

i. The cash requirements of the department for a 36-month period.

5. The comptroller shall maintain a separate account for each fund administered by the department.

6. The comptroller shall perform such other related duties as may be designated by the department.

(j)~~(i)~~ The secretary shall appoint a general counsel who shall be employed full time and shall be directly responsible to the secretary. The general counsel is responsible for all legal matters of the department. The department may employ as many attorneys as it deems necessary to advise and represent the department in all transportation matters.

(k) The secretary shall appoint a State Transportation Planner who shall report to the Assistant Secretary for Planning and Engineering. The state transportation planner's responsibilities shall include, but are not limited to, policy planning, systems planning, public transportation, and transportation statistics. This position shall be classified at a level equal to a deputy assistant secretary.

(l) The secretary shall appoint a State Transportation Engineer who shall report to the Assistant Secretary for Planning and Engineering. The state transportation engineer's responsibilities shall include, but are not limited to, design, construction, and maintenance of transportation facilities; acquisition and management of transportation rights-of-way; traffic engineering; materials testing; motor carrier compliance; and safety. This position shall be classified at a level equal to a deputy assistant secretary.

(4)(a) The operations of the department shall be organized into seven districts, each headed by a district secretary. *The district secretaries shall report to the Assistant Secretary for District Operations.* The headquarters of the districts shall be located in Polk, Columbia, Washington, Broward, Volusia, Dade, and Hillsborough Counties. In order to provide for efficient operations and to expedite the decisionmaking process, the department shall provide for maximum decentralization to the districts, where appropriate.

(b) The primary responsibility for the implementation of the department's transportation programs shall be delegated by the secretary to the district secretaries, and sufficient authority shall be vested in each district to ensure adequate control of the resources commensurate with the delegated responsibility.

(c) Each district secretary may appoint a district director for planning and programming, a district director for production, and a district director for operations. These positions are exempt from part II of chapter 110.

(d) Within each district, offices shall be established for managing major functional responsibilities of the department. The offices may include planning, design, construction, right-of-way, maintenance, and public transportation. The heads of these offices shall be exempt from part II of chapter 110.

(e) The department may perform in a single location only those statewide production-related functions which it can document are accomplished more cost effectively in that location.

(5) Notwithstanding the provisions of s. 110.205, the Department of Administration is authorized to exempt positions within the Department of Transportation which are comparable to positions within the Senior Management Service pursuant to s. 110.205(2)(i) or positions which are comparable to positions in the Select Exempt Service under s. 110.205(2)(l).

(6) To facilitate the efficient and effective management of the department in a businesslike manner, the department shall develop a system for the submission of monthly management reports to the Florida Transportation Commission and secretary from the district secretaries. *The commission and the secretary shall determine which reports are required to fulfill their respective responsibilities under this section.* ~~Such reports shall include, but not be limited to, information related to budgets, expenditures, contracts, personnel, and related matters.~~ A copy of each such report shall be submitted monthly to the appropriations committees of the Senate and the House of Representatives. Recommendations made by the Auditor General in his audits of the department that relate to management practices, systems, or reports shall be implemented in a timely manner. However, if the department determines that one or more of the recommendations should be altered or should not be implemented, it shall provide a written explanation of such determination to the Legislative Auditing Committee within 6 months after the date the recommendations were published.

(7) The department is authorized to contract with local governmental entities and with the private sector to the maximum extent possible for the performance of the department's transportation responsibilities where it can be documented that such entities can perform the activities more cost effectively.

Section 9. Subsections (3) and (5) of section 215.605, Florida Statutes, 1988 Supplement, are amended to read:

215.605 State bonds for right-of-way acquisition or bridge construction.—

(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*(4)(b) and (c)*~~(5)(b)~~ or *(j)*~~(g)~~ and *(6)*~~(7)(a)~~.

(5) Section 339.135~~, except paragraph (4)(d),~~ shall apply to the Right-of-Way Acquisition and Bridge Construction Trust Fund.

Section 10. Paragraph (a) of subsection (2) of section 332.007, Florida Statutes, 1988 Supplement, is amended to read:

332.007 Administration and financing of aviation and airport development programs and projects; state plan.—

(2)(a) The Department of Transportation shall prepare and continuously update a 5-year aviation and airport development plan based on a collection of the local sponsors' proposed projects, which plan *shall* ~~will~~ be included in the *work program* ~~5-year transportation plan~~ of the department. Any planned department participation shall be in accordance with subsection (5).

Section 11. Subsection (4) of section 337.015, Florida Statutes, is amended to read:

337.015 Administration of public contracts.—Recognizing that the inefficient and ineffective administration of public contracts inconveniences the traveling public, increases costs to taxpayers, and interferes with commerce, the Legislature hereby determines and declares that:

(4) The department shall stabilize the *work program* ~~5-year transportation plan~~, ensuring the timely and systematic completion of projects.

Section 12. Paragraph (d) of subsection (5) of section 337.11, Florida Statutes, 1988 Supplement, 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.—

(5)

(d) The department may conduct a combined design and construction contract demonstration program, not to exceed a total contract amount of $50 million. Pursuant to this program, the department may award, to the qualified firm or joint venture with the lowest cost and best technical proposal, combined design and construction contracts for projects in the department's *adopted work program* ~~current 5-year transportation plan~~ in each of the following project categories:

1. Resurfacing;

2. Bridge replacement, or new bridge construction;

3. Multilane new construction or reconstruction; and

4. Fixed capital outlay and parking garages.

Annually, the department shall submit to the transportation committees of the Senate and the House of Representatives a report outlining the results obtained from completed combined design and construction contracts awarded to that time.

Section 13. Subsection (1) of section 338.223, Florida Statutes, 1988 Supplement, is amended to read:

338.223 Proposed turnpike projects; turnpike system plan.—

(1)(a) The department shall develop and maintain a turnpike system plan of limited access highways. The plan shall delineate the ultimate connection of such highways into an interconnected statewide turnpike

system. Any project constructed or acquired as part of the turnpike system shall be included in the department's turnpike system plan, the first 5 years of which shall be submitted by *January 15* ~~March 1~~ of each year to the Legislature as part of, and along with, the *tentative work program* ~~5-year transportation plan~~. No project or group of projects shall be added to the turnpike system plan unless determined to be economically feasible. The department may authorize engineering studies, traffic studies, and other expert studies of the location, costs, economic feasibility, and practicality of turnpike projects throughout the state. If it is found economically feasible, the project or group of projects may be added to the turnpike system plan. Each such project or group of projects included in the department's legislative budget request shall be prioritized according to economic feasibility. The department shall construct, maintain, and operate such turnpike projects approved by the Legislature in accordance with s. 11(e), Art. VII of the State Constitution, or in accordance with s. 339.135, as part of the turnpike system.

(b) Any proposed turnpike project shall be developed in accordance with the Florida Transportation Plan and the *work program* ~~5-year transportation plan~~ pursuant to s. 339.135. Turnpike projects that add capacity, alter access, affect feeder roads, or affect the operation of the local transportation system shall be included in the transportation improvement plan of the affected metropolitan planning organization. If such turnpike project does not fall within the jurisdiction of a metropolitan planning organization, the department shall notify the affected county and provide for public hearings in accordance with s. 339.155(7)(c).

Section 14. Subsections (1), (2), (3) and (4) of section 339.12, Florida Statutes, are amended to read:

339.12 Aid and contributions by governmental entities for rights-of-way, construction, or maintenance of roads in State Highway System; federal aid.—

(1) Any governmental entity may aid in *any project or project phase, including, but not limited to, preliminary engineering, design,* ~~the~~ acquisition of rights-of-way, construction, or maintenance of any road on the State Highway System, by contributions to the department of cash, bond proceeds, time warrants, or other goods or services of value ~~in the acquisition of rights-of-way, construction, or maintenance of such state roads~~.

(2) The department may accept and receive any such aid and contributions and dispose of and use the same *for any project or project phase, including, but not limited to, preliminary engineering, design,* ~~in the~~ acquisition of rights-of-way, construction, or maintenance of such state roads. *The Executive Office of the Governor is authorized to amend the department's budget and adopted work program in the appropriate categories to utilize contributions received.*

(3) In case any such aid or contribution is given or made by any county, municipality, or special road and bridge district, such aid or contribution shall be used by the department only *for the project or project phase* ~~in the acquisition of rights-of-way, construction,~~ or maintenance of such state roads in the county, municipality, or special road and bridge district as are designated and agreed upon by the department and the officials of such county, municipality, or special road and bridge district.

(4) Upon accepting the contribution of road bond proceeds, time warrants, or cash, the department shall enter into agreements with the commissioners of the county, the governing body of the municipality, or the trustees of the special road and bridge district in which such road bonds have been voted by the people, for *the project or project phase* ~~acquisition of rights-of-way and the construction~~ of the roads and bridges in accordance with specifications agreed upon between the department and the commissioners of such county, the governing body of such municipality, or the trustees of such district. The department shall receive from such county or municipality, in consideration thereof, the net proceeds of the sale of the bonds so voted, after deducting expenses and the commission on the sale and administration of such bonds. The department in no instance is to receive from such county or municipality an amount in excess of the actual cost of the *project or project phase* ~~acquisition of rights-of-way and construction~~ of such state roads. By specific provision in the written agreement between the department and the governing body of the county or municipality, the department may agree to reimburse the county or municipality for the full amount of the bond proceeds, time warrants, or cash used on a project or project phases in the State Highway System that are not revenue-producing and are contained in the department's adopted *work program* ~~5-year transportation plan~~. *Subject to appropriation of funds by the Legislature,* the department may ~~not~~ commit state funds for reimbursement of such projects or project phases in the State Highway System ~~without legislative approval~~. Reimbursement to the county or municipality for such a project or project phases must be made from funds appropriated by the Legislature and reimbursement for the entire cost of the project or project phase is to begin in the year the project or project phase was originally scheduled. Funds so reimbursed shall be used by the county or municipality for any transportation expenditure authorized under s. 336.025(7).

Section 15. Subsection (5) of section 339.402, Florida Statutes, 1988 Supplement, is amended to read:

339.402 Definitions.—As used in this act, the term:

(5) "Project" means any improvement to an existing highway that is included in the adopted *work program* ~~5-year transportation plan~~.

Section 16. Subsection (2) of section 341.041, Florida Statutes, is amended to read:

341.041 Transit responsibilities of the department.—The department shall, within the resources provided pursuant to chapter 216:

(2) Formulate a specific program of projects and project financing to respond to identified transit needs as part of the *work program* ~~5-year transportation plan~~.

Section 17. Paragraph (a) of subsection (2) and paragraph (a) of subsection (4) of section 341.051, Florida Statutes, 1988 Supplement, are amended to read:

341.051 Administration and financing of public transit programs and projects.—

(2) PUBLIC TRANSIT PLAN.—

(a) The department shall prepare a public transit plan which shall be included in the *tentative work program* ~~5-year transportation plan~~ of the department prepared pursuant to *s. 339.135(4)* ~~s. 339.135(5)~~. The provisions of s. 339.135 apply to public transit projects in the same manner that they apply to other transportation facility construction projects. Any planned department participation shall be in accordance with subsection (5).

(4) PROJECT ELIGIBILITY.—

(a) Any project that is necessary to meet the program objectives enumerated in s. 341.041, that conforms to the provisions of this section, and that is contained in the local transportation improvement program and the *adopted work program* ~~5-year transportation plan~~ of the department is eligible for the expenditure of state funds for transit purposes.

1. The project shall be a project for service or transportation facilities provided by the department under the provisions of this act, a public transit capital project, a public transit service development project, or a transit corridor project.

2. The project must be approved by the department as being consistent with the criteria established pursuant to the provisions of this act.

Section 18. Subsection (4) of section 341.302, Florida Statutes, is amended to read:

341.302 Rail program, duties and responsibilities of the department.—The department, in conjunction with other governmental units and the private sector, shall develop and implement a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. Within the resources provided pursuant to chapter 216, the department shall:

(4) As part of the *work program* ~~5-year transportation plan~~ of the department, formulate a specific program of projects and financing to respond to identified railroad needs.

Section 19. Subsections (1) and (2) of section 341.303, Florida Statutes, 1988 Supplement, are amended to read:

341.303 Funding authorization and appropriations; eligibility and participation.—

(1) APPROPRIATIONS REQUESTS.—

(a) Rail funds shall be requested on the basis of the funding required for the implementation of the rail component of the *work program* ~~5-year transportation plan~~.

(b) No state funds shall be allocated or expended for operation deficits of any intercity or commuter rail projects except as specifically allowed for approved rail service development projects.

(2) PROJECT ELIGIBILITY.—Any project that is necessary to carry out those duties and responsibilities enumerated in s. 341.302, that is consistent with the Florida Transportation Plan, and that is contained in the *adopted work program* ~~5-year transportation plan~~ is eligible for the expenditure of state funds in accordance with the fund participation rates established in this section.

Section 20. Section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, shall be distributed monthly, as collected, to the following funds:

(1) The first proceeds, to the extent necessary to comply with the provisions of s. 18 of Art. XII of the State Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968 revised constitution, and the additional provisions of s. 9(d) and s. 236.602, shall be deposited in the district Capital Outlay and Debt Service School Trust Fund.

(2) Twenty-five million dollars per year of such revenues shall be deposited in the State Transportation Trust Fund, with priority use assigned to completion of the interstate highway system. However, any excess funds may be utilized for general transportation purposes, consistent with the Department of Transportation's legislatively approved objectives. Prior to such utilization, the department's comptroller shall certify that adequate funds are available to assure expeditious completion of the interstate highway system and to award all such contracts by 1990.

(3)*(a) Except as provided in paragraph (c),* the remainder of such revenues shall be deposited in the State Transportation Trust Fund.

(b) Beginning July 1, 1989, the State Comptroller each month shall deposit in the State Transportation Trust Fund an amount, drawn from other funds in the State Treasury which are not immediately needed or are otherwise in excess of the amount necessary to meet the requirements of the State Treasury, which when added to such remaining revenues each month will equal 95 percent of one-twelfth of the amount of the anticipated annual revenues to be deposited to the State Transportation Trust Fund under paragraph (a) as estimated by the most recent revenue estimating conference held pursuant to s. 216.136(3). The transfers required hereunder may be suspended by action of the Administration Commission in the event of a significant shortfall of state revenues.

(c) In any month in which the remaining revenues derived from the registration of motor vehicles exceed 95 percent of one-twelfth of those anticipated annual remaining revenues as determined by the revenue estimating conference, the excess shall be credited to those state funds in the State Treasury from which the amount was originally drawn, up to the amount which was deposited in the State Transportation Trust Fund under paragraph (b). A final adjustment shall be made in the last months of a fiscal year so that the total revenue deposited in the State Transportation Trust Fund each year equals the amount derived from the registration of motor vehicles, less the amount distributed under subsection (1). For the purposes of this paragraph and paragraph (b), the term "remaining revenues" means all revenues deposited into the State Transportation Trust Fund under paragraph (a) and subsection (2). In order that interest earnings continue to accrue to the General Revenue Fund, the Department of Transportation may not invest an amount equal to the cumulative amount of funds deposited in the State Transportation Trust Fund under paragraph (b) less funds credited under this paragraph as computed on a monthly basis. The amounts to be credited under this and the preceding paragraph shall be calculated and certified to the Comptroller by the Executive Office of the Governor.

(d) Paragraphs (b) and (c) expire July 1, 1991.

Section 21. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Amendment 2—Strike the entire title and insert: A bill to be entitled An act relating to planning and budgeting; amending s. 216.0152, F.S.; providing duties of the Department of General Services, the Board of Regents, and the Division of Community Colleges regarding maintenance of inventories of state-owned, state-occupied, and state-maintained facilities; redefining "facility"; amending s. 216.016, F.S.; providing duties of the Executive Office of the Governor regarding certain financing plans and policies; amending s. 216.163, F.S.; providing an additional requirement regarding the Governor's recommended budget; amending s. 339.135, F.S.; providing definitions; revising terminology; revising procedures and requirements for submittal of the legislative budget request and tentative work program; deleting obsolete provisions; providing for certain reports to be submitted by the department to the Legislature; specifying procedures and requirements for development of the district and tentative work programs and for changes submitted by metropolitan planning organizations; providing for objections to be filed by the metropolitan planning organizations under certain circumstances; providing for a statewide public hearing on the tentative work program; providing for review of the tentative work program by the Department of Community Affairs for specified purposes; providing for separate identification by specific appropriation of certain projects included in the appropriations act; providing for submission of the tentative work program to the Governor; requiring additional information; revising requirements relating to a list of projects developed independently of the tentative work program; revising requirements for certification forward of funds at the end of the fiscal year; providing procedures for roll forward of spending authority under certain circumstances; providing for adoption of the work program; providing legislative intent regarding the program; revising procedures for amending the adopted work program and for notification and approvals related thereto; providing for temporary transfers of funds between districts in certain circumstances; providing requirements for performance monitoring by the department and for annual reporting related thereto; amending s. 339.155, F.S.; providing for development of a statewide transportation plan; providing that the plan of work prepared by a metropolitan planning organization must be consistent, to the maximum extent feasible, with specified local government comprehensive plans; revising requirements relating to the department's systematic planning process; revising contents of the Florida Transportation Plan; providing for the program and resource plan as a section of the Florida Transportation Plan; providing for submission of the plan to legislative appropriations committees; amending s. 339.175, F.S., and repealing subsection (8), relating to rescheduling of major federal-aid projects by the department; expanding the planning responsibilities of the metropolitan planning organizations; providing for rescheduling or deletion of projects from transportation improvement programs under certain circumstances; providing for consistency of metropolitan planning organization plans and programs with specified local government comprehensive plans; providing that the department shall give priority to certain transportation improvements in a transportation improvement program; providing for review of transportation improvement programs by the Department of Community Affairs for specified purposes and providing for notifications related thereto; amending s. 339.2405, F.S.; revising the number of members which constitutes a quorum of the Florida Highway Beautification Council; amending s. 20.23, F.S.; providing duties of the Secretary of Transportation and the Florida Transportation Commission; assigning the commission to the Office of the Secretary for specific purposes only; providing for the commission to appoint an executive director and to employ sufficient staff; requiring the secretary to provide assistance and information to the commission or its staff, upon request; requiring the commission to develop and submit a budget; revising certain current functions and providing additional functions of the commission; requiring a report; reorganizing the department; specifying the qualifications, titles, and duties of certain employees of the department; providing certain employment exemption; providing for certain salaries; specifying the reporting responsibilities of certain employees of the department; providing that the commission and secretary determine the reports to be submitted by the district secretaries; deleting obsolete language; amending ss. 215.605, 332.007, 337.015, 337.11, 338.223, 339.402, 341.041, 341.051, 341.302, and 341.303, F.S.; conforming to changes in cross references, dates, and terminology; amending s. 339.12, F.S.; providing that the department may accept contributions from governmental entities for any project or project phase of any state road and may agree to reimbursement of such project or project phase costs under certain circumstances; providing conditions for commitment of state funds for reimbursement; amending s. 320.20, F.S.; providing for provisional funding of the State Transportation Trust Fund; providing for expiration; providing effective dates.

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

CS for CS for SB 1474 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Kiser	Stuart
Bankhead	Dudley	Langley	Thomas
Beard	Forman	Malchon	Thurman
Brown	Gardner	Margolis	Walker
Bruner	Girardeau	McPherson	Weinstein
Casas	Gordon	Meek	Weinstock
Childers, D.	Grant	Myers	Woodson-Howard
Childers, W. D.	Grizzle	Peterson	
Crenshaw	Johnson	Ros-Lehtinen	
Davis	Kirkpatrick	Souto	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 993 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 993—A bill to be entitled An act relating to drug testing; creating s. 112.0455, F.S.; creating the Drug-Free Workplace Act; providing legislative purpose; providing legislative findings; providing that there is no legal duty to test; providing definitions; providing for notice to employees; providing for types of testing; providing procedures and employee protection; providing for confirmation testing; providing for employer's protections; providing for confidentiality; providing for drug testing standards and laboratories; providing for rules; providing for discipline remedies; providing for non-discipline remedies; providing compliance with federal programs; providing an effective date.

Amendment 1—Strike everything after the enacting clause and insert:

Section 1. Section 112.0455, Florida Statutes, is created to read:

112.0455 Drug-Free Workplace Act.—

(1) SHORT TITLE.—This section shall be known and may be cited as the "Drug-Free Workplace Act."

(2) PURPOSE.—This section is intended to:

(a) Promote the goal of drug-free workplaces within government through fair and reasonable drug testing methods for the protection of public employees and employers.

(b) Encourage employers to provide employees who have drug use problems an opportunity to participate in an employee assistance program or alcohol and drug rehabilitation program.

(c) Provide for confidentiality of testing results.

(3) FINDINGS.—The Legislature finds that:

(a) Drug use has serious adverse effects upon a significant portion of the work force, resulting in billions of dollars of lost productivity each year and posing a threat to the workplace and to public safety and security.

(b) Maintaining a healthy and productive work force, safe working conditions free from the effects of drugs, and quality products and services is important to employers, employees, and the general public in this state. The Legislature further finds that drug use creates a variety of workplace problems, including increased injury on the job, increased absenteeism, increased financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

(c) Certain drug testing standards are necessary to protect persons participating in workplace drug testing programs.

(d) In balancing the interests of employers, employees, and the welfare of the general public, the establishment of standards to assure fair and accurate testing for drugs in the workplace is in the best interest of all.

(4) NO LEGAL DUTY TO TEST.—All drug testing conducted by employers shall be in conformance with the standards established in this section and all applicable rules promulgated pursuant to this section. However, employers shall not have a legal duty under this section to request an employee or job applicant to undergo drug testing.

(5) DEFINITIONS.—Except where the context otherwise requires, as used in this act:

(a) "Drug" means alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors, amphetamines, cannabinoids, cocaine, phencyclidine(PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of the substances listed herein.

(b) "Drug test" or "test" means any chemical, biological or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

(c) "Initial drug test" means a sensitive, rapid, and reliable immunoassay procedure to identify negative and presumptive positive specimens.

(d) "Confirmation test," "confirmed test," or "confirmed drug test" means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. This confirmation method must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

(e) "Chain of custody" refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, storing specimens, and reporting of test results.

(f) "Job applicant" means a person who has applied for a job with an employer and has been offered employment conditioned upon successfully passing a drug test.

(g) "Employee" means any person who works for salary, wages, or other remuneration for an employer.

(h) "Employer" means any agency within state government that employs individuals for salary, wages, or other remuneration.

(i) "Prescription or nonprescription medication" means a drug or medication obtained pursuant to a prescription as defined by s. 893.02(17) or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

(j) "Reasonable suspicion drug testing" means drug testing based on a belief that an employee is using or has used drugs in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.

2. Abnormal conduct or erratic behavior while at work, excessive absenteeism, excessive tardiness, or a significant deterioration in work performance.

3. A report of drug use, provided by a reliable and credible source, which has been independently corroborated.

4. Evidence that an individual has tampered with a drug test during his employment with the current employer.

5. Information that an employee has caused, or contributed to, an accident while at work.

6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

(k) "Specimen" means a tissue or product of the human body capable of revealing the presence of drugs or their metabolites.

(l) "Employee assistance program" means an established program for employee assessment, counseling, and possible referral to an alcohol and drug rehabilitation program.

(m) "Safety-sensitive position" means any position, including a supervisory or management position, in which a drug impairment would constitute an immediate and direct threat to public health or safety.

(n) "Special risk" means employees who are required as a condition of employment to be certified under chapter 633 or chapter 943.

(6) NOTICE TO EMPLOYEES.—

(a) Employers with no drug testing program shall ensure that at least 60 days elapse between a general one-time notice to all employees that a drug testing program is being implemented and the beginning of actual drug testing. Employers with drug testing programs in place prior to the effective date of this section are not required to provide a 60-day notice period.

(b) Prior to testing, all employees and job applicants for employment shall be given a written policy statement from the employer which contains:

1. A general statement of the employer's policy on employee drug use, which shall identify:

a. The types of testing an employee or job applicant may be required to submit to, including reasonable suspicion or other basis; and

b. The actions the employer may take against an employee or job applicant on the basis of a positive confirmed drug test result.

2. A statement advising the employee or job applicant of the existence of this section.

3. A general statement concerning confidentiality.

4. Procedures for employees and job applicants to confidentially report the use of prescription or nonprescription medications both before and after being tested. Additionally, employees and job applicants shall receive notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. A list of such medications shall be developed by the Department of Health and Rehabilitative Services.

5. The consequences of refusing to submit to a drug test.

6. Names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs.

7. A statement that an employee or job applicant who receives a positive confirmed drug test result may contest or explain the result to the employer within 5 working days after written notification of the positive test result. If an employee or job applicant's explanation or challenge is unsatisfactory to the employer, the person may contest the drug test result as provided by subsections (14) and (15).

8. A statement informing the employee or job applicant of his responsibility to notify the laboratory of any administrative or civil actions brought pursuant to this section.

9. A list of all drugs for which the employer will test, described by brand names or common names, as applicable, as well as by chemical names.

10. A statement regarding any applicable collective bargaining agreement or contract and their right to appeal to the Public Employees Relations Commission.

11. A statement notifying employees and job applicants of their right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

(c) An employer shall include notice of drug testing on vacancy announcements for those positions where drug testing is required. A notice of the employer's drug testing policy shall also be posted in an appropriate and conspicuous location on the employer's premises and copies of the policy shall be made available for inspection during regular business hours by the general public in the employer's personnel office or other suitable locations.

(7) TYPES OF TESTING.—An employer is authorized, but not required, to conduct the following types of drug tests:

(a) Job applicant testing.—An employer may require job applicants to submit to a drug test and may use a refusal to submit to a drug test or a positive confirmed drug test as a basis for refusal to hire the job applicant.

(b) Reasonable suspicion.—An employer may require an employee to submit to reasonable suspicion drug testing.

(c) Routine fitness for duty.—An employer may require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty complete medical examination that is part of the employer's established policy or that is scheduled routinely for all members of an employment classification or group.

(d) Follow-up-testing.—If the employee in the course of employment enters an employee assistance program for drug related problems, or an alcohol and drug rehabilitation program, the employer may require said employee to submit to a drug test as a follow-up to such program, and on a quarterly, semiannual, or annual basis for up to 2 years thereafter.

(8) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen collection and testing for drugs under this section shall be performed in accordance with the following procedures:

(a) A sample shall be collected with due regard to the privacy of the individual providing the sample, and in a manner reasonably calculated to prevent substitution or contamination of the sample.

(b) Specimen collection shall be documented, and the documentation procedures shall include:

1. Labeling of specimen containers so as to reasonably preclude the likelihood of erroneous identification of test results.

2. A form for the employee or job applicant to provide any information he considers relevant to the test, including identification of currently or recently used prescription or nonprescription medication, or other relevant medical information. Such form shall provide notice of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test. The providing of information shall not preclude the administration of the drug test, but shall be taken into account in interpreting any positive confirmed results.

(c) Specimen collection, storage, and transportation to the testing site shall be performed in a manner which will reasonably preclude specimen contamination or adulteration.

(d) Each initial and confirmation test conducted under this section, not including the taking or collecting of a specimen to be tested, shall be conducted by a licensed laboratory as described in subsection (12).

(e) A specimen for a drug test may be taken or collected by any of the following persons:

1. A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, or a nurse practitioner.

2. A qualified person employed by a licensed laboratory.

(f) A person who collects or takes a specimen for a drug test conducted pursuant to this section shall collect an amount sufficient for two drug tests as determined by the Department of Health and Rehabilitative Services.

(g) Any drug test conducted or requested by an employer may occur before, during, or immediately after the regular work period of the employee, and shall be deemed to be performed during work-time for the purposes of determining compensation and benefits for the employee.

(h) Every specimen that produces a positive confirmed result shall be preserved in a frozen state by the licensed laboratory that conducts the confirmation test for a period of at least 210 days from the time the results of the positive confirmation test are mailed or otherwise delivered to the employer. However, if an employee or job applicant undertakes an administrative or legal challenge to the test result, the employee or job applicant shall notify the laboratory and the sample shall be retained by the laboratory until the case or administrative

appeal is settled. During the 180 day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the employer to have a portion of the specimen retested, at the employee or job applicant's expense, at another laboratory, licensed and approved by the Department of Health and Rehabilitative Services, chosen by the employee or job applicant. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory which performed the test for the employer shall be responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.

(i) Within 5 working days after receipt of a positive confirmed test result from the testing laboratory, an employer shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant.

(j) The employer shall provide to the employee or job applicant, upon request, a copy of the test results.

(k) Within 5 working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to an employer explaining or contesting the test results, and why the results do not constitute a violation of the employer's policy.

(l) If an employee or job applicant's explanation or challenge of the positive test results is unsatisfactory to the employer, a written explanation as to why the employee or job applicant's explanation is unsatisfactory, along with the report of positive results, shall be provided by the employer to the employee or job applicant and all such documentation shall be kept confidential by the employer pursuant to subsection (11) and shall be retained by the employer for at least 1 year.

(m) No employer may discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test.

(n) In addition to the limitation under paragraph (m):

1. Except as provided in subparagraph 3., no employer may discharge, discipline, or discriminate against an employee on the sole basis of the employee's first positive confirmed drug test, unless the employer has first given the employee an opportunity to participate in, at the employee's own expense or pursuant to coverage under a health insurance plan, an employee assistance program or alcohol and drug rehabilitation program, and:

a. The employee has either refused to participate in the employee assistance program or alcohol and drug rehabilitation program or has failed to successfully complete such program, as evidenced by withdrawal from the program before its completion or a report from the program indicating unsatisfactory compliance, or by a positive test result on a confirmation test after completion of the program; or

b. The employee has failed or refused to sign a written consent form allowing the employer to obtain information regarding the progress and successful completion of an employee assistance program or alcohol and drug rehabilitation program.

2. An employee in a safety-sensitive position shall be placed by the employer in a non-safety-sensitive position, or if such position is unavailable, on leave status while participating in an employee assistance program or alcohol and drug rehabilitation program. If placed on leave status without pay, the employee shall be permitted to use any accumulated leave credits prior to being placed on leave without pay.

3. A special risk employee may be discharged or disciplined for the first positive confirmed drug test result when illicit drugs, pursuant to s. 893.13, are confirmed. No special risk employee shall be permitted to continue work in a safety-sensitive position, but may be placed either in a non-safety-sensitive position or on leave status while participating in an employee assistance program or a alcohol and drug rehabilitation program.

(o) Upon successful completion of an employee assistance program or alcohol and drug rehabilitation program, the employee shall be reinstated to the same or equivalent position that was held prior to such rehabilitation.

(p) No employer may discharge, discipline, or discriminate against an employee, or refuse to hire a job applicant, on the basis of any prior medical history revealed to the employer pursuant to this section.

(q) An employer who performs drug testing or specimen collection shall use chain-of-custody procedures as established by the Department of Health and Rehabilitative Services to ensure proper recordkeeping, handling, labeling, and identification of all specimens to be tested.

(r) An employer shall pay the cost of all drug tests, initial and confirmation, which he requires of employees.

(s) An employee or job applicant shall pay the costs of any additional drug tests not required by the employer.

(t) No employer shall discharge, discipline, or discriminate against an employee solely upon voluntarily seeking treatment, while under the employ of the employer, for a drug-related problem if the employee has not previously tested positive for drug use, entered an employee assistance program for drug related problems, or entered an alcohol and drug rehabilitation program. However, special risk employees may be subject to discharge or disciplinary action when the presence of illicit drugs, pursuant to s. 893.13, are confirmed.

(u) Where testing is conducted based on reasonable suspicion, each employer shall promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion exists to warrant the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidential by the employer pursuant to subsection (11) and retained by the employer for at least 1 year.

(v) If an employee is unable to participate in outpatient rehabilitation, the employee may be placed on leave status while participating in an employee assistance program or alcohol and drug rehabilitation program. If placed on leave without pay status, the employee shall be permitted to use any accumulated leave credits prior to being placed on leave without pay. Upon successful completion of an employee assistance program or alcohol and drug rehabilitation program, the employee shall be reinstated to the same or equivalent position that was held prior to such rehabilitation.

(9) CONFIRMATION TESTING.—

(a) If an initial drug test is negative, the employer may in its sole discretion and at the employer's expense seek a confirmation test.

(b) Only licensed laboratories as described in subsection (12) shall conduct confirmation drug tests.

(c) All positive initial tests shall be confirmed using gas chromatography/mass spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the Department of Health and Rehabilitative Services as such technology becomes available in a cost effective form.

(10) EMPLOYER PROTECTION.—

(a) No employee or job applicant whose drug test result is confirmed as positive in accordance with the provisions of this section shall, by virtue of the result alone, be defined as a person with a "handicap" as cited in the 1973 Rehabilitation Act.

(b) An employer who discharges or disciplines an employee or refuses to hire a job applicant in compliance with this section shall be considered to have discharged, disciplined, or refused to hire for cause.

(c) No physician-patient relationship is created between an employee or job applicant and an employer or any person performing or evaluating a drug test, solely by the establishment, implementation, or administration of a drug testing program.

(d) Nothing in this section shall be construed to prevent an employer from establishing reasonable work rules related to employee possession, use, sale, or solicitation of drugs, including convictions for drug-related offenses, and taking action based upon a violation of any of those rules.

(e) Nothing in this section shall be construed to operate retroactively and nothing in this section shall abrogate the right of an employer under state law to conduct drug tests prior to the effective date of this section. A drug test conducted by an employer prior to the effective date of this section is not subject to this section.

(f) If an employee or job applicant refuses to submit to a drug test, the employer shall not be barred from discharging or disciplining the employee, or from refusing to hire the job applicant. However, nothing in this paragraph shall abrogate the rights and remedies of the employee or job applicant as otherwise provided in this section.

(g) An employer who refuses to hire a job applicant based on a positive confirmed drug test result shall not be required to hold the employment position vacant while the job applicant pursues administrative action. However, should the job applicant prevail in his actions, the employer shall provide him the opportunity of employment in the next available comparable position.

(h) An employer shall refer an employee with a first-time positive confirmed drug test result to an employee assistance program or alcohol and drug rehabilitation program, unless such employee is discharged as provided in subsection (8)(n)3. If the results of a subsequent confirmed drug test are positive, the employer may discharge or discipline the employee.

(i) Nothing in this section shall be construed to prohibit an employer from conducting medical screening or other tests required by any statute, rule, or regulation for the purpose of monitoring exposure of employees to toxic or other unhealthy substances in the workplace or in the performance of job responsibilities. Such screening or tests shall be limited to the specific substances expressly identified in the applicable statute, rule, or regulation, unless prior written consent of the employee is obtained for other tests.

(j) An employer shall place a safety-sensitive position employee whose drug test result is confirmed positive in a non-safety-sensitive position, or if such a position is unavailable, on leave status while the employee participates in an employee assistance program or alcohol and drug rehabilitation program. If placed on leave status without pay, the employee shall be permitted to use any accumulated leave credits prior to being placed on leave without pay.

(k) A special risk employee may be discharged or disciplined on the first positive confirmed drug test result when illicit drugs, pursuant to s. 893.13, are confirmed. No special risk employee shall be permitted to continue work in a safety-sensitive position, but may be placed either in a non-safety-sensitive position or on leave status while participating in an employee assistance program or an alcohol and drug rehabilitation program.

(11) CONFIDENTIALITY.—The provisions of s. 119.07 to the contrary notwithstanding:

(a) All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received by the employer through a drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with this section.

(b) Employers, laboratories, employee assistance programs, drug and alcohol rehabilitation programs and their agents who receive or have access to information concerning drug test results shall keep all information confidential. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:

1. The name of the person who is authorized to obtain the information.

2. The purpose of the disclosure.

3. The precise information to be disclosed.

4. The duration of the consent.

5. The signature of the person authorizing release of the information.

(c) Information on drug test results shall not be released or used in any criminal proceeding against the employee or job applicant. Information released contrary to this section shall be inadmissible as evidence in any such criminal proceeding.

(d) Nothing herein shall be construed to prohibit certifying bodies of special risk employees from receiving information on positive confirmed drug test results for the purpose of reviewing certification.

(e) Nothing herein shall be construed to prohibit the employer, agent of the employer, or laboratory conducting a drug test from having access to employee drug test information when consulting with legal counsel in connection with actions brought under or related to this section or where the information is relevant to its defense in a civil or administrative matter.

(12) DRUG TESTING STANDARDS; LABORATORIES.—

(a) No laboratory may analyze initial or confirmation drug specimens unless:

1. The laboratory is licensed and approved by the Department of Health and Rehabilitative Services using criteria established by the National Institute on Drug Abuse.

2. The laboratory has written procedures to ensure chain of custody.

3. The laboratory follows proper quality control procedures, including, but not limited to:

a. The use of internal quality controls including the use of samples of known concentrations which are used to check the performance and calibration of testing equipment, and periodic use of blind samples for overall accuracy.

b. An internal review and certification process for drug test results, conducted by a person qualified to perform that function in the testing laboratory.

c. Security measures implemented by the testing laboratory to preclude adulteration of specimens and drug test results.

d. Other necessary and proper actions taken to ensure reliable and accurate drug test results.

(b) A laboratory shall disclose to the employer a written test result report within 7 working days after receipt of the sample. All laboratory reports of a drug test result shall, at a minimum, state:

1. The name and address of the laboratory which performed the test and the positive identification of the person tested.

2. Positive results on confirmation tests only, or negative results, as applicable.

3. A list of the drugs for which the drug analyses were conducted.

4. The type of tests conducted for both initial and confirmation tests and the minimum cut-off levels of the tests.

5. Any correlation between medication reported by the employee or job applicant pursuant to subsection (8)(b)2. and a positive confirmed drug test result.

No report shall disclose the presence or absence of any drug other than a specific drug and its metabolites listed pursuant to this section.

(c) The laboratory shall submit to the Department of Health and Rehabilitative Services a monthly report with statistical information regarding the testing of employees and job applicants. The reports shall include information on the methods of analyses conducted, the drugs tested for, the number of positive and negative results for both initial and confirmation tests and any other information deemed appropriate by the Department of Health and Rehabilitative Services. No monthly report shall identify specific employees or job applicants.

(d) Laboratories shall provide technical assistance to the employer, employee, or job applicant for the purpose of interpreting any positive confirmed test results which could have been caused by prescription or nonprescription medication taken by the employee or job applicant.

(13) RULES.—

(a) The Department of Health and Rehabilitative Services is hereby authorized to promulgate rules following criteria established by the National Institute on Drug Abuse concerning, but not limited to:

1. Standards for drug testing laboratory licensing, suspension, and revocation of a license.

2. Body specimens and minimum specimen amounts which are appropriate for drug testing.

3. Methods of analysis and procedures to ensure reliable drug testing results, including standards for initial tests and confirmation tests.

4. Minimum cut-off detection levels for drugs or their metabolites for the purposes of determining a positive test result.

5. Chain-of-custody procedures to ensure proper identification, labeling, and handling of specimens being tested.

6. Retention, storage, and transportation procedures to ensure reliable results on confirmation tests and retests.

7. A list of the most common medications by brand name or common name, as applicable, as well as by chemical name, which may alter or affect a drug test.

(b) The Department of Administration is hereby authorized to promulgate rules for all executive branch agencies implementing this section.

(c) The Board of Regents is hereby authorized to promulgate rules for the State University System implementing this section.

(d) The State Courts Administrator is hereby authorized to promulgate rules, inclusive of a procedure for disciplinary administrative review, for the judicial branch implementing this section.

(e) The Justice Administrative Commission is hereby authorized to promulgate rules, inclusive of a procedure for disciplinary administrative review, on behalf of the state attorneys and public defenders of Florida, the Office of Capital Collateral Representative of Florida, and the Judicial Qualifications Commission.

(f) The Joint Legislative Management Committee is hereby authorized to promulgate rules, policies or procedures including a disciplinary administrative review for the employees and members of the legislative branch implementing this section.

This section shall not be construed to eliminate the bargainable rights as provided in the collective bargaining process where applicable.

(14) DISCIPLINE REMEDIES.—

(a) An executive branch employee who is disciplined or who is a job applicant for another position and is not hired pursuant to this section, may file an appeal with the Public Employees Relations Commission. Any appeal must be filed within 30 calendar days of receipt by the employee or job applicant of notice of discipline or refusal to hire. The notice shall inform the employee or job applicant of the right to file an appeal, or if available, the right to file a collective bargaining grievance pursuant to s. 447.401. Such appeals shall be resolved pursuant to the procedures established in ss. 447.207(1)-(4), 447.208(2), and 447.503(4) and (5). A hearing on the appeal shall be conducted within 30 days of the filing of the appeal, unless an extension is requested by the employee or job applicant and granted by the commission or an arbitrator.

(b) The commission shall promulgate rules concerning the receipt, processing, and resolution of appeals filed pursuant to this section.

(c) Appeals to the commission shall be the exclusive administrative remedy for any employee who is disciplined or any job applicant who is not hired pursuant to this section, notwithstanding the provisions of ch. 120. However, nothing in this subsection shall affect the right of an employee or job applicant to file a collective bargaining grievance pursuant to s. 447.401 provided that an employee or job applicant may not file both an appeal and a grievance.

(d) An employee who has been disciplined or who has not been hired pursuant to this section must exhaust either the administrative appeal process or collective bargaining grievance-arbitration process.

(e) Upon resolving an appeal filed pursuant to paragraph (c), and finding a violation of this section, the commission may order the following relief:

1. Rescind the disciplinary action, expunge related records from the personnel file of the employee or job applicant and reinstate the employee.

2. Order compliance with subsection 10(g).

3. Award back pay and benefits.

4. Award the prevailing employee or job applicant the necessary costs of the appeal, reasonable attorney fees, and expert witness fees.

(f) An employee who contests the discipline of a positive confirmed drug test, which discipline is not remediable by subsection (14)(a), may seek administrative review pursuant to the rules as promulgated in subsection (13), paragraphs (d), (e) and (f).

(15) NON-DISCIPLINE REMEDIES.—

(a) Any person alleging a violation of the provisions of this section, that is not remediable by the commission or an arbitrator pursuant to subsection (14), must institute a civil action for injunctive relief or damages, or both, in a court of competent jurisdiction within 180 days of the alleged violation, or be barred from obtaining the following relief. Relief is limited to:

1. An order restraining the continued violation of this section.

2. An award of the costs of litigation, expert witness fees, reasonable attorney fees, and noneconomic damages provided that damages shall be limited to the recovery of damages directly resulting from injury or loss caused by each violation of this section.

(b) Any employer who complies with the provisions of this section shall be without liability from all civil actions arising from any drug testing program or procedure performed in compliance with this section.

(c) Pursuant to any claim alleging a violation of this section, including a claim under this section where it is alleged that an employer's action with respect to a person was based on an incorrect test result, there shall be a rebuttable presumption that the test was valid if the employer complied with the provisions of this section.

(d) No cause of action shall arise in favor of any person based upon the failure of an employer to establish a program or policy for drug testing.

(16) FEDERAL COMPLIANCE.—The drug testing procedures provided in this section do not apply where the specific work performed requires employees or job applicants to be subject to drug testing pursuant to:

(a) Federal regulations that specifically preempt state and local regulation of drug testing with respect to such employees and job applicants;

(b) Federal regulations or requirements enacted or implemented in connection with the operation of federally regulated facilities;

(c) Federal contracts where the drug testing is conducted for safety, or protection of sensitive or proprietary data or national security; or

(d) State agency rules that adopt federal regulations applicable to the interstate component of a federally regulated activity.

Section 2. This act shall take effect January 1, 1990, unless a collective bargaining agreement covering the affected employees is in effect, in which case, the act shall take effect on the renewal date or initial date of any subsequent collective bargaining agreement.

Amendment 2—On page 24, line 16, insert:

Section 2. Notwithstanding section 2, effective October 1, 1989 paragraph (e) of subsection (1) of section 893.13, Florida Statutes, 1988 Supplement, is amended to read:

893.13 Prohibited acts; penalties.—

(1)

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

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 *and shall be sentenced to a minimum term of imprisonment of 3 calendar years and shall not be eligible for parole or statutory gain-time under s. 944.275 prior to serving such minimum sentence.*

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

3. Any other controlled substance shall be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(Renumber subsequent section.)

Amendment 3—On page 1, line 16, after the semicolon (;) insert: amending s. 893.13, F.S.; prescribing a minimum term of imprisonment for persons who sell, purchase, manufacture, or deliver a controlled substance as defined in s. 893.03(1)(a), (b), (d), (2)(a), (b), F.S., within 1,000 feet of a school or who possess such controlled substance with intent to commit such actions; providing that such persons are not eligible for parole or statutory gain-time; providing that persons performing such activities with any other controlled substance must be fined $500 and must serve 100 hours of public service in addition to any other penalty;

Amendment 4—On page 24, between lines 12 and 13 insert:

Section 2. Subsection (1) of section 112.011, Florida Statutes, 1988 Supplement, is amended to read:

112.011 Felons; removal of disqualifications for employment, exceptions.—

(1)(a) *Except as provided in s. 775.16,* a person shall not be disqualified from employment by the state, any of its agencies or political subdivisions, or any municipality solely because of a prior conviction for a crime. However, a person may be denied employment by the state, any of its agencies or political subdivisions, or any municipality by reason of the prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly related to the position of employment sought.

(b) *Except as provided in s. 775.16,* a person whose civil rights have been restored shall not be disqualified to practice, pursue, or engage in any occupation, trade, vocation, profession, or business for which a license, permit, or certificate is required to be issued by the state, any of its agencies or political subdivisions, or any municipality solely because of a prior conviction for a crime. However, a person who has had his civil rights restored may be denied a license, permit, or certification to pursue, practice, or engage in an occupation, trade, vocation, profession, or business by reason of the prior conviction for a crime if the crime was a felony or first degree misdemeanor and directly related to the specific occupation, trade, vocation, profession, or business for which the license, permit, or certificate is sought.

Section 3. Section 775.16, Florida Statutes, is created to read:

775.16 Drug offenses; additional penalties.—In addition to any other penalty provided by law, a person who has been convicted of the possession or sale of or trafficking in a controlled substance pursuant to Florida law or of conspiracy to possess, sell, or traffic in a controlled substance pursuant to Florida law, if such offense is a felony, shall be:

(1) Disqualified from applying for employment by any of the agencies of the state, unless:

(a) The person has completed all sentences of imprisonment or supervision sanctions imposed by the court, by the Parole Commission, or by law; or

(b) The person has complied with the conditions of subparagraphs 1. and 2. which shall be monitored by the Department of Corrections while the person is under any supervision sanctions. If the person fails to comply with provisions of these subparagraphs by either failing to maintain treatment or by testing positive for drug use, the department shall notify the employing agency, which shall terminate the employee. The person under supervision shall:

1. Enroll in, and maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved by the Department of Health and Rehabilitative Services, unless it is deemed by the program that the person does not have a substance abuse problem. The treatment and rehabilitation program shall be specified by:

a. The court, in the case of court-ordered supervision sanctions;

b. The Parole Commission, in the case of parole or conditional release; or

c. The Department of Corrections, in the case of imprisonment or any other supervision required by law.

2. Submit, at the person's own expense, to periodic urine drug testing pursuant to procedures prescribed by the Department of Corrections.

(2) Disqualified from applying for a license, permit, or certificate from any agency of the state that may be required to practice, pursue, or engage in any occupation, trade, vocation, profession, or business, unless:

(a) The person has completed all sentences of imprisonment or supervision sanctions imposed by the court, by the Parole Commission, or by law; or

(b) The person has complied with the conditions of subparagraphs 1. and 2. which shall be monitored by the Department of Corrections while the person is under any supervision sanction. If the person fails to comply with provisions of these subparagraphs by either failing to maintain treatment or by testing positive for drug use, the department shall notify the licensing, permitting, or certifying agency, which shall revoke the license, permit, or certification. The person under supervision shall:

1. Enroll in, and maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved or regulated by the Department of Health and Rehabilitative Services, unless it is deemed by the program that the person does not have a substance abuse problem. The treatment and rehabilitation program shall be specified by:

a. The court, in the case of court-ordered supervision sanctions;

b. The Parole Commission, in the case of parole or conditional release; or

c. The Department of Corrections, in the case of imprisonment or any other supervision required by law.

2. Submit, at the person's own expense, to periodic urine drug testing pursuant to procedures prescribed by the Department of Corrections.

(c) The person is in a Correctional Education School Authority program and continues his education toward a diploma, certificate, or license while enrolled in the program.

(3) Ineligible to receive any loan, grant, scholarship, or stipend awarded by any state agency, unless the person completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services.

Section 4. Section 893.11, Florida Statutes, is amended to read:

893.11 Suspension, revocation, and reinstatement of business and professional licenses.—Upon the conviction in any court of competent jurisdiction of any *person holding a license, permit, or certificate issued by a state agency for the possession or sale of or trafficking in a controlled substance or for conspiracy to possess, sell, or engage in trafficking in a controlled substance, if such offense is* ~~practitioner, distributor, manufacturer, wholesaler, or pharmacist of a violation of any of the provisions of this chapter which constitutes~~ a felony, the clerk of said court shall send a certified copy of the judgment of conviction to the *agency head* ~~board or officer~~ by whom the convicted defendant has *received his license, permit, or certificate* ~~been licensed~~ to practice his profession or to carry on his business. Such *agency head shall* ~~board or officer may~~ suspend or revoke the license, *permit, or certificate* ~~or registration~~ of the convicted defendant to practice his profession or to carry on his business. Upon *a showing by* ~~application of~~ any such convicted defendant whose license, *permit, or certificate* ~~or registration~~ has been suspended or revoked *that he has had his civil rights restored or that he meets the following criteria,* ~~and upon proper showing and for good cause,~~ *the agency head* ~~said board or officer~~ may reinstate such license, *permit, or certificate:*

(a) The person has complied with the conditions of subparagraphs 1. and 2. which shall be monitored by the Department of Corrections while the person is under any supervision sanction. If the person fails to comply with provisions of these subparagraphs by either failing to maintain treatment or by testing positive for drug use, the department shall notify the licensing, permitting, or certifying agency, which shall revoke the license, permit, or certification. The person under supervision shall:

1. Enroll in, and maintain enrollment in until completion, a drug treatment and rehabilitation program which is approved or regulated by the Department of Health and Rehabilitative Services, unless it is deemed by the program that the person does not have a substance abuse problem. The treatment and rehabilitation program shall be specified by:

a. The court, in the case of court-ordered supervision sanctions;

b. The Parole Commission, in the case of parole or conditional release; or

c. The Department of Corrections, in the case of imprisonment or any other supervision required by law.

2. Submit, at the person's own expense, to periodic urine drug testing pursuant to procedures prescribed by the Department of Corrections.

(b) The person is in a Correctional Education School Authority program and continues his education toward a diploma, certificate, or license while enrolled in the program ~~or registration. Any court of competent jurisdiction in which such a defendant is convicted of a violation of any of the provisions of this chapter shall have the power, in its discretion, to suspend or revoke the license or registration of the convicted defendant and may thereafter, upon proper showing and for good cause, reinstate such license or registration when the same shall have been suspended or revoked by a court of competent jurisdiction. However, no court shall reinstate any license of such a convicted defendant which has been revoked by the board or officer by whom the convicted defendant was licensed to practice his profession or to carry on his business, except upon a proceeding brought in a court of competent jurisdiction for the purpose of setting aside or restraining such suspension or revocation of license.~~

Section 5. Section 322.05, Florida Statutes, is amended to read: negative.

322.055 Revocation or suspension of, or delay of eligibility for, driver's license~~,~~ for persons *convicted* ~~found guilty~~ of certain drug offenses.—

(1) Notwithstanding the provisions of s. 322.28, the department~~, at the direction of the sentencing court,~~ shall revoke the driver's license or driving privilege of any person *who has been convicted or adjudicated delinquent for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance* ~~found guilty of or adjudicated delinquent for any violation of chapter 893 involving a substance listed in s. 893.03(1) or (2).~~ The period of such revocation shall be a ~~period of time of up to~~ 2 years *or until the person completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services* ~~as determined by the sentencing court~~.

(2) If a person *has been convicted or adjudicated delinquent for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance* ~~is found guilty of or adjudicated delinquent for a violation of chapter 893 involving a substance listed in s. 893.03(1) or (2),~~ and such person is eligible by reason of age for a driver's license or privilege, the department~~, at the direction of the sentencing court,~~ shall not issue such person a driver's license or driving privilege for a period of ~~time of up to~~ 2 years~~, as determined by the sentencing court,~~ from the date the person was *convicted or until the person completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services* ~~found guilty or adjudicated delinquent~~.

(3) If a person *has been convicted or adjudicated delinquent for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance* ~~is found guilty of or adjudicated delinquent for a violation of chapter 893 involving a substance listed in s. 893.03(1) or (2),~~ and such person's driver's license or driving privilege is already under suspension or revocation for any reason, the department~~, at the direction of the sentencing court,~~ shall extend the period of such suspension or revocation by an additional period of ~~time of up to~~ 2 years *or until the person completes a drug treatment and rehabilitation program approved or regulated by the Department of Health and Rehabilitative Services,* ~~as determined by the sentencing court~~.

(4) If a person *has been convicted or adjudicated delinquent for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance* ~~is found guilty of or adjudicated delinquent for a violation of chapter 893 involving a substance listed in s. 893.03(1) or (2),~~ and such person is ineligible by reason of age for a driver's license or driving privilege, the department~~, at the direction of the sentencing court,~~ shall not issue such person a driver's license or driving privilege for a period of ~~time of up to~~ 2 years~~, as determined by the sentencing court,~~ from the date that he would otherwise have become eligible *or until he becomes eligible by reason of age for a driver's license and completes a drug treatment and rehabilitation program approved or regulated by the department of Health and Rehabilitative Services.*

(5) Each clerk of court shall promptly report to the department each *conviction or adjudication of delinquency for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance* ~~finding of guilt of or adjudication of delinquency for a violation of chapter 893 involving a substance listed in s. 893.03(1) or (2).~~

Section 6. Paragraph (e) of subsection (1) of section 893.13, Florida Statutes, 1988 Supplement, is amended to read:

893.13 Prohibited acts; penalties.—

(1)

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

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or (2)(b) is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 *and shall be sentenced to a minimum term of imprisonment of 3 calendar years and shall not be eligible for parole or statutory gain-time under s. 994.275 prior to serving such minimum sentence.*

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

3. Any other controlled substance except as lawfully sold, purchased, manufactured, delivered, or possessed shall be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

(Renumber subsequent sections.)

Amendment 5—On page 24, lines 13-17, strike all of said lines and insert:

Section 3. This act shall take effect October 1, 1989, and shall apply to offenses occurring on or after that date, except that section 1 of this act shall take effect January 1, 1990, unless a collective bargaining agreement covering the affected employees is in effect, in which case, the act shall take effect on the renewal date or initial date of any subsequent collective bargaining agreement.

Amendment 6—In title, on page 1, line 16, after the word "programs;" insert: amending s. 112.011, F.S., providing exceptions to state employment and licensing provisions; creating s. 775.16, F.S., disqualifying specified convicted drug offenders from applying for state employment, licenses, and other benefits; amending s. 893.11, F.S., requiring license revocation for specified drug offenders; amending s. 322.055, F.S., providing for revocation or suspension of, or delay of eligibility for, driver's licenses of persons convicted or adjudicated delinquent for certain drug offenses; amending s. 893.13, F.S., prescribing a minimum term of imprisonment for persons who sell, purchase, manufacture, or deliver controlled substance within 1,000 feet of a school or who possess controlled substances with the intent to commit such actions; providing that such persons are not eligible for parole or statutory gain-time; providing penalties for such actions involving certain controlled substances except as lawfully allowed.

Amendment 7—On page 24, line 16, insert:

Section 2. Subsection (6) of section 893.13, Florida Statutes, 1988 Supplement, is created to read:

893.13 Prohibited acts; penalties.—

(6) At the sentencing of a defendant who pleads guilty or nolo contendre to, or is convicted of, a violation of this section, except for possession of less than 20 grams of cannabis, the court shall order the defendant to pay $100 in addition to any fine or other penalty imposed. The defendant shall pay such amount to the clerk of the court, who shall forward it for deposit in the Department of Law Enforcement Operating Trust Fund. A portion of the proceeds as authorized by the Legislature, shall be used for state reimbursements to the local county-operated crime laboratories enumerated in s. 943.35(1). The remaining portion of the funds, as authorized by the Legislature, shall be disbursed to the members of the statewide criminal analysis laboratory system for non-recurring equipment purchases or projects supporting the health, safety, and training of the member laboratories, based upon the recommendations of the Florida Crime Laboratory Council.

(Renumber subsequent sections.)

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

SPECIAL ORDER, continued

CS for SB 656—A bill to be entitled An act relating to professional practices; amending ss. 396.1725, 397.082, F.S.; exempting certain practitioners from licensure provisions pertaining to alcoholism and drug dependency treatment; providing for the vaccination of dogs and cats against rabies; requiring each county to designate a rabies vaccination administrator; establishing qualifications for such administrators; establishing vaccine requirements and providing vaccination exceptions; providing requirements for rabies vaccination certificates; providing a penalty; providing for the purchase of vaccines; requiring recordkeeping; providing for the adoption of local government regulations; prohibiting the use of certain vaccines; providing exceptions; amending s. 474.202, F.S.; providing definitions; amending s. 474.203, F.S., to conform; amending s. 474.207, F.S.; revising requirements for licensure by examination; providing requirements for certain foreign-trained veterinarians; amending s. 474.213, F.S.; revising prohibitions; providing a penalty; amending s. 474.214, F.S.; revising grounds for disciplinary actions; revising penalties; providing conditions for the reinstatement of certain licenses; amending s. 474.215, F.S.; revising procedure for issuance of a premises or mobile clinic permit; increasing maximum fee; prohibiting transfer of permit; providing for biennial inspection; creating s. 474.2151, F.S.; providing for renewal of premises or mobile clinic permits; providing for a fee; providing for delinquency and expiration of such permits; providing for notice; creating s. 474.2168, F.S.; providing prohibitions and requirements for use of drugs or controlled substances; amending s. 474.217, F.S.; revising requirements for licensure by endorsement; amending s. 455.241, F.S.; correcting a cross reference; providing for review and repeal; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote CS for SB 656 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Deratany	Kiser	Souto
Bankhead	Dudley	Langley	Stuart
Beard	Forman	Malchon	Thomas
Brown	Gardner	Margolis	Thurman
Bruner	Girardeau	McPherson	Walker
Casas	Gordon	Meek	Weinstein
Childers, W. D.	Grant	Myers	Weinstock
Crenshaw	Grizzle	Peterson	Woodson-Howard
Davis	Johnson	Ros-Lehtinen	

Nays—None

Vote after roll call:

Yea—Kirkpatrick

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1275 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1275—A bill to be entitled An act relating to the turnpike system; amending s. 338.221, F.S.; revising definitions; amending s. 338.222, F.S.; authorizing the Department of Transportation to contract with governmental entities for the design, right-of-way acquisition, or construction of approved turnpike projects; amending s. 338.223, F.S.; providing for consistency of turnpike projects with the strategic state growth and development plan; revising the date for submittal of the first 5 years of the turnpike system plan; amending s. 338.227, F.S.; providing legislative approval for specified turnpike projects under certain conditions; amending s. 338.231, F.S.; requiring the department to pledge revenues from the turnpike system to the payment of debt service and operation and maintenance expenses of the Sawgrass Expressway under certain circumstances; providing for the repayment of such revenues; providing for the transfer of ownership of the Sawgrass Expressway to the Broward County Expressway Authority; amending s. 338.234, F.S.; authorizing the sale of lottery tickets along the turnpike system; creating s. 338.250, F.S.; providing requirements and procedures for environmental mitigation of the Central Florida Beltway; providing for funding of such mitigation; authorizing the Department of Environmental Regulation to select lands for environmental mitigation purposes and issue permits; providing criteria for the selection of such lands; allocating the amount of funds to be used for the acquisition of lands in specified areas; providing for land acquisition agents and procedures; providing an effective date.

Amendment 1— On pages 2-17, strike everything after the enacting clause and insert:

Section 1. Subsections (2), (7), and (9) of section 338.221, Florida Statutes, 1988 Supplement, are amended to read:

338.221 Definitions of terms used in ss. 338.22-338.244.—As used in ss. 338.22-338.244, the following words and terms have the following meanings, unless the context indicates another or different meaning or intent:

(2) "Cost," as applied to a turnpike project, includes the cost of acquisition of all land, rights-of-way, property, easements, and interests acquired by the department for turnpike project construction; the cost of such construction; the cost of all machinery and equipment, financing charges, fees, and expenses related to the financing; establishment of reserves to secure bonds; interest prior to and during construction and for such period after completion of construction as shall be determined by the department; the cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues; other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing any such turnpike project; administrative expenses; and such other expenses as may be necessary or incident to the acquisition or construction of a turnpike project, *including fees and expenses related to the permitting and approval of a turnpike project, including environmental mitigation measures,* the financing of such acquisition or construction, and the placing of the turnpike project in operation.

(3) "Feeder road" means any road no more than 5 miles in length, connecting to the turnpike system which the department determines is necessary to create or facilitate access to a turnpike project.

(7) "Turnpike improvement" means any betterment necessary or desirable for the *safe and efficient* operation of the turnpike system, including, but not limited to, *the widening or resurfacing of any road on the turnpike system and improvement or replacement of* ~~widenings, resurfacings,~~ toll plazas, machinery, and equipment.

(9) "Turnpike project" means any turnpike improvement, improvement to the turnpike system or any extension *or expansion of* ~~to~~ the turnpike system statewide, including limited access toll highways and associated feeder roads and other structures, interchanges, appurtenances, or rights as may be approved in accordance with the Florida Turnpike Law.

Section 2. Section 338.222, Florida Statutes, 1988 Supplement, is amended to read:

338.222 Department of Transportation sole governmental entity to acquire, construct, or operate turnpike system; exception.—

(1) No governmental entity other than the department may acquire, construct, maintain, or operate the turnpike system subsequent to the enactment of this law, except upon specific authorization of the Legislature.

(2) The department may contract with any local governmental entity as defined in s. 334.03(12) for the design, right-of-way acquisition, or construction of any turnpike project which the Legislature has approved. Local governmental entities may negotiate with the department for the design, right-of-way acquisition, and construction of any section of the turnpike project within areas of their jurisdiction or within counties with which they have interlocal agreements.

Section 3. Subsection (1) of section 338.223, Florida Statutes, 1988 Supplement, is amended to read:

338.223 Proposed turnpike projects; turnpike system plan.—

(1)~~(a)~~ The department shall develop and maintain a turnpike system plan of limited access highways. The plan shall delineate the ultimate connection of such highways into an interconnected statewide turnpike system. Any project constructed or acquired as part of the turnpike system shall be included in the department's turnpike system plan, the first 5 years of which shall be submitted by March 1 of each year to the Legislature as part of, and along with, the 5-year transportation plan. No *turnpike* project or group of *turnpike* projects shall be added to the turnpike system plan unless determined to be economically feasible. The department may authorize engineering studies, traffic studies, and other expert studies of the location, costs, economic feasibility, and practicality of turnpike projects throughout the state. If it is found economically feasible, the project or group of projects may be added to the turnpike system plan. Each such project or group of projects included in the department's legislative budget request shall be prioritized according to economic feasibility. The department shall construct, maintain, and operate such turnpike projects approved by the Legislature in accordance with s. 11(e), Art. VII of the State Constitution, or in accordance with s. 339.135, as part of the turnpike system.

(2) No ~~(b) Any proposed~~ turnpike project *in the turnpike system plan* shall be *included* ~~developed~~ in ~~accordance with the Florida Transportation Plan and~~ the 5-year transportation plan pursuant to s. 339.135 *unless the following criteria are met:*

(a) Economic feasibility in accordance with s. 338.221(8);

(b) The project is contained in appropriate adopted local and regional comprehensive plans; and

(c) The project is directly connected to the existing turnpike system or connected to the existing turnpike system by noninterstate limited access highways, and/or directly connected to the existing turnpike system by a highway on the interstate system and/or by other turnpike projects determined to be economically feasible in accordance with s. 338.221(8) within 20 years.

Turnpike projects that add capacity, alter access, affect feeder roads, or affect the operation of the local transportation system shall be included in the transportation improvement plan of the affected metropolitan planning organization. If such turnpike project does not fall within the jurisdiction of a metropolitan planning organization, the department shall notify the affected county and provide for public hearings in accordance with s. 339.155(7)(c).

Section 4. Subsection (3) of section 338.227, Florida Statutes, 1988 Supplement, is amended and subsection (4) is added to said section to read:

338.227 Turnpike revenue bonds.—

(3) The Division of Bond Finance is authorized to issue revenue bonds on behalf of the department to finance or refinance the cost of turnpike projects approved by the Legislature in accordance with s. 11(e), Art. VII of the State Constitution. *Bonds shall not be issued based upon anticipated toll rates, but shall be issued based upon toll rates in effect at the time the bonds are issued.* Pursuant to s. 11(e), Art. VII of the State Constitution, the Legislature hereby approves *subject to the provisions of s. 338.2275*:

(a) The turnpike system as of July 1, 1988.

(b) Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), those projects listed in Alternative IV of the April 1987 report on the Future of Florida's Turnpike as recommended to the Legislature by the secretary to be financed by the issuance of revenue bonds in an amount not to exceed $220 million.

(c) Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), an extension to the existing turnpike system beginning at the present northern terminus of the turnpike near Wildwood in Sumter County, to a point at Lebanon Station in Levy County, a distance of approximately 43 miles, the exact route and termini to be determined by the department, to be financed by the issuance of revenue bonds and by the department with State Transportation Trust Fund revenues.

(d) Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), an extension of the Sawgrass Expressway, a project of the Broward County Expressway Authority, providing a connection from the present northern terminus of the expressway to Interstate 95, to be financed by the issuance of revenue bonds and by the department with State Transportation Trust Fund revenues.

(e) Subject to verification of economic feasibility by the department as required by s. 338.221(8), all turnpike projects and project phases described in this paragraph:

1. Dart Boulevard Interchange in Osceola County;

2. N.W. 106th Street Interchange in Dade County;

3. State Road 50 Interchange in Lake County;

4. N.W. 120th Street Interchange in Dade County;

5. Boynton Beach Boulevard Interchange in Palm Beach County;

6. N.W. 41st Street Interchange in Dade County;

7. N.W. 45th Street Interchange in Palm Beach County;

8. Palmer Expressway; a 5-mile limited access expressway in St. Lucie County extending from Glades Cut-Off Road to U.S. 1;

9. The Polk County Parkway; a 26 mile four and six lane limited access expressway in Polk County extending from the intersection of I-4 and Clark Road near the Hillsborough County Line through Lakeland near Drainfield Road eastward to U.S. 98 and then east and northward to near Polk City to intersect with I-4 near Mount Olive Road;

10. Southern Connector; a limited access expressway extending 24 miles from I-4 south of Orlando to the Bee Line Expressway east of Orlando;

11. Northwest Hillsborough Expressway; a 15.2 mile limited access toll facility extending north from the Courtney Campbell Causeway near the Tampa International Airport to Dale Mabry Highway (SR 597) just north of Van Dyke Road;

12. Seminole County Expressway; a 4-lane limited access expressway extending 12 miles from SR 426 near the Orange/Seminole County line in east Orlando to U.S. 17/92;

13. Western Beltway; a limited access expressway extending 55 miles from I-4 near Sanford to I-4 near Disney World; and

14. Branan Field/Chaffee Road Facility; a two-lane limited access expressway extending north from SR 21 in Clay County to 103rd Street in western Duval County.

(4) Nothing in this section shall be construed to prohibit the pledging of revenues from the entire turnpike system to bonds issued to finance or refinance a turnpike project, or group of turnpike projects.

Section 5. Section 338.2275, Florida Statutes, is created to read:

338.2275 1989 Projects.—

(1) The Administration Commission shall determine the turnpike bonding capacity of the turnpike system as of October 1, 1989, which shall include revenue from the following turnpike facilities:

(a) The turnpike system as of July 1, 1988.

(b) Those projects listed in Alternative IV of the April 1987 report on the Future of Florida's Turnpike as recommended to the Legislature

by the secretary to be financed by the issuance of revenue bonds in an amount not to exceed $220 million.

(c) All projects and project phases included in the first 5 years of the turnpike system plan submitted to the Legislature on March 1, 1989, as part of the department's 5-year transportation plan, including, but not limited to, the following:

1. Dart Boulevard Interchange in Osceola County;

2. N.W. 106th Street Interchange in Dade County;

3. State Road 50 Interchange in Lake County;

4. N.W. 120th Street Interchange in Dade County;

5. Boynton Beach Boulevard Interchange in Palm Beach County;

6. N.W. 41st Street Interchange in Dade County;

7. N.W. 45th Street Interchange in Palm Beach County;

8. Palmer Expressway; a 5-mile limited access expressway in St. Lucie County extending from Glades Cut-Off Road to U.S. 1;

9. The Polk County Parkway; a 26 mile four and six lane limited access expressway in Polk County extending from the intersection of I-4 and Clark Road near the Hillsborough County Line through Lakeland near Drainfield Road eastward to U.S. 98 and then east and northward to near Polk City to intersect with I-4 near Mount Olive Road;

10. Southern Connector; a limited access expressway extending 24 miles from I-4 south of Orlando to the Bee Line Expressway east of Orlando;

11. Northwest Hillsborough Expressway; a 15.2 mile limited access toll facility extending north from the Courtney Campbell Causeway near the Tampa International Airport to Dale Mabry Highway (SR 597) just north of Van Dyke Road;

12. Seminole County Expressway; a 4-lane limited access expressway extending 12 miles from SR 426 near the Orange/Seminole County line in east Orlando to U.S. 17/92;

13. Western Beltway; a limited access expressway extending 55 miles from I-4 near Sanford to I-4 near Disney World; and

14. Branan Field/Chaffee Road Facility; a two-lane limited access expressway extending north from SR 21 in Clay County to 103rd Street in western Duval County.

(2) By October 1, 1989, the Department of Transportation shall perform an economic feasibility study of each of the projects listed in s. 338.227(3)(e)1.-14. in accordance with s. 338.221(8). In the event an economic feasibility study of a project is performed by a consultant for the Department of Transportation, the consultant shall not have previously performed an economic feasibility study of the same project. The completion of said feasibility studies shall be the priority of the turnpike and the appropriate district offices in which the projects listed in s. 338.227(3)(e) are located.

(3) In the event the Administration Commission determines that the bonding capacity and revenue of the turnpike system are greater than the total cost of improvements to the system and the additional economically feasible revenue projects in s. 338.227(3)(e) and non-revenue projects listed in s. 338.227(3)(e), then the Legislature shall make a determination as to the issuance of bonds to fund projects based upon prioritization as listed in s. 338.227(3)(e)1.-14. so that the projects shall be funded in numerical order as the projects are listed in s. 338.227(3)(e)1.-14. No bonds shall be issued without the specific authorization of the Legislature.

Section 6. Subsections (1) and (3) of section 338.231, Florida Statutes, 1988 Supplement, are amended to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls for the use of the turnpike system, except on those nontoll roads designated by the department as part of the turnpike system for which the department will assume all costs from other than revenues, as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(1)*(a)* In the process of effectuating toll rate increases over the period 1988 through 1992, the department shall, to the maximum extent feasible, equalize the toll structure, within each vehicle classification, so that the per mile toll rate will be approximately the same throughout the turnpike system.

(b) New turnpike projects may have toll rates higher than the uniform system rate where such higher toll rates are necessary to qualify the project in accordance with the financial criteria in the turnpike law. Such higher rates may be reduced to the uniform system rate when the project is generating sufficient revenues to pay the full amount of debt service and operating and maintenance costs at the uniform system rate.

(c) If, after 15 years of opening to traffic, the annual revenue of a turnpike project does not meet or exceed annual debt service requirements and operating and maintenance costs attributable to such project, the department shall, to the maximum extent feasible, establish a toll rate for the project higher than the uniform system rate as necessary to make up such short fall.

(d) The department may, to the extent feasible, establish a temporary toll rate at less than the uniform system rate for the purpose of building patronage for the ultimate benefit of the turnpike system.

(e) In no case shall the temporary rate be established for more than 1 year. The requirements of this subsection shall not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds.

(3) In each fiscal year while any of the bonds of the Broward County Expressway Authority series 1984 and series 1986-A remain outstanding, the department *shall* ~~is authorized to~~ pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds, and *to* the *payment of* operation and maintenance expenses of the Sawgrass Expressway, to the extent gross ~~toll~~ revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease-purchase agreements, and subject to the covenants of those agreements. *The agreement shall include repayment without interest by the department of pledged gasoline tax funds actually expended by Broward County, after July 6, 1988, on the Sawgrass Expressway.* The agreement shall establish that the Sawgrass Expressway shall be subject to the planning, management, and operating control of the department limited only by the terms of the lease-purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues shall be subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system operation and maintenance expenses, and subject to provisions of any subsequent resolution or trust indenture relating to the issuance of such turnpike bonds. *The agreement shall not remain in effect after the department is repaid, without interest, for amounts expended after execution of the agreement, for the payment of principal and interest and payment of the operation and maintenance expenses of the Sawgrass Expressway to the extent gross revenues of the Sawgrass Expressway are insufficient to make such payments. Upon satisfaction of this requirement and upon request by the Broward County Expressway Authority, the department shall transfer planning, management, and operating control of the facility to the Broward County Expressway Authority.*

Section 7. Subsection (1) of section 338.234, Florida Statutes, 1988 Supplement, is amended to read:

338.234 Prohibition against granting concessions or selling along the turnpike system; exceptions; when information centers allowed; Department of Citrus to advise on sale of citrus products.—

(1) The department is prohibited from granting concessions or selling any services or products along the turnpike system, except for the sale of motor fuel with attendant towing and maintenance facilities; the sale of food with attendant nonalcoholic beverages; *the sale of state lottery tickets by authorized retailers;* the granting of concessions for amusement devices which operate by the application of skill, not including games of

chance as defined in s. 849.16 or other illegal gambling games; the sale of Florida citrus, goods promoting the state or handmade goods produced within the state; the granting of concessions for equipment which provides travel information or tickets, reservations, or other related services; and the granting of concessions for equipment which provides banking services. The department may also provide information centers on the plazas for the benefit of the public.

Section 8. Section 338.250, Florida Statutes, is created to read:

338.250 Central Florida Beltway Mitigation.—

(1) It is the intent of the Legislature that the adverse environmental effects of the Central Florida Beltway, consisting of the Western Beltway, Seminole County Expressway, and Southern Connector, which is of regional transportation benefit, be mitigated through the acquisition of lands and through environmental restoration or creation projects of corresponding regional environmental benefit. The Legislature finds that the acquisition of such lands is reasonably necessary for securing applicable permits as provided in s. 337.27.

(2) Environmental mitigation required as a result of construction of the beltway shall be accomplished in the following manner:

(a) Funds for environmental mitigation in an amount which is 5 percent of the estimated costs for right-of-way acquisition and construction of the beltway shall be deposited in the Central Florida Beltway Trust Fund created within the Department of Transportation at the time the bonds for the specific project are sold. These funds shall be provided from the bond proceeds of the turnpike system authorized by this act. The maximum amount to be provided for the Seminole County Expressway Authority shall be $4 million and the maximum for the Western Beltway and Southern Connector shall be $46.5 million. The interest of said funds, as earned, after the deposit into the Central Florida Beltway Trust Fund shall accrue to the agency responsible for the right-of-way acquisition and construction of the Central Florida Beltway.

(b) The Secretary of Environmental Regulation shall begin immediately upon the passage of legislation authorizing the Central Florida Beltway to evaluate and review mitigation lands. The Department of Environmental Regulation, in consultation with the affected water management district and the Environmental Advisory Group to the Central Florida Beltway Project, shall, within 4 months after the effective date of legislation authorizing the construction and funding of the beltway, select the appropriate acquisition lands for inclusion in mitigation plans.

(c) A decision by Seminole County Expressway Authority to enter into the Central Florida Beltway Mitigation program established in this section shall be at the sole discretion of the Seminole County Expressway Authority. If the authority elects this participation, the selection of mitigation lands shall be made pursuant to subsection (b), and contracts to purchase, or the filing of declarations of taking pursuant to chapter 74 shall take place within 15 months after the effective date of legislation authorizing the construction and funding of the beltway. The Department of Environmental Regulation shall, in consultation with the Environmental Advisory Group to the Seminole County Expressway Authority and affected water management districts, select lands within the Lake Jessup/St. Johns River hydrologic basin. The lands selected shall be of regional environmental importance based upon criteria which include proximity to water bodies and other publicly held lands, wildlife and endangered species, recreational benefits, and environmental enhancement, restoration, and creation potential.

(d) The regional environmental benefit of the mitigation plan, as successfully implemented, shall promote the public interest and clearly outweigh the adverse environmental effects of the project and shall satisfy all environmental mitigation requirements associated with the project. The Department of Environmental Regulation shall assume the environmental permitting responsibility for the beltway and attending mitigation pursuant to interagency agreement with the affected water management districts. The permits issued for this project may be reviewed in accordance with s. 380.06(9) and the rules adopted pursuant thereto. The permitting decision rendered by the Department of Environmental Regulation shall be subject to review in accordance with s. 373.114(1). Notwithstanding any of the timing provisions in this act, a closing on the acquisition of mitigation land may not occur until environmental permits specifying mitigation sites for the projects have been issued.

(e) The mitigation lands acquired for the Western Beltway and Southern Connector shall be located within a proximity of ecosystems affected by the beltway and shall be selected from within the Wekiva River, Lake Apopka, and Upper Kissimmee chain-of-lakes hydrologic basins. The lands selected shall be of regional environmental importance based upon criteria which include proximity to water bodies and other publicly held lands, wildlife and endangered species, recreational benefits, and environmental enhancement, restoration, and creation potential.

(f) It is the intent of the Legislature that mitigation funds be maximized to the greatest extent possible. Where feasible, mitigation funds shall be supplemented with funds from the Conservation and Recreational Lands Trust Fund, Save Our Rivers land acquisition program, or from other appropriate sources. Of the total funds available for the acquisition of mitigation lands:

1. Forty-five percent shall be used to supplement the acquisition of lands selected by the Department of Environmental Regulation within the Wekiva River hydrologic basin if the execution of the contracts to purchase or the filing of declarations of taking pursuant to chapter 74 for all such lands occurs no later than 8 months after the effective date of legislation authorizing construction and funding of the beltway.

2. Thirty-five percent shall be used to supplement the acquisition of lands selected by the Department of Environmental Regulation within the Lake Apopka hydrologic basin for the historic floodplain marsh, if the execution of the contracts to purchase or the filing of declarations of taking pursuant to chapter 74 for all such lands occurs no later than 8 months after the effective date of legislation authorizing construction and funding of the beltway.

3. Twenty percent shall be used to supplement the acquisition of lands selected by the Department of Environmental Regulation within the Upper Kissimmee chain-of-lakes hydrologic basin adjacent to Lake Hatchineha and extending north to Lake Russell, as recommended by the Environmental Advisory Group to the beltway, if the execution of the contracts to purchase or the filing of such declarations of taking pursuant to chapter 74 occurs no later than 8 months after the effective date of legislation authorizing the construction and funding of the beltway.

To the extent that the execution of the contract to purchase or the filing of declaration of taking pursuant to chapter 74 for the lands set forth in this paragraph has not occurred within the timeframes specified in subparagraphs 1., 2., and 3., funds not committed shall remain in the Central Florida Beltway Project Trust Fund to be used only for acquisition of mitigation lands, without regard to the percentage limitations specified in subparagraphs 1., 2., and 3., which are located in the proximity of ecosystems affected by the beltway. The Secretary of Environmental Regulation shall consult with the Environmental Advisory Group to the Central Florida Beltway Project or Seminole County Expressway Authority, as appropriate, and the affected water management district prior to the acquisition of the mitigation lands.

(g) For lands in the Wekiva River hydrologic basin, the Board of Trustees of the Internal Improvement Trust Fund shall serve as the acquisition agent for the Department of Environmental Regulation. Section 253.025 notwithstanding, the Division of State Lands of the Department of Natural Resources may contract with, or otherwise enter into agreements with, the agency responsible for the right-of-way acquisition of the beltway for the provision of appraisals of mitigation projects. When using such appraisals, only one such appraisal shall be required by the division to establish land values. Such appraisals may be made by the agency responsible for the right-of-way acquisition of the beltway either in conjunction with or separate from appraisals of property necessary for right-of-way acquisition. For lands outside the Wekiva River hydrologic basin, the affected water management district shall serve as acquisition agent for the Department of Environmental Regulation using the procedures in accordance with s. 373.139. Title to lands which are acquired by a water management district as mitigation lands shall be held by the affected water management district and may be transferred, if appropriate for management purposes, to the Board of Trustees of the Internal Improvement Trust Fund or the Game and Fresh Water Fish Commission. Management plans for mitigation lands shall be prepared and implemented by the agency holding title to the

lands in consultation with the Environmental Advisory Group to the Central Florida Beltway Project and other environmental agencies.

(h) The limitations of ss. 373.139(2) and 253.025, notwithstanding, an affected water management district or the Board of Trustees of the Internal Improvement Trust Fund may exercise all powers conferred by s. 337.27, in order to acquire the mitigation lands specified in this section. If the declarations of taking pursuant to chapter 74 have not been filed prior to the time specified in subparagraphs 1., 2., and 3. of paragraph (f), such powers shall lapse.

Section 9. Section 338.251, Florida Statutes, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties.

(1) The department is authorized to advance funds for preliminary engineering, traffic and revenue studies, environmental impact studies, financial advisory services, engineering design, right-of-way map preparation, and advanced right-of-way acquisition to expressway authorities, counties, or other local governmental entities that desire to undertake revenue-producing road projects.

(2) No funds shall be advanced pursuant to this section unless the following is documented to the department:

(a) The proposed facility is consistent with the adopted transportation plan of the appropriate metropolitan planning organization and the Florida Transportation Plan.

(b) A proposed *project* ~~2-year~~ budget detailing the use of the cash advance and a project schedule consistent with the budget.

(3) Prior to receiving any moneys for advance right-of-way acquisition, it shall be shown that such right-of-way will substantially appreciate prior to construction and that savings will result from its advance purchase. Any such request for moneys for advance right-of-way acquisition shall be accompanied by a preliminary engineering study, environmental impact study, traffic and revenue study, and right-of-way maps along with either a negotiated contract for purchase of the right-of-way, such contract to include a clause stating that it is subject to funding by the department or the Legislature, or an appraisal of the subject property for purpose of condemnation proceedings.

(4) Each advance pursuant to this section shall require repayment out of the initial bond issue revenue or~~, at the discretion of the governmental entity of the facility,~~ within ~~4~~ 7 years after the date of the advance, *whichever occurs first*. ~~However, such election shall be made at the time of the initial bond issue, and, if repayment is to be made during the 7-year period, a schedule of such repayment shall be submitted to the department. All repayments shall include interest charged at the average compound rate earned by the state treasury in the year preceding that of the current payment due.~~

(5) No amount in excess of $500,000 annually shall be advanced to any one governmental entity pursuant to this section without specific appropriation by the Legislature.

(6) The department may advance funds sufficient to defray shortages in toll revenues of facilities receiving funds pursuant to this section for the first 5 years of operation, up to a maximum of $5 million per year, to be reimbursed to this fund within 5 years of the last advance hereunder. ~~All repayments shall include interest charged at the average compound rate earned by the state treasury in the year preceding that of the current payment due.~~ Any advance under this provision shall require specific appropriation by the Legislature.

(7) The department shall adopt rules necessary for the implementation of this section, including rules for project selection and funding.

Section 10. *No agency of government shall attempt to intimidate or otherwise improperly influence the decisionmaking of the Division of Bond Finance of the Department of General Services. Every agency of government shall provide the Division of Bond Finance with such information as it may require with respect to said decisionmaking. In the event that a question or problem relating to a bond finance decision of the Division of Bond Finance arises, the same shall be taken to the Administration Commission for resolution.*

Section 11. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

Amendment 1 to House Amendment 1—On page 16, lines 19-21 and lines 28 and 29, strike "*8 months after the effective date of legislation authorizing construction and funding of the beltway*" and insert: *15 months after the issuance of bonds for the appropriate portion of the beltway.*

Amendment 2 to House Amendment 1—On page 17, lines 7-8, strike "*legislation authorizing the construction and funding of the beltway*" and insert: *this act*

Amendment 3 to House Amendment 1—On page 14, lines 20-21, strike "*legislation authorizing the construction and funding of the beltway*" and insert: *this act*

Amendment 4 to House Amendment 1—On page 14, lines 14-15, strike "*legislation authorizing the Central Florida Beltway*" and insert: *this act*

Amendment 2—Strike the entire title and insert: A bill to be entitled An act relating to the turnpike system; amending s. 338.221, F.S.; revising definitions; amending s. 338.222, F.S.; authorizing the Department of Transportation to contract with governmental entities for the design, right-of-way acquisition, or construction of approved turnpike projects; amending s. 338.223, F.S.; providing criteria for turnpike projects to be included in the state 5-year transportation plan; amending s. 338.227, F.S.; providing legislative approval for specified turnpike projects under certain conditions; creating s. 338.2275, F.S.; directing the Administration Commission to determine bonding capacity of the turnpike system with respect to specified facilities and projects; amending s. 338.231, F.S.; requiring the department to pledge revenues from the turnpike system to the payment of debt service and operation and maintenance expenses of the Sawgrass Expressway under certain circumstances; providing for the repayment of such revenues; providing for the transfer of ownership of the Sawgrass Expressway to the Broward County Expressway Authority; amending s. 338.234, F.S.; authorizing the sale of lottery tickets along the turnpike system; creating s. 338.250, F.S.; providing requirements and procedures for environmental mitigation of the Central Florida Beltway; providing for funding of such mitigation; authorizing the Department of Environmental Regulation to select lands for environmental mitigation purposes and issue permits; providing criteria for the selection of such lands; allocating the amount of funds to be used for the acquisition of lands in specified areas; providing for land acquisition agents and procedures; amending s. 338.251, F.S., relating to advancement of funds from the Toll Facilities Revolving Trust Fund; prohibiting any agency of government from improperly influencing certain decisionmaking; providing an effective date.

Senator Beard moved the following amendment to House Amendment 1:

Amendment 1—On page 1, line 12, strike everything after "and insert" and insert:

Section 1. Subsections (2), (7), and (9) of section 338.221, Florida Statutes, 1988 Supplement, are amended to read:

338.221 Definitions of terms used in ss. 338.22-338.244.—As used in ss. 338.22-338.244, the following words and terms have the following meanings, unless the context indicates another or different meaning or intent:

(2) "Cost," as applied to a turnpike project, includes the cost of acquisition of all land, rights-of-way, property, easements, and interests acquired by the department for turnpike project construction; the cost of such construction; the cost of all machinery and equipment, financing charges, fees, and expenses related to the financing; establishment of reserves to secure bonds; interest prior to and during construction and for such period after completion of construction as shall be determined by the department; the cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues; other expenses necessary or incident to determining the feasibility or practicability of acquiring or constructing any such turnpike project; administrative expenses; and such other expenses as may be necessary or incident to the acquisition or construction of a turnpike project, *including fees and expenses related to the permitting and approval of a turnpike project, including environmental mitigation measures,* the financing of such acquisition or construction, and the placing of the turnpike project in operation.

(3) "Feeder road" means any road no more than 5 miles in length, connecting to the turnpike system which the department determines is necessary to create or facilitate access to a turnpike project.

(7) "Turnpike improvement" means any betterment necessary or desirable for the *safe and efficient* operation of the turnpike system, including, but not limited to, *the widening or resurfacing of any road on the turnpike system and improvement or replacement of* ~~widenings, resurfacings,~~ toll plazas, machinery, and equipment.

(9) "Turnpike project" means any turnpike improvement, improvement to the turnpike system or any extension *or expansion of* ~~to~~ the turnpike system statewide, including limited access toll highways and associated feeder roads and other structures, interchanges, appurtenances, or rights as may be approved in accordance with the Florida Turnpike Law.

Section 2. Section 338.222, Florida Statutes, 1988 Supplement, is amended to read:

338.222 Department of Transportation sole governmental entity to acquire, construct, or operate turnpike system; exception.—

(1) No governmental entity other than the department may acquire, construct, maintain, or operate the turnpike system subsequent to the enactment of this law, except upon specific authorization of the Legislature.

(2) The department may contract with any local governmental entity as defined in s. 334.03(12) for the design, right-of-way acquisition, or construction of any turnpike project which the Legislature has approved. Local governmental entities may negotiate with the department for the design, right-of-way acquisition, and construction of any section of the turnpike project within areas of their jurisdiction or within counties with which they have interlocal agreements.

Section 3. Subsection (1) of section 338.223, Florida Statutes, 1988 Supplement, is amended to read:

338.223 Proposed turnpike projects; turnpike system plan.—

(1)~~(a)~~ The department shall develop and maintain a turnpike system plan of limited access highways. The plan shall delineate the ultimate connection of such highways into an interconnected statewide turnpike system. Any project constructed or acquired as part of the turnpike system shall be included in the department's turnpike system plan, the first 5 years of which shall be submitted by March 1 of each year to the Legislature as part of, and along with, the 5-year transportation plan. No *turnpike* project or group of *turnpike* projects shall be added to the turnpike system plan unless determined to be economically feasible. The department may authorize engineering studies, traffic studies, and other expert studies of the location, costs, economic feasibility, and practicality of turnpike projects throughout the state. If it is found economically feasible, the project or group of projects may be added to the turnpike system plan. Each such project or group of projects included in the department's legislative budget request shall be prioritized according to economic feasibility. The department shall construct, maintain, and operate such turnpike projects approved by the Legislature in accordance with s. 11(e), Art. VII of the State Constitution, or in accordance with s. 339.135, as part of the turnpike system.

(2) No ~~(b) Any proposed~~ turnpike project *in the turnpike system plan* shall be *included* ~~developed~~ in ~~accordance with the Florida Transportation Plan and~~ the 5-year transportation plan pursuant to s. 339.135 *unless the following criteria are met:*

(a) Economic feasibility in accordance with s. 338.221(8);

(b) The project is contained in appropriate adopted local and regional comprehensive plans; and

(c) The project is directly connected to the existing turnpike system or connected to the existing turnpike system by noninterstate limited access highways, and/or directly connected to the existing turnpike system by a highway on the interstate system and/or by other turnpike projects determined to be economically feasible in accordance with s. 338.221(8) within 20 years.

Turnpike projects that add capacity, alter access, affect feeder roads, or affect the operation of the local transportation system shall be included in the transportation improvement plan of the affected metropolitan planning organization. If such turnpike project does not fall within the jurisdiction of a metropolitan planning organization, the department shall notify the affected county and provide for public hearings in accordance with s. 339.155(7)(c).

Section 4. Subsection (3) of section 338.227, Florida Statutes, 1988 Supplement, is amended and subsection (4) is added to said section to read:

338.227 Turnpike revenue bonds.—

(3) The Division of Bond Finance is authorized to issue revenue bonds on behalf of the department to finance or refinance the cost of turnpike projects approved by the Legislature in accordance with s. 11(e), Art. VII of the State Constitution. Pursuant to s. 11(e), Art. VII of the State Constitution, the Legislature hereby approves *subject to the provisions of s. 338.2275*:

(a) The turnpike system as of July 1, 1988.

(b) Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), those projects listed in Alternative IV of the April 1987 report on the Future of Florida's Turnpike as recommended to the Legislature by the secretary to be financed by the issuance of revenue bonds in an amount not to exceed $220 million.

(c) Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), an extension to the existing turnpike system beginning at the present northern terminus of the turnpike near Wildwood in Sumter County, to a point at Lebanon Station in Levy County, a distance of approximately 43 miles, the exact route and termini to be determined by the department, to be financed by the issuance of revenue bonds and by the department with State Transportation Trust Fund revenues.

(d) Subject to verification of economic feasibility by the department in accordance with s. 338.221(8), an extension of the Sawgrass Expressway, a project of the Broward County Expressway Authority, providing a connection from the present northern terminus of the expressway to Interstate 95, to be financed by the issuance of revenue bonds and by the department with State Transportation Trust Fund revenues.

(e) Subject to verification of economic feasibility by the department as required by s 338 221(8), all turnpike projects and project phases included in the first 5 years of the turnpike system plan submitted to the Legislature on March 1, 1989, as part of the department's 5-year transportation plan, including, but not limited to, the following:

1. Dart Boulevard Interchange in Osceola County;

2. N.W. 106th Street Interchange in Dade County;

3. State Road 50 Interchange in Lake County;

4. N.W. 120th Street Interchange in Dade County;

5. Boynton Beach Boulevard Interchange in Palm Beach County;

6. N.W. 41st Street Interchange in Dade County;

7. N.W. 45th Street Interchange in Palm Beach County;

8. Palmer Expressway; a 5-mile limited access expressway in St. Lucie County extending from Glades Cut-Off Road to U.S. 1;

9. The Polk County Parkway; a 26 mile four and six lane limited access expressway in Polk County extending from the intersection of I-4 and Clark Road near the Hillsborough County Line through Lakeland near Drainfield Road eastward to U.S. 98 and then east and northward to near Polk City to intersect with I-4 near Mount Olive Road;

10. Southern Connector; a limited access expressway extending 24 miles from I-4 south of Orlando to the Bee Line Expressway east of Orlando;

11. Northwest Hillsborough Expressway; a 15.2 mile limited access toll facility extending north from the Courtney Campbell Causeway

near the Tampa International Airport to Dale Mabry Highway (SR 597) just north of Van Dyke Road;

12. Seminole County Expressway; a 4-lane limited access expressway extending 12 miles from SR 426 near the Orange/Seminole County line in east Orlando to U.S. 17/92;

13. Western Beltway; a limited access expressway extending 55 miles from I-4 near Sanford to I-4 near Disney World; and

14. Branan Field/Chaffee Road Facility; a two-lane limited access expressway extending north from SR 21 in Clay County to 103rd Street in western Duval County.

(f) The following turnpike projects shall not be subject to verification of economic feasibility:

1. SR 808/Glades Road, from SR 7/U.S. 441 to west of the turnpike.

2. SR 704/Okeechobee Boulevard, from Haverhill Road to Military Trail.

3. SR 704/Okeechobee Boulevard, from SR 7/U.S. 441 to west of the turnpike.

4. SR 704/Okeechobee Boulevard, from west of the turnpike to Haverhill Road.

5. SR 802/Lake Worth Road, from 1500 feet west of the turnpike to east of the turnpike entrance.

6. SR 806/West Atlantic Avenue, from west of the turnpike to Jog Road.

7. SR 716/Port St. Lucie Boulevard, from the turnpike to SR 5/U.S. 1.

(4) Nothing in this section shall be construed to prohibit the pledging of revenues from the entire turnpike system to bonds issued to finance or refinance a turnpike project, or group of turnpike projects.

Section 5. Section 338.2275, Florida Statutes, is created to read:

338.2275 1989 Projects.—

(1) The Administration Commission shall determine the turnpike bonding capacity of the turnpike system as of October 1, 1989, which shall include revenue from the following turnpike facilities:

(a) The turnpike system as of July 1, 1988.

(b) Those projects listed in Alternative IV of the April 1987 report on the Future of Florida's Turnpike as recommended to the Legislature by the secretary to be financed by the issuance of revenue bonds in an amount not to exceed $220 million.

(c) All projects and project phases included in the first 5 years of the turnpike system plan submitted to the Legislature on March 1, 1989, as part of the department's 5-year transportation plan, including, but not limited to, the following:

1. Dart Boulevard Interchange in Osceola County;

2. N.W. 106th Street Interchange in Dade County;

3. State Road 50 Interchange in Lake County;

4. N.W. 120th Street Interchange in Dade County;

5. Boynton Beach Boulevard Interchange in Palm Beach County;

6. N.W. 41st Street Interchange in Dade County;

7. N.W. 45th Street Interchange in Palm Beach County;

8. Palmer Expressway; a 5-mile limited access expressway in St. Lucie County extending from Glades Cut-Off Road to U.S. 1;

9. The Polk County Parkway; a 26 mile four and six lane limited access expressway in Polk County extending from the intersection of I-4 and Clark Road near the Hillsborough County Line through Lakeland near Drainfield Road eastward to U.S. 98 and then east and northward to near Polk City to intersect with I-4 near Mount Olive Road;

10. Southern Connector; a limited access expressway extending 24 miles from I-4 south of Orlando to the Bee Line Expressway east of Orlando;

11. Northwest Hillsborough Expressway; a 15.2 mile limited access toll facility extending north from the Courtney Campbell Causeway near the Tampa International Airport to Dale Mabry Highway (SR 597) just north of Van Dyke Road;

12. Seminole County Expressway; a 4-lane limited access expressway extending 12 miles from SR 426 near the Orange/Seminole County line in east Orlando to U.S. 17/92;

13. Western Beltway; a limited access expressway extending 55 miles from I-4 near Sanford to I-4 near Disney World; and

14. Branan Field/Chaffee Road Facility; a two-lane limited access expressway extending north from SR 21 in Clay County to 103rd Street in western Duval County.

(2) By October 1, 1989, the Department of Transportation shall perform an economic feasibility study of each of the projects listed in s. 338.227(3)(e)1.-14. in accordance with s. 338.221(8). In the event an economic feasibility study of a project is performed by a consultant for the Department of Transportation, the consultant shall not have previously performed an economic feasibility study of the same project. The completion of said feasibility studies shall be the priority of the turnpike and the appropriate district offices in which the projects listed in s. 338.227(3)(e) are located.

(3) In the event the Administration Commission determines that the bonding capacity and revenue of the turnpike system are greater than the total cost of improvements to the system and the additional economically feasible revenue projects in s. 338.227(3)(e) and non-revenue projects listed in s. 338.227(3)(f), then the projects listed in s. 338.227(3)(e) which are determined to be economically feasible pursuant to subsection (2) are hereby approved by the Legislature to be financed or refinanced with revenue bonds.

(4) In the event that the cost of the improvements to the system and the additional revenue and non-revenue producing projects listed in s. 338.227(3)(e) and (f) determined to be economically feasible pursuant to subsection (2) is greater than the bonding capacity and revenue of the turnpike system determined by the Administration Commission, pursuant to subsection (1) and:

(a) The bonding capacity and revenue of the turnpike system is determined to be $1,300,000,000 or more, projects listed in the order of priority established in s. 338.227(3)(e)1.-14. from highest to lowest, respectively, are hereby approved by the Legislature to be financed or refinanced with revenue bonds.

(b) The bonding capacity and revenue of the turnpike system is determined to be less than $1,300,000,000, the Legislature shall make a determination as to the issuance of any revenue bonds to finance the projects listed in s. 338.227(3)(e) and (f).

Section 6. Subsections (1) and (3) of section 338.231, Florida Statutes, 1988 Supplement, are amended to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls for the use of the turnpike system, except on those nontoll roads designated by the department as part of the turnpike system for which the department will assume all costs from other than revenues, as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(1)*(a)* In the process of effectuating toll rate increases over the period 1988 through 1992, the department shall, to the maximum extent feasible, equalize the toll structure, within each vehicle classification, so that the per mile toll rate will be approximately the same throughout the turnpike system.

(b) New turnpike projects may have toll rates higher than the uniform system rate where such higher toll rates are necessary to qualify the project in accordance with the financial criteria in the turnpike law. Such higher rates may be reduced to the uniform system rate when the project is generating sufficient revenues to pay the full amount of debt service and operating and maintenance costs at the uniform system rate.

(c) If, after 15 years of opening to traffic, the annual revenue of a turnpike project does not meet or exceed annual debt service requirements and operating and maintenance costs attributable to such project, the department shall, to the maximum extent feasible, establish a toll rate for the project higher than the uniform system rate as necessary to make up such short fall.

(d) The department may, to the extent feasible, establish a temporary toll rate at less than the uniform system rate for the purpose of building patronage for the ultimate benefit of the turnpike system.

(e) In no case shall the temporary rate be established for more than 1 year. The requirements of this subsection shall not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds.

(3) In each fiscal year while any of the bonds of the Broward County Expressway Authority series 1984 and series 1986-A remain outstanding, the department *shall* ~~is authorized to~~ pledge revenues from the turnpike system to the payment of principal and interest of such series of bonds, and *to* the *payment of* operation and maintenance expenses of the Sawgrass Expressway, to the extent gross ~~toll~~ revenues of the Sawgrass Expressway are insufficient to make such payments. The terms of an agreement relative to the pledge of turnpike system revenue will be negotiated with the parties of the 1984 and 1986 Broward County Expressway Authority lease-purchase agreements, and subject to the covenants of those agreements. *The agreement shall include repayment without interest by the department of pledged gasoline tax funds actually expended by Broward County, after July 6, 1988, on the Sawgrass Expressway.* The agreement shall establish that the Sawgrass Expressway shall be subject to the planning, management, and operating control of the department limited only by the terms of the lease-purchase agreements. The department shall provide for the payment of operation and maintenance expenses of the Sawgrass Expressway until such agreement is in effect. This pledge of turnpike system revenues shall be subordinate to the debt service requirements of any future issue of turnpike bonds, the payment of turnpike system operation and maintenance expenses, and subject to provisions of any subsequent resolution or trust indenture relating to the issuance of such turnpike bonds. *The agreement shall not remain in effect after the department is repaid, without interest, for amounts expended after execution of the agreement, for the payment of principal and interest and payment of the operation and maintenance expenses of the Sawgrass Expressway to the extent gross revenues of the Sawgrass Expressway are insufficient to make such payments. Upon satisfaction of this requirement and upon request by the Broward County Expressway Authority, the department shall transfer planning, management, and operating control of the facility to the Broward County Expressway Authority.*

Section 7. Subsection (1) of section 338.234, Florida Statutes, 1988 Supplement, is amended to read:

338.234 Prohibition against granting concessions or selling along the turnpike system; exceptions; when information centers allowed; Department of Citrus to advise on sale of citrus products.—

(1) The department is prohibited from granting concessions or selling any services or products along the turnpike system, except for the sale of motor fuel with attendant towing and maintenance facilities; the sale of food with attendant nonalcoholic beverages; *the sale of state lottery tickets by authorized retailers;* the granting of concessions for amusement devices which operate by the application of skill, not including games of chance as defined in s. 849.16 or other illegal gambling games; the sale of Florida citrus, goods promoting the state or handmade goods produced within the state; the granting of concessions for equipment which provides travel information or tickets, reservations, or other related services; and the granting of concessions for equipment which provides banking services. The department may also provide information centers on the plazas for the benefit of the public.

Section 8. Section 338.250, Florida Statutes, is created to read:

338.250 Central Florida Beltway Mitigation.—

(1) It is the intent of the Legislature that the adverse environmental effects of the Central Florida Beltway, consisting of the Western Beltway, Seminole County Expressway, and Southern Connector, which is of regional transportation benefit, be mitigated through the acquisition of lands and through environmental restoration or creation projects of corresponding regional environmental benefit. The Legislature finds that the acquisition of such lands is reasonably necessary for securing applicable permits as provided in s. 337.27.

(2) Environmental mitigation required as a result of construction of the beltway shall be accomplished in the following manner:

(a) Funds for environmental mitigation in an amount which is 5 percent of the estimated costs for right-of-way acquisition and construction of the beltway shall be deposited in the Central Florida Beltway Trust Fund created within the Department of Transportation at the time the bonds for the specific project are sold. These funds shall be provided from the bond proceeds of the turnpike system authorized by this act. The maximum amount to be provided for the Seminole County Expressway Authority shall be $4 million and the maximum for the Western Beltway and Southern Connector shall be $46.5 million. The interest of said funds, as earned, after the deposit into the Central Florida Beltway Trust Fund shall accrue to the agency responsible for the right-of-way acquisition and construction of the Central Florida Beltway.

(b) The Secretary of Environmental Regulation shall begin immediately upon the passage of this act to evaluate and review mitigation lands. The Department of Environmental Regulation, in consultation with the affected water management district and the Environmental Advisory Group to the Central Florida Beltway Project, shall, within 4 months after the effective date of this act, select the appropriate acquisition lands for inclusion in mitigation plans.

(c) A decision by Seminole County Expressway Authority to enter into the Central Florida Beltway Mitigation program established in this section shall be at the sole discretion of the Seminole County Expressway Authority. If the authority elects this participation, the selection of mitigation lands shall be made pursuant to subsection (b), and contracts to purchase, or the filing of declarations of taking pursuant to chapter 74 shall take place within 15 months after the effective date of legislation authorizing the construction and funding of the beltway. The Department of Environmental Regulation shall, in consultation with the Environmental Advisory Group to the Seminole County Expressway Authority and affected water management districts, select lands within the Lake Jessup/St. Johns River hydrologic basin. The lands selected shall be of regional environmental importance based upon criteria which include proximity to water bodies and other publicly held lands, wildlife and endangered species, recreational benefits, and environmental enhancement, restoration, and creation potential.

(d) The regional environmental benefit of the mitigation plan, as successfully implemented, shall promote the public interest and clearly outweigh the adverse environmental effects of the project and shall satisfy all environmental mitigation requirements associated with the project. The Department of Environmental Regulation shall assume the environmental permitting responsibility for the beltway and attending mitigation pursuant to interagency agreement with the affected water management districts. The permits issued for this project may be reviewed in accordance with s. 380.06(9) and the rules adopted pursuant thereto. The permitting decision rendered by the Department of Environmental Regulation shall be subject to review in accordance with s. 373.114(1). Notwithstanding any of the timing provisions in this act, a closing on the acquisition of mitigation land may not occur until environmental permits specifying mitigation sites for the projects have been issued.

(e) The mitigation lands acquired for the Western Beltway and Southern Connector shall be located within a proximity of ecosystems affected by the beltway and shall be selected from within the Wekiva River, Lake Apopka, and Upper Kissimmee chain-of-lakes hydrologic basins. The lands selected shall be of regional environmental importance based upon criteria which include proximity to water bodies and other publicly held lands, wildlife and endangered species, recreational benefits, and environmental enhancement, restoration, and creation potential.

(f) It is the intent of the Legislature that mitigation funds be maximized to the greatest extent possible. Where feasible, mitigation funds shall be supplemented with funds from the Conservation and Recreational Lands Trust Fund, Save Our Rivers land acquisition program, or from other appropriate sources. Of the total funds available for the acquisition of mitigation lands:

1. Forty-five percent shall be used to supplement the acquisition of lands selected by the Department of Environmental Regulation within the Wekiva River hydrologic basin if the execution of the contracts to purchase or the filing of declarations of taking pursuant to chapter 74 for all such lands occurs no later than 8 months after the effective date of this act.

2. Thirty-five percent shall be used to supplement the acquisition of lands selected by the Department of Environmental Regulation within the Lake Apopka hydrologic basin for the historic floodplain marsh, if the execution of the contracts to purchase or the filing of declarations of taking pursuant to chapter 74 for all such lands occurs no later than 15 months after the issuance of bonds for the appropriate portion of the beltway.

3. Twenty percent shall be used to supplement the acquisition of lands selected by the Department of Environmental Regulation within the Upper Kissimmee chain-of-lakes hydrologic basin adjacent to Lake Hatchineha and extending north to Lake Russell, as recommended by the Environmental Advisory Group to the beltway, if the execution of the contracts to purchase or the filing of such declarations of taking pursuant to chapter 74 occurs no later than 8 months after the effective date of this act.

To the extent that the execution of the contract to purchase or the filing of declaration of taking pursuant to chapter 74 for the lands set forth in this paragraph has not occurred within the timeframes specified in subparagraphs 1., 2., and 3., funds not committed shall remain in the Central Florida Beltway Project Trust Fund to be used only for acquisition of mitigation lands, without regard to the percentage limitations specified in subparagraphs 1., 2., and 3., which are located in the proximity of ecosystems affected by the beltway. The Secretary of Environmental Regulation shall consult with the Environmental Advisory Group to the Central Florida Beltway Project or Seminole County Expressway Authority, as appropriate, and the affected water management district prior to the acquisition of the mitigation lands.

(g) For lands in the Wekiva River hydrologic basin, the Board of Trustees of the Internal Improvement Trust Fund shall serve as the acquisition agent for the Department of Environmental Regulation. Section 253.025 notwithstanding, the Division of State Lands of the Department of Natural Resources may contract with, or otherwise enter into agreements with, the agency responsible for the right-of-way acquisition of the beltway for the provision of appraisals of mitigation projects. When using such appraisals, only one such appraisal shall be required by the division to establish land values. Such appraisals may be made by the agency responsible for the right-of-way acquisition of the beltway either in conjunction with or separate from appraisals of property necessary for right-of-way acquisition. For lands outside the Wekiva River hydrologic basin, the affected water management district shall serve as acquisition agent for the Department of Environmental Regulation using the procedures in accordance with s. 373.139. Title to lands which are acquired by a water management district as mitigation lands shall be held by the affected water management district and may be transferred, if appropriate for management purposes, to the Board of Trustees of the Internal Improvement Trust Fund or the Game and Fresh Water Fish Commission. Management plans for mitigation lands shall be prepared and implemented by the agency holding title to the lands in consultation with the Environmental Advisory Group to the Central Florida Beltway Project and other environmental agencies.

(h) The limitations of ss. 373.139(2) and 253.025, notwithstanding, an affected water management district or the Board of Trustees of the Internal Improvement Trust Fund may exercise all powers conferred by s. 337.27, in order to acquire the mitigation lands specified in this section. If the declarations of taking pursuant to chapter 74 have not been filed prior to the time specified in subparagraphs 1., 2., and 3. of paragraph (f), such powers shall lapse.

Section 9. Section 338.251, Florida Statutes, is amended to read:

338.251 Toll Facilities Revolving Trust Fund.—The Toll Facilities Revolving Trust Fund is hereby created for the purpose of encouraging the development and enhancing the financial feasibility of revenue-producing road projects undertaken by local governmental entities in a county or combination of contiguous counties.

(1) The department is authorized to advance funds for preliminary engineering, traffic and revenue studies, environmental impact studies, financial advisory services, engineering design, right-of-way map preparation, and advanced right-of-way acquisition to expressway authorities, counties, or other local governmental entities that desire to undertake revenue-producing road projects.

(2) No funds shall be advanced pursuant to this section unless the following is documented to the department:

(a) The proposed facility is consistent with the adopted transportation plan of the appropriate metropolitan planning organization and the Florida Transportation Plan.

(b) A proposed *project* ~~2-year~~ budget detailing the use of the cash advance and a project schedule consistent with the budget.

(3) Prior to receiving any moneys for advance right-of-way acquisition, it shall be shown that such right-of-way will substantially appreciate prior to construction and that savings will result from its advance purchase. Any such request for moneys for advance right-of-way acquisition shall be accompanied by a preliminary engineering study, environmental impact study, traffic and revenue study, and right-of-way maps along with either a negotiated contract for purchase of the right-of-way, such contract to include a clause stating that it is subject to funding by the department or the Legislature, or an appraisal of the subject property for purpose of condemnation proceedings.

(4) Each advance pursuant to this section shall require repayment out of the initial bond issue revenue or~~, at the discretion of the governmental entity of the facility,~~ within *4* ~~7~~ years after the date of the advance, *whichever occurs first*. ~~However, such election shall be made at the time of the initial bond issue, and, if repayment is to be made during the 7-year period, a schedule of such repayment shall be submitted to the department. All repayments shall include interest charged at the average compound rate earned by the state treasury in the year preceding that of the current payment due.~~

(5) No amount in excess of $500,000 annually shall be advanced to any one governmental entity pursuant to this section without specific appropriation by the Legislature.

(6) The department may advance funds sufficient to defray shortages in toll revenues of facilities receiving funds pursuant to this section for the first 5 years of operation, up to a maximum of $5 million per year, to be reimbursed to this fund within 5 years of the last advance hereunder. ~~All repayments shall include interest charged at the average compound rate earned by the state treasury in the year preceding that of the current payment due.~~ Any advance under this provision shall require specific appropriation by the Legislature.

(7) The department shall adopt rules necessary for the implementation of this section, including rules for project selection and funding.

Section 10. No agency of government shall attempt to intimidate or otherwise improperly influence the decisionmaking of the Division of Bond Finance of the Department of General Services. Every agency of government shall provide the Division of Bond Finance with such information as it may require with respect to said decisionmaking. In the event that a question or problem relating to a bond finance decision of the Division of Bond Finance arises, the same shall be taken to the Administration Commission for resolution.

Section 11. This act shall take effect July 1, 1989, or upon becoming a law, whichever occurs later.

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

Amendment 1A—On page 10, between lines 29 and 30, insert:

(5) Any project enumerated in s. 338.227(3)(e)8.-14. shall be removed as a turnpike project prior to the sale of bonds for such project upon request of a unit of local government to the department provided the unit

of local government is financially and otherwise capable of construction of the project.

Senator Gordon moved the following amendment to Senate Amendment 1 to House Amendment 1 which failed:

Amendment 1B—On page 6, strike all of lines 13-18 and insert:

2. Tamiami Trail from S.W. 112th Avenue to State Road 826 in Dade County;

3. State Road 50 Interchange in Lake County;

4. Tamiami Trail from S.W. 127th Avenue to S.W. 112th Avenue in Dade County;

5. Boynton Beach Boulevard Interchange in Palm Beach County;

6. Kendall Drive from S.W. 152nd Avenue to S.W. 132nd Avenue in Dade County;

Senate Amendment 1, as amended, to House Amendment 1 was adopted.

Senator Beard moved the following amendment to House Amendment 2:

Amendment 1—In title, on page 1, line 12, strike everything after "insert:" and insert: A bill to be entitled An act relating to the turnpike system; amending s. 338.221, F.S.; revising definitions of terms used in ss. 338.22-338.244, F.S.; amending s. 338.222, F.S.; authorizing the Department of Transportation to contract with governmental entities for the design, right-of-way acquisition, or construction of approved turnpike projects; amending s. 338.223, F.S.; prohibiting turnpike projects unless determined economically feasible; requiring turnpike projects to meet certain criteria to be included in the 5-year plan; amending s. 338.227, F.S.; providing legislative approval for specified turnpike projects under certain conditions; creating s. 338.2275, F.S.; directing the Administration Commission to determine the turnpike bonding capacity of the turnpike system and to perform an economic feasibility study of certain projects; providing for approval of certain projects; amending s. 338.231, F.S.; providing for setting toll rates; providing conditions pursuant to which the department would no longer be authorized to pay debt service of the Sawgrass Expressway; amending s. 338.234, F.S.; authorizing the sale of lottery tickets along the turnpike system; creating s. 338.250, F.S.; providing requirements and procedures for environmental mitigation of the Central Florida Beltway; providing for funding of such mitigation; providing for land acquisition agents and procedures; amending s. 338.251, F.S.; providing for repayment of advances from the Toll Facilities Revolving Trust Fund; prohibiting agencies from intimidating or improperly influencing the decisions of the Division of Bond Finance; requiring agencies to provide the division the information it requires to make decisions; providing for bond finance decisions by the Administration Commission; providing an effective date.

Senator Gordon moved the following amendment to Senate Amendment 1 to House Amendment 2 which failed:

Amendment 1A—On page 6, strike all of lines 13-18 and insert:

2. Tamiami Trail from S.W. 112th Avenue to State Road 826 in Dade County;

3. State Road 50 Interchange in Lake County;

4. Tamiami Trail from S.W. 127th Avenue to S.W. 112th Avenue in Dade County;

5. Boynton Beach Boulevard Interchange in Palm Beach County;

6. Kendall Drive from S.W. 152nd Avenue to S.W. 132nd Avenue in Dade County;

Senate Amendment 1 to House Amendment 2 was adopted.

On motions by Senator Beard, 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 1275 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Forman	Malchon	Stuart
Bankhead	Gardner	Margolis	Thomas
Beard	Girardeau	McPherson	Thurman
Bruner	Grant	Meek	Walker
Casas	Grizzle	Myers	Weinstock
Childers, W. D.	Johnson	Peterson	Woodson-Howard
Crenshaw	Kirkpatrick	Ros-Lehtinen	
Davis	Kiser	Scott	
Dudley	Langley	Souto	

Nays—3

Brown	Gordon	Weinstein

Vote after roll call:

Yea—Deratany

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 689 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 689—A bill to be entitled An act relating to hazardous waste facilities; amending s. 403.7215, F.S.; authorizing a local government to use revenue derived from a tax on privately owned commercial hazardous waste facilities to pay costs incurred by the local government as a result of the operation of the facilities under certain circumstances; amending s. 403.7226, F.S.; requiring the Department of Environmental Regulation to file an annual assessment of state needs for hazardous waste facilities and services with the Governor and the Legislature; abolishing a requirement that ch. 83-310, Laws of Florida; redefining "multipurpose hazardous waste facility"; deleting certain requirements relating to the siting of a hazardous waste facility; designating a hazardous waste facility in Union County; creating ss. 403.78, 403.781, 403.782, 403.783, 403.784, 403.7841, 403.7842, 403.785, 403.786, 403.787, 403.7871, 403.7872, 403.7873, 403.788, 403.7881, 403.789, 403.7891, 403.7892, 403.7893, F.S., the "Statewide Multipurpose Hazardous Waste Facility Siting Act"; providing legislative intent; providing definitions; prescribing powers and duties of the Department of Environmental Regulation; requiring certification for multipurpose hazardous waste facilities; prescribing certification procedures and fees; providing for notice and hearings; providing for reports; providing for public meetings on applications; prescribing terms and conditions and effects of certification; providing for revocation, suspension, and modification of certification; providing for enforcement; providing for preemption of subject matter; amending s. 403.7222, F.S.; redefining the term "hazardous waste landfill" for purposes of the prohibition thereof; prohibiting disposal of hazardous waste in injection wells; providing an effective date.

Amendment 1—On page 8, lines 19-21, strike all of said lines and insert:

(3) "Applicant" means any person proposing to construct and operate a statewide multipurpose hazardous waste facility and who files an application for certification.

Amendment 2—On page 9, lines 5 and 6, strike "sited on lands owned by the state"

Amendment 3—On page 9, lines 28-31, strike all of said lines and renumber subsequent sections.

Amendment 4—On page 16, line 2, strike all of said line and insert: *set forth in this act,* issue a

Amendment 5—On page 19, between lines 19 and 20, insert: *(e) Be consistent with applicable siting criteria.*

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

CS for SB 689 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	Davis	Kiser	Stuart
Bankhead	Dudley	Langley	Thomas
Beard	Forman	Margolis	Thurman
Brown	Gardner	Meek	Weinstein
Bruner	Girardeau	Myers	Weinstock
Casas	Gordon	Peterson	Woodson-Howard
Childers, D.	Grant	Ros-Lehtinen	
Childers, W. D.	Johnson	Scott	
Crenshaw	Kirkpatrick	Souto	

Nays—1

Walker

Motion

On motion by Senator Malchon, the House was requested to return SB 485.

RECESS

On motion by Senator Scott, the Senate recessed at 12:57 a.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 1:37 a.m. A quorum present—36:

Mr. President	Davis	Langley	Scott
Bankhead	Deratany	Malchon	Souto
Beard	Dudley	Margolis	Stuart
Brown	Forman	McPherson	Thomas
Bruner	Girardeau	Meek	Thurman
Casas	Gordon	Myers	Walker
Childers, D.	Grant	Peterson	Weinstein
Childers, W. D.	Johnson	Plummer	Weinstock
Crenshaw	Kiser	Ros-Lehtinen	Woodson-Howard

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives returns SB 485 as requested.

John B. Phelps, Clerk

Reconsideration

On motion by Senator Malchon, the Senate reconsidered the vote by which—

SB 485—A bill to be entitled An act relating to health care; providing legislative findings and intent; requiring the Health Care Cost Containment Board to conduct a study of public-sector purchasing of health care coverage; requiring a report; requiring the Health Care Cost Containment Board to convene a statewide conference of public-sector health care purchasers; requiring the Health Care Cost Containment Board to contract with the State University System to conduct the conference; establishing the Florida Task Force on Private Sector Health Care Responsibility; requiring reports and recommendations; providing for membership, duties, powers, and compensation; providing for subpoenas, audits, and investigations; providing confidentiality; requiring cooperation of state agencies; establishing the Florida Task Force on Government Financed Health Care; providing for policy recommendations; providing for resource groups for the task force; providing for membership; providing for staff; providing for per diem and travel expenses; requiring the Health Care Cost Containment Board to conduct a special study on the impact of joint ventures on health care; providing for appointment of a panel; requiring reports to the Governor and the Legislature; providing definitions; providing appropriations; providing an effective date.

—passed as amended this day.

On motion by Senator Malchon, the Senate reconsidered the vote by which the Senate refused to concur in House Amendment 4.

On motion by Senator Malchon, the Senate concurred in House Amendment 4.

SB 485 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—36

Mr. President	Davis	Langley	Scott
Bankhead	Deratany	Malchon	Souto
Beard	Dudley	Margolis	Stuart
Brown	Forman	McPherson	Thomas
Bruner	Gardner	Meek	Thurman
Casas	Girardeau	Myers	Walker
Childers, D.	Grant	Peterson	Weinstein
Childers, W. D.	Johnson	Plummer	Weinstock
Crenshaw	Kiser	Ros-Lehtinen	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Kirkpatrick

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB 1388 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1388—A bill to be entitled An act relating to postsecondary education; establishing a branch campus of Florida Atlantic University in Broward County to be known as the Southeast Campus; requiring the Board of Regents to take necessary actions for the establishment of the Southeast Campus; requiring the City of Davie, Broward Community College and the Board of County Commissioners of Broward County to cooperate in the establishment of the Southeast Campus; authorizing Florida Atlantic University to contract with Broward Community College and Florida International University to provide instruction at the Southeast Campus; requiring the Postsecondary Education Planning Commission and the Board of Regents to evaluate undergraduate programs in Broward County; requiring the Board of Regents to make recommendations concerning the need for a 4-year public university in Broward County; requiring a timetable for legislative action on the plan; providing an effective date.

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

Section 1. *(1) There is hereby established in Broward County a branch campus of Florida Atlantic University to be known as the "Southeast Campus." The Board of Regents shall take all actions necessary to implement the establishment of the Southeast Campus, including any transfer of positions and resources. Initially, modular buildings may be used as necessary to provide classroom and office facilities, however, the Board of Regents shall initiate steps to secure funding for the planning and construction of permanent facilities. Such facilities shall accommodate instructional needs as well as administrative and other support and auxiliary services of the Southeast Campus. Planning conducted pursuant to this section shall be consistent with the provisions of chapter 235. The City of Davie, Broward Community College, and the Board of County Commissioners of Broward County shall cooperate with the Board of Regents in establishing the Southeast Campus. The acquisition and donation of lands, buildings, and equipment for the purpose of establishing the Southeast Campus are hereby authorized and shall be deemed for a public purpose. Undergraduate instruction leading to a baccalaureate degree shall be offered at the Southeast Campus beginning with the 1989 fall semester.*

(2) The Board of Regents and Florida Atlantic University shall consult with Broward Community College and Florida International University in coordinating course offerings at the postsecondary level in Broward County. Florida Atlantic University may contract with the Board of Trustees of Broward Community College and with Florida International University to provide instruction in courses offered at the Southeast Campus. Florida Atlantic University shall increase course offerings at the Southeast Campus as facilities become available.

(3) The Postsecondary Education Planning Commission and the Board of Regents, as a function of each board's comprehensive master planning process, shall continue to evaluate the need for undergraduate program offerings in Broward County and shall assess the extent to

which existing postsecondary programs are addressing those needs. One section of the Board of Regents' 5-year Master Plan for 1993-1998 shall address and make recommendations concerning the establishment of a 4-year public university in Broward County. The board's plan shall include the effectiveness of the branch campus operation, including operating and capital budget and a description of programmatic and administrative relationships with public and private institutions in the area. Prior to January 1, 1993, the Legislature shall review that section of the master plan and make recommendations for implementation no later than July 1, 1993.

Section 2. 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 3. 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 adopt 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 4. Subsection (10) of section 240.1201, Florida Statutes, is amended to read:

240.1201 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition fees in public community colleges and universities.

(10) The following persons shall be classified as residents for tuition purposes:

(a) Active duty members of the armed services of the United States stationed in this state, their spouses, and dependent children.

(b) United States citizens living on the Isthmus of Panama, who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch, and their spouses and dependent children.

(c)~~(b)~~ Full-time instructional and administrative personnel employed by state public schools, community colleges, and institutions of higher education, as defined in s. 228.041, and their spouses and dependent children.

(d)~~(c)~~ Students from Latin America and the Caribbean who receive scholarships from the federal or state government. Any student classified pursuant to this paragraph shall attend, on a full-time basis, a Florida institution of higher education.

(e) Southern Regional Education Board's Academic Common Market graduate students attending Florida's state universities.

Section 5. Subsection (6) of section 240.205, Florida Statutes, is amended to read:

240.205 Board of Regents incorporated.—The Board of Regents is hereby created as a body corporate with all the powers of a body corporate for all the purposes created by, or that may exist under, the provisions of this chapter or laws amendatory hereof and shall:

(6) Acquire real and personal property and contract for the sale and disposal of same *and approve and execute contracts for goods, equipment, or services, including educational services for leases for real and personal property and for construction, in accordance with chapter 287, as applicable.* The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. The board may also acquire *the same goods, equipment, services, leases, and construction, as designated for the board,* ~~property~~ for use by a university when the contractual obligation exceeds $500,000. Title to all real property, however acquired, shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it.

Section 6. Subsection (24) is added to section 240.227, Florida Statutes, 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:

(24) Adopt rules and enter into agreements for student exchange programs which involve students at the university and students in institutions of higher learning, either within or without the state, which are not in the State University System. Such agreements may provide that the tuition and fees of a student who is enrolled in a university in the State University System and who is participating in an exchange program shall be paid to the state university during the period of time he is participating in the exchange program. Such agreements may also provide that the tuition and fees of a student who is enrolled in an institution which is not in the State University System and who is participating in an exchange program shall be paid to the nonstate institution in which he is enrolled.

Section 7. Subsections (1) and (2) of section 240.233, Florida Statutes, are amended to read:

240.233 Universities; admissions of students.—Each university shall govern admissions of students, subject to this section and rules of the Board of Regents.

(1) Minimum academic standards for undergraduate admission to a university shall include the requirements that:

(a) Each student have received a high school diploma pursuant to s. 232.246, or its equivalent, except as provided in s. 240.116(2) and (3).

(b) Effective August 1, 1989, each student have earned two credits of sequential foreign language at the secondary level or the equivalent of such instruction at the postsecondary level. A student who receives an associate of arts degree prior to September 1, 1987, or who enrolls ~~full time~~ in a program of studies leading to an associate ~~of arts~~ degree from a Florida community college prior to August 1, 1989, and maintains continuous ~~full time~~ enrollment shall be exempt from this *admissions* requirement.

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

(2) *Effective August 1, 1991, each student who is admitted to a state university must have completed two credits of sequential foreign language at the secondary level or the equivalent of such instruction at the postsecondary level. A student must earn such credits prior to admission to the upper-division of a state university.* ~~The Board of Regents may adopt rules that provide admission requirements different than those specified in paragraph (1)(b) for applicants who earn their high school diplomas prior to August 1, 1987, or who fail to apply for admission to a university immediately upon graduation from high school.~~

Section 8. Subsection (7) is added to section 240.235, Florida Statutes, 1988 Supplement, to read:

240.235 Fees.—

(7) Each university may assess a service charge for the payment of tuition and fees in installments. Such service charge must be approved by the Board of Regents. The revenues from such service charges shall be deposited into the Incidental Trust Fund.

Section 9. Section 240.289, Florida Statutes, is amended to read:

240.289 Credit card use in university system; authority.—The several universities in the State University System are authorized, *pursuant to s. 215.322,* to enter into agreements and accept credit card payments as compensation for goods, services, tuition, and fees *in accordance with rules established by the Board of Regents*~~; however, no discount shall be given and no service charge assessed. Each university is further authorized to establish accounts in credit card banks for the deposit of credit card sales invoices~~.

Section 10. Paragraph (b) of subsection (2) and paragraph (c) of subsection (7) of section 240.35, Florida Statutes, 1988 Supplement, are amended, and subsection (11) is added to said section, to read:

240.35 Student fees.—

(2) 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.

(7)(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 *and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the district boards of trustees. Such other purposes shall include the payment of child care fees for students with financial needs.* 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.

(11) Each community college board of trustees may establish a separate fee for capital improvements not to exceed $1 per credit hour or credit hour equivalent. Funds collected through these fees may not be bonded. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.

Section 11. 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. *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 12. Subsections (2) and (3) of section 240.36, Florida Statutes, 1988 Supplement, are 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.

(3) For every year in which there is a legislative appropriation to the trust fund, no less than $25,000 must be reserved to permit each community college an opportunity to match challenge grants. The balance of the funds shall be available for matching by any community college. Trust funds which remain unmatched by contribution on March 1 of any year shall also be available for matching by any community college. The State Board of Community Colleges shall adopt rules providing all community colleges with an opportunity to apply for excess trust funds prior to the awarding of such funds. However, no community college may receive more than its percentage of the total full-time equivalent enrollment or 15 percent, whichever is greater, of the funds appropriated to the trust fund for that fiscal year. A community college shall place all funds it receives in excess of the first challenge grant and its matching funds in its endowment fund and only the earnings on that amount may be spent for approved projects. A community college may spend the first challenge grant and its matching funds as cash for any approved project, except scholarships. If a community college proposes to use any amount of the grant or the matching funds for scholarships, it must deposit that amount in its endowment in its academic improvement trust fund and use the earnings of the endowment to provide scholarships. *Notwithstanding the endowment provisions in this subsection and subsection (7), district boards of trustees may approve the use of a challenge grant and its matching funds, in total or in part, for the purpose of minority recruitment scholarships.*

Section 13. 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 14. Paragraph (g) of subsection (1) of section 240.514, Florida Statutes, is amended to read:

240.514 Florida Mental Health Institute.—There is established the Florida Mental Health Institute within the University of South Florida.

(1) The purpose of the institute is to strengthen mental health services throughout the state by providing technical assistance and support services to mental health agencies and mental health professionals. Such assistance and services shall include:

(g) Provisions for direct client services, *provided for a limited period of time* either in the institute facility or in other facilities within the state, *and limited to purposes of research or training.*

Section 15. Section 240.52, Florida Statutes, is created to read:

240.52 Collections management for museums and galleries of the State University System.—

(1) The universities of the State University System may enter into contracts or agreements with or without competitive bidding, as appropriate, for the restoration of objects of art, art history, or natural history in their collections or for the purchase of objects of art, art history, or natural history which are to be added to their collections.

(2) The universities of the State University System may sell any art, art history, or natural history object in their museum or gallery collections if the university determines that it is no longer appropriate for the collection. The proceeds of the sale shall be deposited in the Acquisition, Restoration, and Conservation Trust Fund or other appropriate trust fund of the university. Each State University System museum or gallery shall function entirely separate from every other State University System museum or gallery. The universities of the State University System also may exchange any art, art history, or natural history object which the university museums or galleries judge is of equivalent or greater value to their museums or galleries.

(3) No employee, representative, or agent of a university shall receive a commission, fee, or financial benefit in connection with the sale or exchange of a work of art, art history, or natural history, nor may he be a business associate of any individual, firm, or organization involved in the sale or exchange.

(4)(a) Each university may establish an Acquisition, Restoration, and Conservation Trust Fund or utilize an appropriate existing trust fund.

(b) The president of each university may delegate the following authority to the museum or gallery directors and governing bodies of the museums or galleries:

1. To enter into contracts for the restoration or purchase of art, art history, or natural history objects, with or without competitive bidding, as appropriate.

2. To sell art, art history, or natural history objects in museum or gallery collections, the proceeds of which shall be deposited in the Acquisition, Restoration, and Conservation Trust Fund or other appropriate existing trust fund.

3. To exchange art, art history, or natural history objects of equal or greater value with any other university in the State University System.

Section 16. Subsection (5) of section 240.531, Florida Statutes, is amended to read:

240.531 Establishment of educational research centers for child development.—

(5) Each educational research center for child development shall be funded by a portion of the Capital Improvement Trust Fund fee established by the Board of Regents pursuant to s. 240.209(3)(e). Each university which establishes a center shall receive a portion of such fees collected from the students enrolled at that university, usable only at that university, equal to *22.5* ~~15~~ cents per student per *credit* ~~quarter~~ hour taken per *term* ~~quarter~~, based on *the summer term and fall and spring semesters* ~~four quarters per year~~. This allocation shall be used by the university only for the establishment and operation of a center as provided by this section and rules promulgated hereunder. Said allocation may be made only after all bond obligations required to be paid from such fees have been met.

Section 17. Subsection (10) is added to section 240.539, Florida Statutes, 1988 Supplement, to read:

240.539 Advanced technology research.—

(10) Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, or proprietary information that is received, generated, ascertained, or discovered during the course of research funded in whole or in part pursuant to this section shall be exempt from the provisions of s. 119.07(1), except that a recipient of such funds shall make available, upon request, the title and description of the research project, the name of the researcher, and the amount and source of funding provided for the project. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 18. Subsection (1) of section 282.308, Florida Statutes, 1988 Supplement, is amended to read:

282.308 State University System information resources management plan.—

(1) Each state university shall prepare a Strategic Plan for Information Resources Management that consists of two parts:

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

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

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

Section 19. Paragraph (b) of subsection (1) of section 282.312, Florida Statutes, is amended to read:

282.312 Annual Performance Reports.—

(1)

(b) The Annual Performance Report shall contain the following:

1. An assessment, by application, of the progress made toward implementing the agency's Strategic Plan for Information Resources Management.

2. An assessment of the progress made toward implementing the agency's Information Resources Management Operating Plan prepared pursuant to s. 282.3115(1). Major differences in the operating plan and what was actually accomplished shall be noted and explained.

3. A summary, by application, of the major functional uses of and total estimated expenditures for information resources management by the agency.

4. A comparison of the agency's *estimated* ~~actual~~ expenditures for information resources management for the prior fiscal year and the appropriations for those resources contained in the agency's approved budget. Major differences between the expenditures and the approved budget shall be noted and justified.

5. An inventory list, by major categories, of the agency's communications and information technology resources, and specifically identifying, by application, the resources acquired during the previous fiscal year. If such resources cannot be identified by application, they shall be listed discretely.

6. An assessment of opportunities for agency participation in multi-agency information resources management activities.

Section 20. Paragraph (d) of subsection (1) of section 283.55, Florida Statutes, is amended to read:

283.55 Public documents; purging of publication mailing lists; copies to State Library.—

(1)

(d) The provisions of this section apply to any agency of the state, except *a state university or* an agency of state government the mailing list of which consists only of those persons registered with the agency and the registration fee of which includes payment by the registrants as subscribers for the publication of the agency.

Section 21. *Any other provision of law to the contrary notwithstanding, any record required to be kept by any state university or community college may be reproduced on microfilm and the original of the record may thereupon be disposed of as the state university or community college sees fit.*

Section 22. Subsection (7) of section 159.27, Florida Statutes, 1988 Supplement, 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:

(7) "Research and development park" means a center of research and development activity related to the research and development activities of one or more affiliated institutions of higher education, including scientifically oriented production or educational programs of postsecondary educational institutions, consisting of research and development facilities; scientifically oriented production or assembly facilities; research institutes; prototype, scientific, and product testing laboratories; related business and government installations; or similar related facilities, together with land, including all necessary appurtenances, rights, and franchises directly relating thereto, with related buildings, facilities, and personal properties, but only to the extent that such facilities are engaged in research and development, are necessary to *encourage or complement* ~~carry out~~ the purposes of a research and development park, or are in support of any facilities or improvements located or constructed at such a center or activities or operations conducted at such a center for purposes authorized by this subsection. For purposes of this subsection, the administering or taking of ~~academic examinations or~~ professional or occupational licensing examinations shall not constitute testing, nor shall any room, building, or facility in which such examinations are administered or taken constitute a testing laboratory.

Section 23. Section 159.701, Florida Statutes, 1988 Supplement, is amended to read:

159.701 Purposes.—Research and development authorities, as authorized by ss. 159.701-159.7095, are created for the purpose of promoting scientific research and development in affiliation with and related to the research and development activities of one or more state-based, accredited, public or private institutions of higher education; for the purpose of financing and refinancing capital projects related to establishment of a research and development park in affiliation with one or more institutions of higher education, including ~~directly related~~ facilities *that complement or encourage* ~~for~~ the complete operation thereof as defined by, and in the manner provided by, the Florida Industrial Development Financing Act and by ss. 159.701-159.7095; and for the purpose of fostering the economic development and broadening the economic base of a county in affiliation with one or more institutions of higher education.

Section 24. Subsection (6) of section 159.703, Florida Statutes, 1988 Supplement, is amended to read:

159.703 Creation of research and development authorities.—

(6) A majority of the members of the authority shall constitute a quorum, and the affirmative vote of a majority of the members present shall be necessary for any action taken by the authority, provided that ~~the affirmative vote of~~ the president of each affiliated institution of higher education or that president's designee shall be *present and vote on* ~~necessary for~~ any action taken by the authority involving the issuance of bonds; *or* the transfer, development, lease or encumbrance of any lands owned by the Trustees of the Internal Improvement Trust Fund and leased to the authority; *and provided, further, that the president of each affiliated institution of higher education or such president's designee shall be present and vote in the affirmative on any action taken by the authority involving* ~~or~~ the lease of any park lands to a state agency. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority. Any action taken by the authority under the provisions of ss. 159.701-159.7095 may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted. Notice of meetings of the authority shall be published in the Florida Administrative Weekly.

Section 25. Subsection (7) of section 228.072, Florida Statutes, 1988 Supplement, is amended to read:

228.072 Adult general education.—

(7) PROVISION OF INSTRUCTION.—Both community colleges and school districts may offer adult basic secondary education courses and adult vocational preparatory and community instructional services courses and activities within the same service area upon approval of the regional coordinating council. *Any state university* ~~College preparatory courses shall be offered exclusively by the community colleges; however, universities~~ in which the percentage of incoming students who require college preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer a college preparatory program ~~until 1990~~. Nothing in this subsection prohibits area vocational-technical centers from contracting with community colleges for the provision of vocational preparatory instruction.

Section 26. Paragraph (b) of subsection (2) of section 240.117, Florida Statutes, is amended to read:

240.117 College preparatory instruction in community colleges and state universities.—

(2)

(b) The administrators of a state university may contract with a community college board of trustees for the community college to provide such instruction on the state university campus. Any state university in which the percentage of incoming students requiring college preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer college preparatory instruction ~~until the year 1990~~ without contracting with a community college.

Section 27. Subsection (6) of section 240.147, Florida Statutes, is amended, present subsections (8), (9), (10), (11), and (12) of said section are renumbered as subsections (9), (10), (11), (12), and (13), respectively, and a new subsection (8) is added to said section to read:

240.147 Powers and duties of the commission.—The commission shall:

(6) Advise the State Board of Education regarding the need for and location of new programs, institutions, ~~and~~ campuses, *and instructional centers* of public postsecondary education.

(8) Review the establishment of those instructional centers which require approval by the Board of Regents or the State Board of Community Colleges.

Section 28. Present paragraphs (n) and (o) of subsection (3) of section 240.209, Florida Statutes, 1988 Supplement, are redesignated as paragraphs (o) and (p), respectively, and a new paragraph (n) is added to said subsection to read:

240.209 Board of Regents; powers and duties.—

(3) The board shall:

(n) Submit to the State Board of Education, for approval, all new campuses and instructional centers approved by the board.

Section 29. *The Board of Regents shall adopt rules which shall apply between July 1, 1989, and August 1, 1991, and which shall provide for a limited number of students to be admitted to the State University System notwithstanding the admission requirements of section 240.233(1)(b), Florida Statutes, if there is evidence that the applicant is expected to do successful academic work at the admitting university. The number of applicants admitted under this section may not exceed 5 percent of the total number of applicants to the State University System in any one year. Any student so admitted shall be required to satisfy this college preparatory requirement.*

Section 30. Paragraph (b) of subsection (2) of section 240.321, Florida Statutes, is amended to read:

240.321 Community college district board of trustees; rules for admissions of students.—

(2) For students who are awarded a high school diploma after August 1, 1987:

(b) Nonresident students may be admitted to the community college upon such terms as the college may establish. However, effective August 1, 1987, such terms for nonresidents admitted to the associate in arts degree program shall include, but shall not be limited to:

1. Completion of a secondary school curriculum which includes 4 years of English and 3 years each of mathematics, science, and social studies~~, or a high school equivalency diploma~~; however, in lieu of the English requirement, a foreign student may use 4 years of instruction in his native language or another language which was the language of instruction in the secondary school attended, *or*

2. Achievement of the minimum scores on tests required in s. 240.117(1).

Section 31. 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 32. *Proposals for undergraduate enhancement.—*

(1) It is the intent of the Legislature to enhance the quality of the undergraduate experience in public community colleges and state universities.

(2) Each public community college president and each state university president shall submit to the State Board of Community Colleges and the Board of Regents, respectively, a proposal for an undergraduate enhancement grant. Each board shall consider the respective proposals and determine which proposals to implement as programs to enhance undergraduate education. Programs funded must be designed to increase the quality and amount of academic and career advisement and to improve undergraduate instruction. Proposals must be funded competitively, and the funding of proposals must include a reward system to recognize excellence in undergraduate instruction and advising. Preference must be given to proposals that include innovative programs designed to enhance the student advisement process, including, but not limited to, courses intended to orient students to academic and career experiences, as well as student mentor programs.

(3) Beginning March 1, 1991, and annually thereafter, each public community college and state university shall submit to its respective board a report on the effectiveness of its program funded under this section. The report must include, without limitation:

(a) A certificate-of-expenditures form showing expenditures by category; encumbered expenses; state grant funds; and institutional matching contributions, in cash or in services or both.

(b) The number of students and faculty participating in the program by grade, age, sex, and race.

(c) A description of program objectives.

(d) A statement of how the program addresses the enhancement of advisement services available to students and rewards teaching excellence.

(e) A description of efforts to institutionalize the goals of the program through modifications to tenure and promotion policies and other means.

(4) The State Board of Community Colleges and the Board of Regents shall include requests for funding proposals pursuant to this section in their respective annual legislative budget requests.

Section 33. Section 240.3315, Florida Statutes, is created to read:

240.3315 Direct-support organizations; use of property; audit; status.—

(1) DEFINITIONS.—For the purposes of this section:

(a) "Statewide community college direct-support organization" means an organization which is:

1. A Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, the Community College System in this state.

3. An organization which the State Board of Community Colleges, after review, has certified to be operating in a manner consistent with the goals of the Community College System and in the best interest of the state. Any organization which is denied certification by the State Board of Community Colleges shall not use the name of any community college.

(b) "Personal services" includes full-time or part-time personnel as well as payroll processing.

(2) USE OF PROPERTY.—

(a) The State Board of Community Colleges is authorized to permit the use of property, facilities, and personal services of the Division of Community Colleges by any statewide community college direct-support organization, subject to the provisions of this section.

(b) The State Board of Community Colleges is authorized to prescribe by rule any condition with which a statewide community college direct-support organization must comply in order to use property, facilities, or personal services of the Division of Community Colleges.

(c) The State Board of Community Colleges shall not permit the use of property, facilities, or personal services of the Division of Community Colleges by any statewide community college direct-support organization which does not provide equal employment opportunities to all persons regardless of race, color, national origin, sex, age, or religion.

(3) ANNUAL AUDIT.—A statewide community college 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 adopted by the State Board of Community Colleges. The annual audit report shall be submitted to the Auditor General and the State Board of Community Colleges for review. The State Board of Community Colleges 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 the anonymity shall be maintained in the auditor's report. Notwithstanding s. 119.14, all records of the organization, other than the information necessary for the annual report required by s. 240.311 and the auditor's report and supplemental data requested by the State Board of Community Colleges and the Auditor General, shall not be considered public records for the purposes of chapter 119. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 34. *Community college child care centers established.—*

(1) Upon approval of its board of trustees, any community college within the Community College System may establish a child care center for the children of students, faculty, and other staff and employees of the community college. Each center shall be located on the campus of the community college and operated by a director who is selected by the president of the college. The board shall establish local policies and perform local oversight and operational guidance for the center.

(2) Each center may charge fees for its services. Such fees must be approved by the local board of trustees and may be imposed on a sliding scale based on ability to pay or other factors deemed relevant by the board.

(3) The State Board of Community Colleges shall adopt rules for the establishment, operation, and supervision of such child care centers. Such rules shall include provisions for:

(a) Facility renovation or purchase of a portable building, with a minimum of 2,000 square feet, approved by the State Board of Education.

(b) Licensure of the child care facility according to the standards established under ss. 402.301-402.319.

(c) Payment of minimal fees by each parent placing a child in the child care facility, including funds provided through Title XX funding.

Section 35. 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. Interest income accruing to that portion of the trust fund not allocated 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.

(2) The amount appropriated to the trust fund shall be allocated by the Board of Regents to each university on the basis of one $10 grant for each qualified new donor. Prior to July 1, 1987, one-ninth of the moneys appropriated to the trust fund shall be set aside for each university. Any university that exceeds the new donor equivalent of one-ninth of the funds shall be eligible to receive grants for the additional donors from moneys remaining in the fund after July 1, 1987. If the moneys remaining in the fund after July 1, 1987, are insufficient to provide grants for all new donors, each university shall be eligible to receive its proportionate share of the moneys on the basis of its number of new donors in excess of the new donor equivalent of one-ninth of the funds.

(3) Each university foundation shall certify to the Board of Regents the number of its donors for the year ending June 30, 1985. Only the number of qualified new donors above the certified base shall be calculated for the purpose of allocating grants from the fund during the first year of the program. In subsequent years, only the number of qualified new donors above the certified prior year base shall be calculated for the purpose of allocating such grants.

(4) Grants received pursuant to this section shall be placed in a restricted endowment by the university foundation. The endowment and any interest income accrued to the endowment shall be expended exclusively for the support of academic programs, nonathletic scholarships, or libraries, as determined by the university president.

(5) The New College Foundation shall also establish a trust fund account for new donors into which shall be deposited private, voluntary contributions and moneys appropriated thereto by the state. The foundation shall annually report to the board the amount of funds actually transferred to New College for programs identified in subsection (4). Only donations by persons who have not previously contributed to the University of South Florida are eligible for deposit into such trust fund account.

Section 36. Section 240.2605, Florida Statutes, is 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. Interest income accruing to that portion of the trust fund not allocated 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. 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. 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 $100,000 contribution.

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

(4) The New College Foundation shall also establish a trust fund account for new donors into which shall be deposited private, voluntary contributions and appropriated moneys appropriated thereto by the state. The foundation shall annually report to the board the amount of funds actually transferred to New College for programs identified in subsection (3). Only donations by persons who have not previously contributed to the University of South Florida are eligible for deposit into such trust fund account.

Section 37. Paragraph (e) of subsection (4) of section 236.081, Florida Statutes, 1988 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

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

(e) Required adult fees.—

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

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

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

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

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

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

d. A fee collection credit amount shall be calculated for each district by adding the total amount of fees collected by the district to the district's maximum fee waiver amount as defined in s. 230.645.

e. Each district's total unadjusted required local fee amount calculated in sub-subparagraph c. shall be subtracted from its total fee collection credit amount calculated in sub-subparagraph d. If the difference is a positive number, the district's required fee adjustment amount shall be set to zero. If the difference is a negative number, a required fee adjustment amount shall be calculated by dividing the absolute value of such difference by the fee amount specified in the General Appropriations Act

and multiplying the result, rounded to two decimal places, by the average of all program weights for adult programs for the year as specified in the General Appropriations Act, rounded to three decimal places; by the base student allocation defined in the General Appropriations Act; and by two.

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

g. The fee adjustment amount calculated pursuant to sub-subparagraph e. shall be calculated for a given fiscal year by the Department of Education only in the final calculation of the Florida Education Finance Program and funds adjustments shall be handled as a prior year adjustment in the subsequent year. The data required for the calculation shall be submitted for the fiscal year by the school districts only in the last full-time equivalent student membership survey. A school district's amendments to the data submitted for calculation of the fee adjustment amount shall have the same limitation on submission as amendments to full-time equivalent student membership data.

Section 38. Section 228.077, Florida Statutes, is created to read:

228.077 Customized supplemental vocational instruction.—Any community college, including those designated and not designated as area vocational schools, or school board administered area vocational-technical center may conduct supplemental vocational instruction if the instruction is requested by a private employer solely for the benefit of his employees. Prior to offering such instruction, however, the regional coordinating council for that region shall authorize such instruction provided that:

(1) The regional coordinating council shall establish a quick response mechanism, such as an executive committee, which shall have authority to review and authorize such instruction.

(2) The regional coordinating council shall respond within 5 working days after notification by the community college or school that such instruction has been requested. If the council does not respond within this timeframe, the instruction shall be considered authorized.

(3) Such vocational instruction shall not be made available for public enrollment.

(4) If a school district or community college has regional coordinating council approval to offer a vocational program, that school district or community college may offer supplemental courses in that program without further council approval.

Section 39. Subsection (5) of section 230.645, Florida Statutes, 1988 Supplement, is amended to read:

230.645 Postsecondary student fees.—

(5) Required fees shall be set annually in the General Appropriations Act. *The General Appropriations Act shall specify a single range of fees for postsecondary adult vocational and supplemental vocational instruction, respectively, that shall be maintained by both community colleges and school districts.* School districts shall establish a fee for each *other* program specified in subsection (1) which may vary no more than 10 percent from the fee amount established in the General Appropriations Act. Nonresident fees shall be twice the amount of resident fees.

Section 40. Paragraph (c) is added to subsection (2) of section 240.301, Florida Statutes, 1988 Supplement, to read:

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

(2) The primary mission and responsibility of public community colleges is responding to community needs for postsecondary academic education and postsecondary vocational education. This mission and responsibility includes being responsible for:

(c) Promoting economic development for the state within each community college district through the provision of special programs, including, but not limited to, the:

1. Sunshine State Skills Program.

2. Technology transfer centers.

3. Economic development centers.

4. Workforce literacy programs.

Section 41. Subsection (1) of section 240.334, Florida Statutes, 1988 Supplement, is amended, and subsections (10) and (11) are added to said section, 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 *and governmental agencies* in the application of new research in technology. *The primary responsibilities of such centers may include: identifying technology research developed by universities, research institutions, businesses, industries, the United Stated Armed Forces, and other state or federal governmental agencies; determining and demonstrating the application of technologies; training workers to integrate advanced equipment and production processes; and determining for business and industry the feasibility and efficiency of accommodating advanced technologies.* ~~The primary responsibility of each center shall be the conduct of technical support for universities and product development activities. 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; and Miami-Dade Community College - Florida International University.~~

(10) The State Board of Community Colleges may award grants to community colleges, or consortia of public and private colleges and universities and other public and private entities, for the purpose of supporting the objectives of this section. Grants awarded pursuant to this subsection shall be in accordance with rules of the State Board of Community Colleges. Such rules shall include the following provisions:

(a) The number of centers established with state funds provided expressly for the purpose of technology transfer shall be limited, but shall be geographically located to maximize public access to center resources and services;

(b) Grants to centers funded with state revenues appropriated specifically for technology transfer activities shall be reviewed and approved by the State Board of Community Colleges using proposal solicitation, evaluation, and selection procedures established by the board in consultation with the Florida High Technology and Industry Council. Such procedures may include designation of specific areas or applications of technology as priorities for the receipt of funding; and

(c) Priority for the receipt of state funds appropriated specifically for the purpose of technology transfer shall be given to grant proposals developed jointly by community colleges and public and private colleges and universities.

(11) Each technology transfer center established under the provisions of this section shall establish a technology transfer center advisory committee. Each committee shall include representatives of a university or universities conducting research in the area of specialty of the center. Other members shall be determined by the community college board of trustees.

Section 42. Subsection (5) of section 240.35, Florida Statutes, 1988 Supplement, is amended to read:

240.35 Student fees.—

(5) Unless specifically provided in the General Appropriations Act, the State Board of Community Colleges shall establish the average matriculation and tuition fees required to generate at least the amount of revenue established annually in the General Appropriations Act for credit and noncredit instruction programs, as defined in this section; *however, fees for postsecondary adult vocational and supplemental vocational instruction shall be established pursuant to s. 230.645.* Each community college board of trustees shall establish matriculation, tuition, and noncredit fees, which may vary no more than 10 percent from this statewide average rounded to the nearest one-fourth dollar *for all instruction except postsecondary adult vocational and supplemental*

vocational instruction. ~~For those community colleges which have a 1982-1983 matriculation level of $16 or below per credit hour or $10 or below per noncredit hour, the boards of trustees may have until 1984-1985 to establish a fee level within 10 percent of the statewide average.~~ Adult basic, general equivalency diploma, and secondary discipline data may not be used in the calculation in these averages. Tuition for an out-of-state resident shall be at least twice the amount of tuition for a state resident for both credit programs and noncredit programs. ~~Differential fees may be charged for supplemental vocational programs if the annual average fee for all programs varies no more than 10 percent from the fee established by the State Board of Community Colleges.~~

Section 43. Subsection (7) is added to section 240.356, Florida Statutes, to read:

240.356 Sunshine State Skills Program.—

(7) The State Board of Community Colleges may retain a maximum of 2 percent of the amount appropriated for the Sunshine State Skills Program for administrative costs and for the purpose of preparing an annual report of program activities.

Section 44. Section 240.3575, Florida Statutes, is created to read:

240.3575 Economic development centers.—

(1) Community colleges may establish economic development centers for the purpose of serving as liaisons between community colleges and the business sector. The responsibilities of each center shall include:

(a) Promoting the economic well-being of businesses and industries.

(b) Coordinating, with chambers of commerce, government agencies, school boards, and other organizations, efforts to provide educational programs which promote economic development, including, but not limited to, business incubators, industrial development and research parks, industry recruitment efforts, publication of business research and resource guides, and sponsorship of workshops, conferences, seminars, and consultation services.

(2) The board of trustees of a community college in which an economic development center is created, or its designee, may negotiate, enter into, and execute contracts; solicit and accept grants and donations; and fix and collect fees, other payments, and donations that may accrue by reason of activities of the center and its staff.

(3) Economic development centers shall operate under policies and procedures established by the community college board of trustees.

(4) The State Board of Community Colleges may award grants to economic development centers for the purposes of this section. Grants awarded pursuant to this subsection shall be in accordance with rules established by the State Board of Community Colleges.

(5) Each community college that establishes an economic development center shall submit an annual report describing the accomplishments of the center to the State Board of Community Colleges.

Section 45. Section 240.358, Florida Statutes, is created to read:

240.358 Workforce literacy programs.—

(1) There is established a workforce literacy program within the community college system. The purpose of the program is to ensure that employers have an available pool of prospective employees who possess the basic skills necessary to perform in entry-level occupations and the skills necessary to adapt to technological advances in the workplace. It is intended that workforce literacy programs support economic development through the provision of instruction that raises the literacy rate of the people of the state and assists in the development of a trained workforce.

(2) Each community college may offer courses and programs which raise the communication and computation skills of current and prospective employees to a level that will enable a student to complete successfully a vocational program or to a level necessary to gain or maintain entry-level employment or upgrade employment.

(3) In order to offer instruction through the workforce literacy program, a community college shall identify current and prospective employees who lack the communication and computation skills necessary to enter vocational programs or to obtain or maintain employment.

(4) A community college that is not the designated provider of adult education may offer adult literacy instruction upon approval by the Commissioner of Education of a local literacy plan submitted by the community college in accordance with the Florida Adult Literacy Plan, as provided in s. 228.0713. If more than one local educational agency in a vocational planning region wishes to offer literacy instruction, the local literacy plan shall be developed and submitted jointly. Approval of a local literacy plan by the commissioner constitutes authorization for the local educational agency to offer identified literacy instruction and shall exempt the agency from need for approval by the regional coordinating council as stipulated in s. 228.072(7).

Section 46. Paragraph (f) of subsection (5), subsection (7), and paragraphs (b) and (c) of subsection (8) of section 228.072, Florida Statutes, 1988 Supplement, are amended to read:

228.072 Adult general education.—

(5) PRIORITY FOR ACADEMIC IMPROVEMENT SERVICES.—The adult general education program shall provide academic improvement services to students in the following priority:

~~(f) Students who enroll in noncredit courses and participate in activities principally concerned with community welfare in the areas of health, safety, human relations, government, child rearing, consumer economics, and environment.~~

(7) PROVISION OF INSTRUCTION.—Both community colleges and school districts may offer adult basic secondary education courses and adult vocational preparatory ~~and community instructional services~~ courses and activities within the same service area upon approval of the regional coordinating council. College preparatory courses shall be offered exclusively by the community colleges; however, universities in which the percentage of incoming students who require college preparatory instruction equals or exceeds the average percentage of such students for the community college system may offer a college preparatory program until 1990. Nothing in this subsection prohibits area vocational-technical centers from contracting with community colleges for the provision of vocational preparatory instruction.

(8) FINANCING.—

(b) The following programs shall be evaluated and funded as separate and distinct categories: adult basic and secondary education, adult vocational preparatory, adult college preparatory, *and* lifelong learning~~, and community instructional services~~.

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

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

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

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

4.~~5.~~ Fees collected annually for recreation and leisure time programs shall be equal to, but not exceed, the cost of providing such programs by a school district or community college.

Section 47. Section 228.073, Florida Statutes, is amended to read:

228.073 Vocational education *and*~~,~~ adult general education~~, and community instructional services~~ planning regions.—There shall be estab-

lished 28 planning regions for vocational education *and*, adult general education~~, and community instructional services~~ which shall be contiguous with the 28 community college service areas.

Section 48. 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 *and*, adult general education~~, and community 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 *a* ~~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. *A lay member may serve no more than two consecutive 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. *A lay member must receive less than a majority of his income from employment related to education and must not serve on a school board or community college board of trustees.* 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 49. 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 *and*, 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 *and*, adult *general* 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 *and*, 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 *or*, adult general education programs~~, or community instructional service programs~~ and submit the recommendations in writing to the *Bureau of Auditing Services of the Department of Education, 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, 1990, 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, 1990, 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 50. Section 228.076, Florida Statutes, is amended to read:

228.076 Vocational education *and*~~,~~ 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 *or*~~,~~ 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.

(2) No new vocational education *or*~~,~~ adult general education~~, or community instructional services~~ program shall be eligible for the receipt of state funding unless the program is recommended for approval by the appropriate regional coordinating council.

(3) *If* ~~Should~~ the recommendation of a regional coordinating council that a program be terminated *is* ~~be~~ upheld by the State Board for Vocational Education, no further state funding shall be expended for the program.

(4) Each school district or community college planning to offer a vocational or adult general education course or program within another region must notify the council in each region.

Section 51. Subsections (2), (3), (4), (5), and (6) of section 229.132, Florida Statutes, are amended to read:

229.132 Registration of adult students.—

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

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

~~(b) The student's permanent address.~~

~~(c) The course title.~~

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

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

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

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

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

Section 52. Subsection (2) of section 230.645, Florida Statutes, 1988 Supplement, 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:

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

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

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

(c)~~(d)~~ Students who are enrolled in a dual enrollment or early admission program pursuant to s. 240.116.

(d)~~(e)~~ Students who are enrolled in approved apprenticeship programs as defined in s. 446.021, provided the contributions of facilities, personnel, or equipment made on behalf of the students equal or exceed the total value of the fee exemptions. Such students shall be reported separately with an accounting of the local market value of the facilities, personnel, and equipment.

(e)~~(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 53. Paragraph (a) of subsection (3), paragraph (b) of subsection (4), and paragraphs (d) and (e) of subsection (5) of section 240.301, Florida Statutes, 1988 Supplement, are amended to read:

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

(3) A separate and secondary role for community colleges includes the offering of programs in:

(a) Community educational services ~~or community instructional services~~ which are not directly related to academic or occupational advancement.

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

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

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

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

(d)~~(e)~~ Fees collected annually for recreation and leisure time programs shall be equal to, but not exceed, the cost of providing such programs.

Section 54. Paragraph (c) of subsection (3) of section 240.359, Florida Statutes, is amended to read:

240.359 Procedure for determining state financial support and annual apportionment of state funds to each community college district.—The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 240.313 shall be as follows:

(3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.—

(c) The apportionment to each community college from the community college program fund for current operations shall be based on an assigned full-time equivalent enrollment as determined in paragraphs (a), (b), and (d) and shall consider the cost level of each field of study. However, students in community education service ~~or community instructional service~~ programs shall not be counted for full-time equivalent enrollment. There shall be an adult basic skills education program adjustment, the total amount of which shall be determined annually in the General Appropriations Act. The apportionment of the adjustment to each community college providing adult basic skills education shall be determined as the difference between 105 percent of the appropriation per full-time equivalent student and the actual reported expenditures per full-time equivalent student for the adult basic skills education program times the assigned number of full-time equivalent students for a given year; provided that should the appropriation be less than the total computed adjustment for all colleges, each community college shall receive its proportionate share of the appropriation. For the purpose of determining program costs, the adult basic skills education program costs shall be reported separately from the adult secondary program costs.

Section 55. *The Department of Education shall develop and maintain a continuing program of information management named the "Florida Education and Training Placement Information Program," the purpose of which is to compile, maintain, and disseminate information concerning the educational histories, placement and employment, and enlistments in the United States armed services of former participants in state educational and training programs. Any project conducted by the Department of Education that requires placement information shall use information provided through the Florida Education and Training Placement Information Program, and shall not initiate automated matching of records in duplication of methods already in place in the Florida Education and Training Placement Information Program. The department shall implement an automated system which matches the social security numbers of former participants in state educational and training programs with information in the files of state and federal agencies that maintain educational, employment, and United States armed service records and shall implement procedures to identify the occupations of those former participants whose social security numbers are found in employment records, as required by Specific Appropriation 337A, chapter 84-220, Laws of Florida; Specific Appropriation 337B, chapter 85-119, Laws of Florida; Specific Appropriation 350A, chapter 86-167, Laws of Florida; and Specific Appropriation 351, chapter 87-98, Laws of Florida.*

Section 56. Section 229.557, Florida Statutes, is amended to read:

229.557 Vocational education management information system.—

(1) The State Board of Education is responsible for developing and adopting, and the Commissioner of Education is responsible for implementing and maintaining, the uniform program structure, common definitions, and uniform management information system for vocational education as required by ss. 229.551, 229.555, and 240.325 and chapter 78-401, s. 1, Item 376, Laws of Florida. *Data on vocational student enrollment and placement, including data on students who have completed or left programs must be developed by program in order to analyze trends over a period of at least 5 years. To this end, common definitions and a uniform program structure must be developed for use by all divisions of the Department of Education in preparing reports to district school boards, community college district board of trustees, regional coordinating councils, the state board, and the Legislature. The system must provide for:*

(a) Individual reporting of students using standard personal identifiers consisting of names, social security numbers, and dates of births.

(b) Compliance with confidentiality requirements of state and federal law, including those provided under s. 443.171; except that the Department of Education is entitled to have access to the unemployment insurance wage reports for purposes of collecting and reporting placement information about former participants in the state system of public education, provided the individual identities of the former participants and their employing entities are not publicly disclosed.

(c) The reduction of paperwork by making maximum use of automated technology and records in existing data bases, data systems, and reports. To the extent feasible, the Florida Information Resource Network must be used to disseminate information throughout the educational system.

(d) The production of quarterly reports of current conditions of student enrollment, completion, and placement by program.

(2) The vocational education management information ~~This~~ system *must* ~~shall~~ include, but is not limited to, the following components:

(a) Identification of all functions, organizational structures, delivery systems, and programs which contribute to or comprise a part of the state system of vocational education.

(b) Clear delineation of the organizational and administrative units that will be held accountable for implementing the vocational education priorities established by this act and such other goals, objectives, duties, and responsibilities as may be required by state or federal law.

(c) Enrollment status of current vocational education students, including total enrollment and enrollment by program. Enrollment status includes students who have completed or left vocational education programs in the current term.

(d) Employment status of former job-preparatory vocational education students by program, including overall employment rate, training-related employment rate, employment stability and average quarterly earnings, and full-time enlistment in the United States armed services.

(e) Educational status of former job-preparatory vocational education students, including postsecondary education enrollment by public community college, university, vocational-technical center, and major area of study.

(f) Employment status and educational status of former job-preparatory vocational education students who are both employed and enrolled in postsecondary education programs.

(g) Indicators of employer satisfaction with employees who have completed vocational education programs.

~~(c) Provision of such information as may be deemed necessary by the Legislature to evaluate the efficiency and cost-effectiveness of vocational education programs and to determine the extent to which vocational programs are meeting the goals and objectives of the state. The following data shall be included in the vocational education management information system, shall be provided to the Florida Occupational Information Coordinating Committee, and shall be available to the Legislature upon request:~~

~~1. Placement and follow-up data on persons completing job preparatory vocational programs, as required by ss. 230.2313 and 240.355. Such data shall be collected annually and aggregated at the vocational program level, institutional level, vocational planning region level, and state level. Specific data to be collected shall include:~~

~~a. Employment rates and unemployment rates for persons completing job preparatory vocational programs, including data concerning the extent to which placements are related to vocational training and comparisons with the employment rates and unemployment rates for nonvocational program graduates; earning differentials of persons completing job preparatory vocational programs, both before and after training and as compared to nonvocational program graduates; and unemployment rates for persons completing job preparatory vocational programs, both before and after training and as compared to nonvocational program graduates. Such data shall be obtained from the unemployment insurance data system maintained by the Department of Labor and Employment Security.~~

~~b. Surveys of employer satisfaction with employees who complete vocational programs.~~

(h)~~c.~~ Performance of vocational students on standardized basic skills tests, including state assessment tests, occupational proficiency examinations, licensing examinations, and other pertinent assessment tests.

~~2. Student enrollment and completion data aggregated at the vocational program level, institutional level, planning region level, and state level.~~

(3)~~(2)~~ It is the intent of the Legislature that institutions providing job-preparatory training and regional coordinating councils use a standard source of data *in planning and evaluating job-preparatory programs*, including:

(a) Information from the Florida Occupational Information System ~~and the State Job Training Coordinating Council, in planning and evaluating job preparatory programs~~.

(b) ~~If~~ Other sources of data ~~are used in addition to data from the Florida Occupational Information System, such sources shall be~~ developed using statistically valid procedures and, to the extent feasible, using standard occupational coding structures and definitions related to those used in the Florida Occupational Information System.

(c) Reports from the Florida Education and Training Placement Information Program on the placement status of former vocational education students.

~~(3) The automated Florida Occupational Information System shall be made available to all school districts, community colleges, and regional coordinating councils to assist them in planning and coordinating programs to meet the intent provided for herein. To the extent feasible, the Florida Information Reporting Network shall be used to deliver the Florida Occupational Information System.~~

Section 57. Subsections (7) and (12) of section 443.171, Florida Statutes, are amended to read:

443.171 Division and commission; powers and duties; rules; advisory council; records and reports.—

(7) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing such information as the division may prescribe. Such records shall be open to inspection and be subject to being copied by the division at any reasonable time and as often as may be necessary. The division or an appeals referee may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, deemed necessary for the effective administration of this chapter. Information thus obtained, or obtained from any individual pursuant to the administration of this chapter, shall, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workers' compensation claim pending, be held confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties, *including employees of the Department of Education in obtaining information for the Florida Education and Training Placement Information Program*) in any manner revealing the individual's or employing unit's identity, but any claimant (or his legal representative) at a hearing before an appeals referee or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the commission or any employee of the division who violates any provision of this subsection is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, the division may furnish to any employer copies of any report previously submitted by such employer, upon the request of such employer, and the division is authorized to charge therefor such reasonable fee as the division may by rule prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the division for copies as herein provided shall be deposited to the credit of the Employment Security Administration Trust Fund.

(12) DISCLOSURE OF INFORMATION.—Subject to such restrictions as the division may by rule prescribe, such information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the Bureau of Internal Revenue of the United States Department of the Treasury, and information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service *or a job-preparatory or vocational education or training program*. Upon request therefor, the division shall furnish any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this chapter. The division may request the Comptroller of the Currency of the United States to cause an examination of the correctness of any return or report of any national banking association rendered pursuant to the provisions of this chapter and may in connection with such request transmit any such report or return to the Comptroller of the Currency of the United States as provided in s. 3305(c) of the federal Internal Revenue Code.

Section 58. Paragraph (g) of subsection (3) of section 229.551, Florida Statutes, 1988 Supplement, is amended to read:

229.551 Educational management.—

(3) As a part of the system of educational accountability, the department shall:

(g) Conduct program evaluations for vocational education. These evaluations shall cover attainment of goals and objectives; *impact of the program on unemployment, underemployment, and wages in the labor force;* ~~manpower needs and placement,~~ cost-efficiency;~~,~~ and *placement and completion rates of each program* ~~resource requirements~~.

1. For purposes of determining the placement rate of a job-preparatory vocational education program, a student who completes such a program is considered a "placement" if he has become employed in an occupation requiring the use of the competencies acquired in his vocational program, has entered full-time military service, or has continued his education at the postsecondary level. To determine the placement rate of a job-preparatory vocational education program, a school district or community college district must report to the department the name and social security number of each student who completes the program and whose social security number is in his student records. The department shall use an automated system to match the social security number of the former student with information in the files of state and federal agencies that maintain educational, employment, and United States armed service records and shall implement methods to identify the occupation of a former student whose social security number is found in employment records. For each former student whose social security number is found in the department's matching process, the department shall report to the school district or community college district the placement of the student in the armed services, a postsecondary educational institution, or an occupation. The department shall also report to the school district or community college district the names and social security numbers of the students not located in the matching process. The school district or community college district may then locate and identify the employer and occupation or the postsecondary educational institution of the former student. The identification must be verified by the employer, the postsecondary educational institution, or the school or college official who conducts the follow-up. The placement report must include each former student's name, social security number, and program completed. For a student whose employment is identified, the report must include the type of employer and, if it has been identified, the student's occupation. For a student whose placement is in the armed services, the report must include the branch of service. For a student whose placement is in a postsecondary educational institution, the report must include the name of the institution and the student's declared major subject area. The placement report may include other information the departmen considers useful for planning and evaluating vocational education pr grams. However, pursuant to s. 228.093, neither the department nor any school district or community college district may publicly disclose individually identifiable information about a student or his employer; any public report using placement information must summarize information about programs, former students and their employers, earnings, or occupations in aggregates of 10 or more students or employers. Neither the department nor any school district or community college district may use information in a placement report to contact former students or their employers for any purpose except to identify the occupation of a former student whose social security number is in the state employment files or to conduct a survey of a sample of employers to assess satisfaction with employees who complete vocational education programs. The

department shall provide guidelines and technical assistance to school districts and community college districts to assist them in determining whether a former student is a placement. For each program having five or more persons completing it in any year, the department shall compute the placement rate by adding the total number of persons who complete the program and whose social security numbers are found by the department in its matching process to the total number of persons whose follow-up information is provided by the school district or community college district, and then dividing the sum of those totals into the total number of persons who are considered as placed. Exceptional students as defined in s. 228.041, except for gifted students, may be included in the computation of job-preparatory vocational education program placement rates only when such students may be considered placements. Except for gifted students, persons who complete exceptional student programs and who do not meet the criteria to be considered placements may not be included in the computation of job-preparatory vocational education program placement rates. Students enrolled in job-preparatory vocational education programs who are in the United States on nonimmigration visas may not be included in the computation of job-preparatory vocational education program placement rates.

2. To compute the completion rate of a job-preparatory vocational education program, a school district or community college district must identify the total number of students who are enrolled in the program on September 1 of each year and the number of students who have completed the program, the number of students who have withdrawn from the program, and the number of students who remain enrolled in one or more courses in the program on September 1 of each successive year. For a 1-year program, the completion rate must be computed by dividing the number of students enrolled on September 1 of any year into the number who have completed the program by September 1 of the following year. For a 2-year program, the completion rate must be computed by dividing the number of students enrolled on September 1 of any year into the number who have completed the program by September 1 after 2 years. A student is considered enrolled in a program if he has completed two courses in the program or indicates an intention of entering an occupation that uses competencies acquired in the program. After a student completes two courses in any job-preparatory vocational education program, the school district or community college district shall make a record of the program he intends to enter and shall report his enrollment in that program to the department before he may take a third job-preparatory vocational education course. Information entered into the state's automated student data base constitutes a report to the department. Within 1 year after the effective date of this act, the Division of Vocational, Adult, and Community Education and the Division of Community Colleges shall jointly report to the Legislature and the State Board for Vocational Education on progress in collecting accurate information required for computing the completion rate.

3. Funding for vocational education *will take* ~~shall reflect~~ the results of these evaluations *into account.* ~~Any job-preparatory vocational program in which the average placement rate is less than 60 percent for any given year shall be automatically reviewed by the Department of Education. The program review shall be submitted to the appropriate regional coordinating councils and shall be accompanied by a plan for improving the placement rate for the program. Effective with the 1985-1986 school year,~~

a. Any job-preparatory vocational program *for* ~~in~~ which the placement rate, *as determined by the method described in subparagraph 1.,* ~~for persons completing the program~~ is less than 70 percent for 3 consecutive years *is* ~~shall be~~ ineligible for future state funding. The first 3-consecutive-year period *for placement rate calculations includes* ~~shall be~~ the *1988-1989, 1989-1990,* ~~1984-1985, 1985-1986,~~ and *1990-1991* ~~1986-1987~~ school years. *To assure* ~~In order~~ that *a* ~~no~~ program is *not* unfairly penalized for adverse economic or demographic conditions which might exist within the 28 vocational planning regions which the program may serve, the department ~~of Education~~ may adjust program placement rates at the planning regional level using *regression analysis adapted with minimum change from the formula required by the state Job Training Partnership Act* ~~a statistically valid and reliable methodology approved by the State Board of Education~~. Factors for which program placement rates may be adjusted by this *method* ~~methodology may~~ include, but are not limited to, the *percentage of persons completing the* ~~percent of~~ program ~~completers~~ who are *members of* minorities and the *percentage of persons completing the* ~~percent of~~ program ~~completers~~ who are economically disadvantaged. The *method* ~~methodology~~ used by the department ~~of Education~~ to adjust program placement rates *must* ~~shall~~ be *approved by* ~~submitted to the Legislature for review at least 30 days prior to submission to~~ the State Board *for Vocational* ~~of~~ Education ~~for approval~~. *The department shall report* any job-preparatory vocational program *that fails* ~~failing~~ to achieve a 70-percent *placement* rate for 3 consecutive years ~~shall be reported by the department~~ to the appropriate regional coordinating council, the State Board *for Vocational* ~~of~~ Education, and the Legislature; and *that program must* ~~shall~~ be included in the state accountability report pursuant to s. 229.558.

b. Any job-preparatory vocational education program for which the completion rate is less than 20 percent in each of 3 consecutive years shall be reported to the Legislature and the State Board for Vocational Education. For each such program, the department shall also report the number of people who left the program before completing it and were placed in an occupation related to the training provided by the program. The department shall use the Florida Education and Training Placement Information Program to identify the occupations of such people. The department shall provide technical assistance and inservice training for vocational education administrators to assist them in reporting students who enroll, withdraw from, or complete job-preparatory vocational education programs. The first 3-consecutive-year period for completion rate calculations includes the 1990-1991, 1991-1992, and 1992-1993 school years. However, if the State Board for Vocational Education finds unacceptable the progress report prepared as directed in subparagraph (3)(g)2. of this section, the State Board for Vocational Education shall designate the first 3-consecutive-year period for completion rate calculations.

c. A program conducted for inmates within facilities of the Department of Corrections may not become ineligible for state funding based on evaluation of its placement and completion rates. However, by September 1, 1992, the Correctional Education School Authority shall use the information provided by the department to analyze the placement and completion rates of all job-preparatory vocational education programs in such facilities and recommend to the Legislature and the State Board for Vocational Education appropriate accountability measures for such programs.

d. The State Board for Vocational Education shall adopt rules to implement this paragraph, including provisions for calculating placement rates for programs in which a substantial number of former students do not have or do not authorize the use of their social security numbers; dates by which school districts, community college districts, and the department must complete necessary reports; and procedures for providing guidelines for school districts and community college districts to determine placement or nonplacement of persons who have completed programs. ~~The Office of the Auditor General shall conduct annual audits of school districts and community colleges to determine the accuracy of the vocational program placement rates reported by the districts and community colleges to the Department of Education. The Office of the Auditor General shall report to the Legislature any discrepancies identified between the placement rates reported by the districts and community colleges to the Department of Education and the placement rates reported by the Department of Education to the Legislature. A student in a job preparatory vocational program shall be considered a "placement" if he has become employed in an occupation requiring the use of the competencies acquired in his vocational program, has entered military service, or has continued on to postsecondary education. It is the intent of the Legislature that every effort shall be made to ensure that exceptional students enrolled in job preparatory vocational programs are placed in employment. However, in order to assure that such programs are not penalized for exceptional student participation, exceptional students as defined in s. 228.041, except for gifted students, shall be included in the computation of job preparatory program placement rates only when such students may be considered as placements in accordance with the provisions defined in this subsection. Exceptional student program completers who do not meet the criteria to be considered to be a placement, except for gifted students, shall not be included in the computation of job preparatory program placement rates. Students enrolled in job preparatory vocational education programs who are inmates within Department of Corrections facilities, who are nonresident aliens, or who are in the United States on nonimmigration visas shall not be included in the computation of job preparatory program placement rates. The State Board of Education shall adopt rules providing follow-up procedures which may be used by school districts and community colleges to determine a student's placement status. Such procedures may include the use of exit interviews, telephone interviews, written questionnaires, state-~~

~~level computerized employment data, and any other procedure approved by the state board. Pursuant to rule, school districts and community colleges shall document what follow-up procedure has been used to determine each vocational student's placement status and shall retain this documentation for audit purposes.~~

Section 59. *Section 229.5585, Florida Statutes, is hereby repealed.*

Section 60. Section 228.0727, Florida Statutes, is created to read:

228.0727 Education for handicapped adults.—

(1) This section may be cited as the "Zollie M. Maynard, Sr., Education for Handicapped Adults Act."

(2) The purpose of this section is to:

(a) Encourage handicapped adults to participate in educational programs to increase their daily living skills, academic skills, and economic independence; and

(b) Provide financial assistance to local education agencies that provide an educational program for handicapped adults.

(3) If recommended by the appropriate regional coordinating council established pursuant to s. 228.074, an educational program for handicapped adults may be conducted by a school district or community college. The school district or community college may offer classes under the following programs:

(a) The adult literacy program as provided in s. 228.0715;

(b) The adult general education program as provided in s. 228.072;

(c) The vocational job preparatory programs as provided in ss. 230.64 and 240.355;

(d) The vocational supplemental program defined in s. 228.041(22); and

(e) The vocational preparatory program defined in s. 228.072(4)(a)4.

(4) The school board of a school district or the board of trustees of a community college that conducts an educational program for handicapped adults shall prepare a plan which must include the following components:

(a) A statement of need that describes the population to be served and estimates their number.

(b) A description of the classes in the program, including expected outcomes for students in classes under each program listed in subsection (3).

(c) Provision for an individualized education plan and periodic evaluation of progress for each student.

(d) A memorandum of agreement among agencies that provide services to students in the program. The memorandum shall include a mechanism for coordinating the following local programs or agencies:

1. Adult education;

2. Vocational education;

3. Exceptional student education;

4. The Department of Health and Rehabilitative Services;

5. Vocational rehabilitation; and

6. Each local organization, whether public or private, for profit or not for profit, whose adult handicapped clients participate in the program.

(e) In each region in which both the community college and one or more school districts have approved programs for handicapped adults, provision for coordinating the two programs to share resources and avoid competition or duplication.

(f) Provision for a single administrator of all classes in the program for handicapped adults.

(5) By December 1, 1990, the school board or board of trustees shall submit the plan to the Commissioner of Education for approval. No later than March 1, 1992, and annually thereafter, the school board or board of trustees shall submit to the commissioner an annual report on progress toward meeting the goals in the plan. The report shall include the number of students enrolled in the program during the previous year, their full-time equivalent student membership, the number and location of classes in each program listed in subsection (3), and the number of clock hours per year in each class in the program.

(6) The State Board of Education shall adopt entrance and exit criteria, curriculum frameworks, and performance standards for a program for handicapped adults, including components for adult general education and life skills, vocational supplemental education, vocational preparatory, and vocational job preparatory education.

(7) This section is not intended to discourage a school district or community college from providing educational services for handicapped adults in adult general education or vocational education classes in which nonhandicapped adults participate. However, in order to receive state funding as provided in s. 236.081(1)(d)5., a school district or community college must have an approved program for adult handicapped students, and each student reported for such funding must be determined to be a handicapped adult enrolled in classes reported in the plan prepared for the educational program for handicapped adults.

(8) The State Board of Education may adopt any rules necessary for the implementation of this section.

Section 61. Effective July 1, 1990, paragraph (d) of subsection (1) of section 236.081, Florida Statutes, 1988 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it 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:

(d) Allocation of full-time equivalents.—The department is authorized and directed to review all district programs in the areas of educational alternatives, exceptional student programs, special vocational-technical programs, and special adult general education programs. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests with priority to those districts with the lowest incidence of programs to students identified to be in need of such special programs.

1. The assigned weighted full-time equivalent student membership in special programs for exceptional students, educational alternative programs, part-time programs, special vocational-technical programs, and special adult general education programs, including adult basic education and adult high school, in any school fiscal year shall not exceed the maximum prescribed in the current year's General Appropriations Act for such programs. The Department of Education is directed to review the method of projecting enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs, and special adult general education programs and to report, at least 60 days prior to each regular session of the Legislature, a 3-year projected enrollment of full-time equivalent students in these programs.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed at a cost factor of 1.00.

3. With respect to special programs for the visually handicapped part-time, upon request of a school board in any district or multidistrict area in which there are five or more students receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.

4. When a student has been properly classified as an exceptional student pursuant to s. 230.23(4)(m) and is eligible for a full-time special program for exceptional students identified in subparagraph (1)(c)2. and, as

a condition of such student's individualized educational plan, is assigned to a basic program on a part-time basis with required special services, aids, or equipment, the basic program cost factor for such student shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program.

5. If an adult student has been determined to be a handicapped student eligible for an approved educational program for handicapped adults provided pursuant to s. 228.0727 and rules of the State Board of Education and is enrolled in a class with curriculum frameworks developed for the program, state funding for that student shall be provided at a level double that of the special adult general education program cost factor for the purpose of generating weighted full-time equivalent membership for time served in the program.

Section 62. Effective July 1, 1990, paragraph (d) of subsection (1) of section 240.359, Florida Statutes, is redesignated as paragraph (e), and a new paragraph (d) is added to said subsection 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.—

(d) If an adult student has been determined to be a handicapped student eligible for an approved educational program for handicapped adults provided pursuant to s. 228.0727 and rules of the State Board of Education and is enrolled in a class with curriculum frameworks developed for the program, state funding for that student shall be provided at a level double that of a student enrolled in a special adult general education program provided by a community college.

Section 63. 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 referendum shall be determined by the majority vote of the electors in each county 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 and land associated with such projects. Revenue 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 by this subsection. A board of trustees shall not conduct multiple concurrent referendums for the purposes of this subsection.

Section 64. 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, Suwanee, and Taylor Counties.*

(18) Okaloosa-Walton *Community* ~~Junior~~ College *which shall serve Okaloosa and Walton Counties.*

(19) Palm Beach *Community* ~~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 65. *(1) Sections 63 and 64 of this act shall take effect on January 1, 1990, provided that an affirmative vote is cast by a majority vote of the electors of this state voting in a referendum to be held on November 7, 1989, at which the following question shall be placed on the ballot:*

COMMUNITY COLLEGE TAX QUESTION

Do you wish to provide each community college district with the authority to levy ad valorem taxes of up to 0.5 mill, subject to approval of the electors of the district, to pay for the purchase, repair, or improvement of educational facilities, equipment, or land?

(2) It is the intent of the Legislature that the provisions of sections 63 and 64 of this act shall take effect on January 1, 1990, contingent upon the affirmative vote of the electors on the question posed in subsection (1). If a court of competent jurisdiction rules that an affirmative vote of the electorate may not be required as a condition precedent to the provisions of sections 63 and 64 of this act taking effect, the referendum shall still be conducted and its results shall be regarded as a straw poll, and the provisions of sections 63 and 64 of this act shall take effect on October 1, 1990, without regard to the vote cast.

(3) This section shall take effect upon this act becoming a law.

Section 66. This act shall take effect upon becoming a law.

Amendment 1 to House Amendment 1—On page 11, line 13, through page 12, line 22, strike all of said language and insert:

Section 12. 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.

Amendment 2 to House Amendment 1—On page 79, line 1, insert:

Section 64. Notwithstanding the provisions of Section 6, Chapter 88-201, Laws of Florida, the Florida Seed Capital Board may expend up to $100,000 in fiscal year 1989-90 from the Florida Seed Capital Fund to execute the powers and duties provided for in section 159.445, Florida Statutes. Such powers and duties shall include, but not be limited to, encouraging private seed capital investments in Florida and developing a state framework for private sector involvement in technology transfer, in conjunction with other state agencies. The board shall submit a report to the Legislature by March 1, 1990 describing board activities to encourage private seed capital investment and to develop a state plan for technology transfer.

Amendment 3 to House Amendment 1—On page 39, lines 18-25, strike all of section 43 and renumber subsequent sections.

Amendment 4 to House Amendment 1—On page 81, lines 3-26, strike all of section 65 and renumber subsequent sections.

Amendment 2—On page 1 in title, line 2, strike the entire title and insert: An act relating to education; establishing a branch campus of Florida Atlantic University in Broward County to be known as the Southeast Campus; requiring the Board of Regents to take necessary actions for the establishment of the Southeast Campus; requiring the City of Davie, Broward Community College, and the Board of County Commissioners of Broward County to cooperate in the establishment of the Southeast Campus; authorizing Florida Atlantic University to contract with Broward Community College and Florida International University to provide instruction at the Southeast Campus; requiring the Postsecondary Education Planning Commission and the Board of Regents to evaluate undergraduate programs in Broward County; requiring the Board of Regents to make recommendations concerning the need for a 4-year public university in Broward County; requiring a timetable for legislative action; amending s. 233.051, F.S.; excluding certain forms of instruction from primary school board responsibility; amending s. 235.31, F.S.; providing for negotiation or modification of construction contracts with the lowest bidder under certain conditions; amending s. 240.1201, F.S.; providing for additional persons to be classified as residents for postsecondary education tuition purposes; amending s. 240.205, F.S; providing that the Board of Regents shall approve and execute certain contracts and may acquire certain property; amending s. 240.227, F.S.; providing duty of university presidents to provide for student exchange programs; amending s. 240.233, F.S.; revising university admissions requirements; amending s. 240.235, F.S.; authorizing a service charge for payment of fees in installments; amending s. 240.289, F.S.; revising provisions relating to credit card use; 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 boards of trustees to establish a capital improvements fee; amending s. 240.355, F.S.; requiring certain reporting of postsecondary vocational education programs; amending s. 240.36, F.S.; providing for moneys to remain in the Florida Academic Improvement Trust Fund for Community Colleges; providing for minority recruitment scholarships; amending s. 240.363, F.S.; providing for rules of the State Board of Community Colleges relating to financial accounting and expenditures; authorizing the transfer of contributions to direct-support organizations; amending s. 240.514, F.S.; revising services of the Florida Mental Health Institute; creating s. 240.52, F.S.; providing for collections management for museums and galleries of the State University System; providing for trust funds; amending s. 240.531, F.S.; revising funding provisions of educational research centers for child development; amending s. 240.539, F.S.; exempting certain materials relating to advanced technology research from public records requirements and providing for review and repeal of such exemption; amending s. 282.308, F.S.; revising certain reporting requirements relating to state university information resources; amending s. 282.312, F.S.; revising contents of the Annual Performance Report; amending s. 283.55, F.S.; exempting state universities from provisions relating to the purging of publication mailing lists; providing for the reproduction and disposal of certain records; amending s. 159.27, F.S.; revising definition of research and development park; amending s. 159.701, F.S.; revising purposes of research and development authorities; amending s. 159.703, F.S.; revising provisions relating to the creation of research and development authorities; amending ss. 228.072 and 240.117, F.S.; authorizing state universities to offer college preparatory programs under specified circumstances; amending s. 240.147, F.S.; revising powers and duties of the Postsecondary Education Planning Commission; amending s. 240.209, F.S.; revising powers and duties of the Board of Regents; requiring rules relating to the admission of certain students to the State University System; amending s. 240.321, F.S.; revising provisions relating to admission of students to community colleges; amending s. 240.363, F.S.; revising provisions relating to community college financial accounting and expenditures; requiring each president of a community college and each president of a state university to submit to the State Board of Community Colleges and the Board of Regents, respectively, proposals to enhance undergraduate education; requiring each board to select proposals for funding; requiring each community college and each state university to annually file a report on the effectiveness of funded proposals with the State Board of Community Colleges and the Board of Regents, respectively; providing for requests for funding proposals; creating s. 240.3315, F.S.; providing for a statewide direct-support organization for the Community College System; providing for the establishment of community college child care centers; amending s. 240.259, F.S.; providing for participation in the Trust Fund for New Donors by the New College Foundation; amending s. 240.2605, F.S.; providing for participation in the Trust Fund for Major Gifts by the New College Foundation; amending s. 236.081, F.S.; revising provisions relating to the computation of school district required local effort pertaining to adult fees; creating s. 228.077, F.S.; providing for supplemental vocational instruction; amending s. 230.645, F.S., relating to postsecondary student fees; providing for fees for postsecondary adult vocational and supplemental vocational instruction; amending s. 240.301, F.S.; including economic development within the mission of community colleges; amending s. 240.334, F.S.; providing for responsibilities for technology transfer centers; authorizing the State Board of Community Colleges to award grants for technology transfer centers; requiring advisory committees; amending s. 240.35, F.S.; providing for fees for postsecondary adult vocational and supplemental vocational instruction; amending s. 240.356, F.S.; providing for administrative funding and reporting for the Sunshine State Skills Program; creating s. 240.3575, F.S.; creating economic development centers within community colleges; providing purposes for economic development centers; providing for administration of centers; authorizing the State Board of Community Colleges to award grants to centers; providing annual reporting requirements; creating s. 240.358, F.S.; authorizing community colleges to offer workforce literacy instruction; providing for institutional eligibility; providing requirements for the offering of adult literacy instruction; amending ss. 228.072, 228.073, 228.074, 228.075, 228.076, 229.132, 230.645, 240.301, 240.359, F.S.; providing requirements for lay member appointments to the regional coordinat-

ing councils established within each vocational education planning region; limiting the terms of office of lay members; requiring a community college or school district to notify certain councils of certain plans; deleting certain requirements for council evaluations; 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 coordinated by the councils; deleting the requirement that school districts and community colleges submit annual budgets to the appropriate regional coordinating council for review; deleting obsolete provisions relating to community instructional services; 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 Compensation of the Department of Labor and Employment Security to provide certain information to the Department of Education; amending s. 229.551, F.S.; requiring school districts and community college districts to report to the department specified information concerning students who enroll in, leave, or complete vocational education programs; requiring the department to identify the placement of students who complete such programs; authorizing school districts and community college districts to identify the placements of students whose placements are not identified by the department; providing definitions; providing methods for computing placement rates and completion rates for vocational education programs; providing conditions under which state funding is not available for certain vocational education programs; providing exceptions and exemptions; requiring the Correctional Education School Authority to report on placement of inmates who participate in vocational education programs; requiring the department to provide technical assistance to school districts and community college districts; requiring the State Board for Vocational Education to adopt rules to implement certain provisions; repealing s. 229.5585, F.S., relating to student follow-up surveys with respect to vocational students; creating s. 228.0727, F.S., the Zollie M. Maynard, Sr., Education for Handicapped Adults Act, relating to education for handicapped adults; providing for development of a program to be conducted by a school district or a community college; providing for the development of a plan and annual reports; requiring the State Board of Education to develop curriculum frameworks and entrance and exit criteria; authorizing rules; amending s. 236.081, F.S., relating to the Florida Education Finance Program; providing additional funding for eligible students enrolled in approved programs of education for handicapped adults; amending s. 240.359, F.S., relating to the apportionment of state funds to each community college district; providing additional funding for eligible students enrolled in approved programs of education for handicapped adults; 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; providing for a statewide referendum; providing for a special election to be held November 7, 1989;

Amendment 1 to House Amendment 2—On page 5 in title, lines 26-29, strike from "amending" through "Program;" and insert: amending s. 240.36, F.S.; providing for the retention of certain trust funds;

Amendment 2 to House Amendment 2—On page 1 in title, line 13, after the semicolon (;) insert: ; authorizing the Florida Seed Capital Board to expend funds from the Florida Seed Capital Fund; directing the board to develop a plan for technology transfer and encourage private seed capital investments; requiring a report of board activities to the Legislature;

Amendment 3 to House Amendment 2—On pages 8-9 in title, lines 28-end, strike all language after "adults;" and insert: providing an effective date.

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

CS for CS for SB 1388 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	Davis	Kirkpatrick	Ros-Lehtinen
Bankhead	Deratany	Kiser	Scott
Beard	Dudley	Langley	Souto
Brown	Forman	Margolis	Stuart
Bruner	Gardner	McPherson	Thomas
Casas	Girardeau	Meek	Thurman
Childers, D.	Gordon	Myers	Weinstein
Childers, W. D.	Grant	Peterson	Weinstock
Crenshaw	Johnson	Plummer	Woodson-Howard

Nays—None

Vote after roll call:

Yea—Walker

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1469 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for SB 1469—A bill to be entitled An act relating to the Spaceport Florida Authority Act; providing for the establishment, powers, and functions of the Spaceport Florida Authority; providing for the creation of the authority as a public corporation, body politic, and subdivision of the state; stating its purposes; setting forth geographical boundaries of spaceport territories under the control of the authority and providing for the changing thereof; authorizing designation of launch sites outside spaceport territories; providing powers and duties of the authority; providing for the appointment of a board of supervisors; providing for membership, terms, organization, officers, powers, and duties of the board; providing for procedures relating to the management and operation of the authority; providing powers and duties relating to fiscal matters; providing for exercise of powers of the authority within municipalities and other political subdivisions located within any spaceport territory; authorizing the authority to construct and furnish facilities and services; providing authority with respect to roads within the boundaries of any spaceport territory; establishing the power of the authority to enter into agreements with private parties for the furnishing of certain facilities and services; authorizing the authority to maintain projects across rights-of-way within or without any spaceport territory; providing authority to set rates, fees, rentals, tolls, fares, and charges, subject to certain requirements; providing authority to recover delinquent charges together with attorney's fees, expenses, and penalties, and to discontinue services; authorizing the authority to adopt and revise a comprehensive general plan for physical development of the area within any spaceport territory and providing powers with respect thereto; establishing tax and other liens and procedures for the foreclosure of liens; authorizing the authority to pay taxes and redeem tax sales certificates with respect to property within any spaceport territory and to participate in the proceeds of tax sales; authorizing the authority to apply for federal funds and aid; providing for cooperative agreements with municipalities for the joint discharge of common functions and the joint undertaking and financing of projects; providing authority for cooperative agreements with other governments and agencies with respect to financial or other contributions and loans to the authority; establishing procedures for furnishing of facilities and services by or to the authority; amending s. 196.012, F.S.; providing that real property and tangible personal property owned by the authority and used for specified purposes is exempt from ad valorem taxation; creating s. 201.25, F.S.; exempting deeds and instruments of the authority and spaceport users from the excise tax on documents; creating s. 206.9876, F.S.; exempting the authority and spaceport users from the aviation fuel tax; amending s. 212.031, F.S.; providing that property in a spaceport territory used in support of space flight is exempt from the tax on the lease or rental of or license in real property; repealing s. 212.06(5)(c), F.S., relating to a sales tax exemption for telecommunications satellites and associated launch vehicles; amending s. 212.08, F.S.; providing a sales tax exemption for equipment, machinery, and other tangible personal property directly used in spaceport activities of the authority; providing requirements for receipt of the exemption; providing for application of interest and penalties to exemptions that are determined not to meet the specified criteria therefor; providing a sales tax exemption for space facilities, space propulsion systems, and space vehicles, satellites, and stations, tangible personal property used thereon, certain tangible personal property used in support of space flight, the purchase or lease or manu-

facture for one's own use of machinery and equipment used to produce any such facility, system, or vehicle, and fuel used to propel such vehicles; requiring certain affidavits and providing for the application of penalties; creating s. 212.638, F.S.; exempting from the tax on the sale of fuel special fuel used in specified space-related operations; amending s. 212.67, F.S.; providing for a refund of said tax paid on motor or special fuel used for space or space-related purposes; requiring the authority to obtain certain required environmental permits; providing for confidentiality of trade secrets; providing for review and repeal; providing power of the authority to apply for establishment of a foreign trade zone; amending s. 768.28, F.S.; providing sovereign immunity and providing for waiver thereof; providing exception to application of certain liability trust funds; providing power of injunction and other relief for violation of authority bylaws, regulations, resolutions, rules, codes, and orders; providing bonding authority, including revenue and refunding bonds, additional bonds when necessary, pledge of certain security thereon, lien of pledges, bond anticipation notes, short-term borrowing, trust agreements, sale of bonds, authorization and form of bonds, interim and replacement certificates, negotiability of bonds, defeasance, bonds as legal investments or security, covenants, and validation proceedings; providing for investment of funds; providing for fiscal year of the authority; providing for participation by women, minorities, and socially and economically disadvantaged business enterprises; providing severability; providing an effective date.

Amendment 1—On page 5, line 7, strike everything after the enacting clause and insert:

Section 1. *Short title.—This act may be cited as the "Spaceport Florida Authority Act."*

Section 2. *Spaceport Florida Authority; creation; purpose.—*

(1) It is the intent of the Legislature to provide a unified direction for space-related economic growth and educational development, to ensure a stable and dynamic economic climate, to attract and maintain space-related businesses suitable to the state, and to further the coordination and development of Florida's economy.

(2) There is hereby established, formed, and created the Spaceport Florida Authority, which is created and incorporated as a public corporation, body politic, and subdivision of the state to establish facilities or complementary activities to enhance and provide commercial space-related development opportunities for business, education, and government, and which shall have all the powers, rights, privileges, and authority as provided under the laws of this state.

(3) It shall be the purpose, function, and responsibility of the Spaceport Florida Authority to develop a strategy for and implement the acceleration of space-related economic growth and educational development within the state. Projects in the state shall include the space business incubators, space tourism activities and centers, educational involvement in business incubators, and the Spaceport Florida launch centers. It shall be the authority's purpose, function, and responsibility to provide projects in the state which will develop and improve the entrepreneurial atmosphere, to provide coordination among space businesses, Florida universities, space tourism, and the Spaceport Florida launch centers, and to provide activities designed to stimulate the development of space commerce. In carrying out these duties and responsibilities, the authority may advise and cooperate with municipalities, counties, regional authorities, state agencies and organizations, appropriate federal agencies and organizations, and other interested persons and groups.

Section 3. *Definitions.—*

(1) "Authority" means the Spaceport Florida Authority created by this act.

(2) "Board" or "board of supervisors" means the governing body of the authority.

(3) "Bonds" means revenue bonds, assessment bonds, or other bonds or obligations issued by the authority for the purpose of raising financing for its projects.

(4) "Complementary activity" means any space business incubator, space tourism activity, educational involvement in an incubator, or space tourism and space-related research and development.

(5) "Cost" means all costs, fees, charges, expenses, and amounts associated with the development of projects by the authority.

(6) "Federal aid" means any property, funding, or other financial assistance provided by the Federal Government to the authority for its projects.

(7) "Landing area" means the geographical area designated by the authority within the spaceport territory for or intended for the landing and surface maneuvering of any launch or other space vehicle.

(8) "Launch pad" means any launch pad used by the spaceport or spaceport user for launching of space vehicles.

(9) "Payload" means any property or cargo to be transported aboard any vehicle launched by or from the spaceport.

(10) "Person" means any individual, child, university, firm, association, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, nation, government (federal, state, or local), agency (government or other), subdivision of the state, municipality, county, business entity, or any other group or combination.

(11) "Project" means any development, improvement, property, launch, utility, facility, system, works, road, sidewalk, enterprise, service, or convenience, which may include coordination with the Florida High Technology and Industry Council, the Board of Regents, and the Space Research Foundation; any small business incubator initiative, including any startup aerospace company, research and development company, research and development facility, storage facility, and consulting service; or any tourism initiative, including any space experience attraction, space-launch-related activity, and space museum sponsored or promoted by the authority.

(12) "Range" means the geographical area designated by the authority or other appropriate body as the area for the launching of rockets, missiles, launch vehicles, and other vehicles designed to reach high altitude.

(13) "Recovery" means the recovery of space vehicles and payloads which have been launched from or by the spaceport.

(14) "Spaceport" means any area of land or water, or any manmade object or facility located therein, developed by the authority under this act, which area is intended for public use or for the launching, takeoff, and landing of spacecraft and aircraft, and includes any appurtenant areas which are used or intended for public use, for spaceport buildings, or for other spaceport facilities, spaceport projects, or rights-of-way.

(15) "Spaceport launch facilities" shall be defined as industrial facilities in accordance with s. 380.0651(3)(c), Florida Statutes, and include any launch pad, launch control center, and fixed launch-support equipment.

(16) "Spaceport system" means the programs, organizations, and infrastructure developed by the authority for the development of facilities or activities to enhance and provide commercial space-related development opportunities for business, education, and government within the state.

(17) "Spaceport territory" means the geographical area designated in section 4 and as amended or changed in accordance with section 33.

(18) "Spaceport user" means any person who uses the facilities or services of any spaceport; and, for the purposes of any exemptions or rights granted under this act, said spaceport user shall be deemed a spaceport user only during the time period in which such person has in effect a contract, memorandum of understanding, or agreement with the spaceport, and such rights and exemptions shall be granted with respect to transactions relating only to spaceport projects.

Section 4. *Spaceport territory.—The following property shall constitute spaceport territory:*

(1) Certain real property located in Brevard County with the following boundaries:

(a) Northern boundary—Latitude 28°32'30" North.

(b) Eastern boundary—The mean high water line of the shore along the Atlantic Ocean.

(c) Western boundary—Cape Road (State Road 401).

(d) Southern boundary—Latitude 28°26' North.

(2) Certain real property located in Gulf County with the following boundaries:

(a) Northern boundary—The mean high water line of the shore along St. Joseph Bay from longitude 85°21' West to latitude 29°40'45" North; and along that latitude in a westerly direction from the mean high water line of St. Joseph Bay to the Gulf of Mexico.

(b) Eastern boundary—Longitude 85°20' West.

(c) Western boundary—The mean high water line of the shore along the Gulf of Mexico.

(d) Southern boundary—The mean high water line of the shore along the Gulf of Mexico.

Section 5. *Powers of the authority.—*

(1) The authority shall have the power to:

(a) Exercise all powers granted to corporations under the Florida General Corporation Act, chapter 607, Florida Statutes.

(b) Sue and be sued by its name in any court of law or in equity.

(c) Adopt and use a corporate seal and alter the same at pleasure.

(d) Review and make recommendations with respect to a strategy to guide and facilitate the future of space-related educational and commercial development. The authority shall in coordination with the Federal Government, private industry, and Florida universities develop a business plan which shall address the expansion of Spaceport Florida locations, space launch capacity, spaceport projects, and complementary activities, which shall include, but not be limited to, a detailed analysis of:

1. The authority and the commercial space industry.

2. Products, services description - potential, technologies, skills.

3. Market research and evaluation - customers, competition, economics.

4. Marketing plan and strategy.

5. Design and development plan - tasks, difficulties, costs.

6. Manufacturing locations, facilities, and operations plan.

7. Management organization - roles and responsibilities.

8. Overall schedule (monthly).

9. Important risks, assumptions, and problems.

10. Community impact - economic, human development, community development.

11. Financial plan (monthly for first year; quarterly for next 3 years).

12. Proposed authority offering - financing, capitalization, use of funds.

A final report containing the recommendations and business plan of the authority shall be completed and submitted prior to the 1990 Regular Session of the Legislature, along with any proposed statutory changes and related legislative budget requests required to implement the business plan, 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.

(e) Acquire property, real, personal, intangible, tangible, or mixed, within or without its territorial limits, in fee simple or any lesser interest or estate, by purchase, gift, devise, or lease, on such terms and conditions as the board may deem necessary or desirable, and sell or otherwise dispose of the same and of any of the assets and properties of the authority.

(f) Make and execute any and all contracts and other instruments necessary or convenient to the exercise of its powers.

(g) Whenever deemed necessary by the board, lease as lessor or lessee to or from any person, public or private, any facilities or property for the use of the authority and carry out any of the purposes of the authority.

(h) Appoint, through its board of supervisors, an executive director.

(i) Own, acquire, construct, develop, create, reconstruct, equip, operate, maintain, extend, and improve launch pads, landing areas, ranges, payload assembly buildings, payload processing facilities, laboratories, space business incubators, facilities for the construction of rockets and other launch vehicles, and other spaceport facilities and other space-related systems, including educational, cultural, and parking facilities and space-related initiatives.

(j) Undertake a program of advertising to the public and promoting space-related businesses or any spaceport projects of the authority, and expend moneys and undertake such activities to carry out such advertising and promotional program as the board from time to time may determine.

(k) Own, acquire, construct, reconstruct, equip, operate, maintain, extend, and improve transportation facilities appropriate to meet the transportation requirements of the authority and activities conducted within the spaceport territory.

(l) Own, acquire, construct, reconstruct, equip, operate, maintain, extend, and improve electric power plants, transmission lines and related facilities, gas mains and facilities of any nature for the production or distribution of natural gas, transmission lines and related facilities and plants and facilities for the generation and transmission of power through traditional and new and experimental sources of power and energy; purchase electric power, natural gas, and other sources of power for distribution within any spaceport territory; develop and operate water and sewer systems and waste collection and disposal consistent with chapter 88-130, Laws of Florida; and develop and operate such new and experimental public utilities, including, but not limited to, centrally distributed heating and air-conditioning facilities and services, closed-circuit television systems, and computer services and facilities, as the board may from time to time determine. However, the authority shall not construct any system, work, project, or utility authorized to be constructed under this paragraph in the event that a system, work, project, or utility of a similar character is being actually operated by a municipality or private company in the municipality or territory adjacent thereto, unless such municipality or private company consents to such construction.

(m) Designate, set aside, and maintain lands and areas within or without the territorial limits of any spaceport territory as conservation areas or bird and wildlife sanctuaries; stock such areas with animal and plant life and stock water areas with fish and other aquatic life; promulgate and enforce rules and regulations with respect thereto and protect and preserve the natural beauty thereof; and do all acts necessary or desirable in order to qualify such lands and areas as conservation areas and sanctuaries under any of the laws of the state or under federal law.

(n) Establish a program for the control, abatement, and elimination of mosquitoes and other noxious insects, rodents, reptiles, and other pests throughout the spaceport territory and undertake such works and construct such facilities within or without the spaceport territory as may be determined by the board to be needed to effectuate such program; abate and suppress mosquitoes and other arthropods, whether disease-bearing or pestiferous, within any spaceport territory when in the judgment of the board such action is necessary or desirable for the health and welfare of the inhabitants of or visitors to any spaceport; and take any and all temporary or permanent eliminative measures that the board may deem advisable. The Legislature hereby finds and declares the authority eligible to receive state funds, supplies, services, and equipment available or that may in the future become available to mosquito or pest control districts, the provisions of s. 388.021, Florida Statutes, notwithstanding.

(o) Subject to the rules and regulations of the appropriate water management district, own, acquire, construct, reconstruct, equip, maintain, operate, extend, and improve water and flood control facilities. The Legislature hereby finds and declares the authority eligible to receive moneys, disbursements, and assistance from the state available to flood control or water management districts and navigation districts or agencies.

(p) Own, acquire, construct, reconstruct, equip, maintain, operate, extend, and improve public safety facilities for the spaceport, including security stations, security vehicles, fire stations, water mains and plugs, and fire trucks and other vehicles and equipment; hire employees, security officers, and firefighters; and undertake such works and construct such facilities determined by the board to be necessary or desirable to promote and ensure public safety within the spaceport territory.

(q) Hire, through its executive director, a safety officer with substantial experience in public safety procedures and programs for space vehicle launching and related hazardous operations. The safety officer shall monitor and report on the safety and hazards of ground-based space operations to the executive director.

(r) Establish a personnel management system for hiring employees and setting employee-benefit packages. The personnel of the authority shall not be considered to be within the state employment system.

(s) Establish procedures, rules, and rates governing per diem and traveling expenses of its employees. Such rules shall not be subject to provisions of state law or rules pertaining to per diem and traveling expenses of public officers, employees, or other persons authorized by an agency head to incur such expenses.

(t) Examine, develop, and utilize new concepts, designs, and ideas; own, acquire, construct, reconstruct, equip, operate, maintain, extend, and improve experimental spaceport facilities and services; and otherwise undertake, sponsor, finance, and maintain such research activities, experimentation, and development as the board may from time to time determine, in connection with any of the projects that the authority is authorized to undertake pursuant to the powers and authority vested in it by this act, and in order to promote the development and utilization of new concepts, designs, and ideas in the fields of space exploration, commercialization of the space industry, and spaceport facilities.

(u) Issue revenue bonds, assessment bonds, or any other bonds or obligations authorized by the provisions of this act or any other law, or any combination of the foregoing, and pay all or part of the cost of the acquisition, construction, reconstruction, extension, repair, improvement, or maintenance of any project or combination of projects, to provide for any facility, service, or other activity of the authority, and provide for the retirement or refunding of any bonds or obligations of the authority, or for any combination of the foregoing purposes. For the first year of operation, bonds issued under the authority contained in this act shall not exceed a total 210 million and must first be approved by a majority of the members of the Governor and Cabinet. The authority must provide 14 days notice to the presiding officers and appropriations chairmen of both houses of the legislature prior to presenting a bond proposal to the Governor and Cabinet. If either presiding officer or appropriations chairman object to the bonding proposal within the 14 day notice period the bond issuance may be approved only by a vote of two thirds of the members of the Governor and Cabinet.

Section 6. *Federal air space notification.—In coordination with the Florida Department of Transportation, the authority shall develop and file the federal air space notification required for priority air space use.*

Section 7. *Development of Cape San Blas facility.—The spaceport facility at Cape San Blas may only be developed in accordance with the recommendations of the Spaceport Florida Feasibility Study upon the following conditions:*

(a) Construction at the site shall not cause significant degradation of the water quality or injure aquatic life in St. Joseph Bay or the adjacent water of the Gulf of Mexico.

(b) Rocket launches shall be limited to small sounding rockets or other similar suborbital craft.

(c) Construction on site shall be placed within the boundaries of facilities existing on the effective date of this act.

(d) Construction of support facilities, other than those needed for direct rocket launching, shall be located a minimum of 5 miles from the launch facility. The board, or persons leasing from the board, shall not permit the use of the launch facilities if parts or services are required from any person who locates manufacturing or commercial facilities on Cape San Blas or within 5 miles of the launch facility after the passage of this act.

Section 8. *Board of supervisors.—*

(1) There is created within the Spaceport Florida Authority a board of supervisors consisting of seven regular members, who shall be appointed by the Governor, and two ex officio nonvoting members, one of whom shall be a state senator selected by the President of the Senate and one of whom shall be a state representative selected by the Speaker of the House of Representatives, all of whom shall be subject to confirmation by the Senate at the next regular session of the Legislature. Each of the regular board members must be a resident of the state and must have experience in the aerospace or commercial space industry or in finance or have other significant relevant experience. One regular member shall represent organized labor interests and one regular member shall represent minority interests.

(2) Initially, the Governor shall appoint four regular members for terms of 3 years or until successors are appointed and qualified and three regular members for terms of 4 years or until successors are appointed and qualified. Thereafter, each such member shall serve a term of 4 years or until a successor is appointed and qualified. The term of each such member shall be construed to commence on the date of appointment and to terminate on June 30 of the year of the end of the term. The terms for such members initially appointed shall be construed to include the time between initial appointment and June 30, 1992, for those appointed for 3-year terms, and June 30, 1993, for those appointed for 4-year terms. No such member shall be allowed to serve an initial 3-year term or fill any vacancy for the remainder of a term for less than 4 years. Appointment to the board shall not preclude any such member from holding any other private or public position.

(3) The ex officio nonvoting members shall serve on the board for 2-year terms.

(4) Any vacancy on the board shall be filled for the balance of the unexpired term.

(5) Initial appointments shall be made no later than 60 days after this act takes effect.

(6) The board shall hold its initial meeting no later than 20 days after the members have been appointed. At its initial meeting, or as soon thereafter as is practicable, the board shall appoint an executive director. Meetings shall be held quarterly or more frequently at the call of the chairman. A majority of the regular members of the board shall constitute a quorum, and a majority vote of such members present is necessary for any action taken by the board.

(7) The Governor has the authority to remove from the board any regular member in the manner and for cause as defined by the laws of this state and applicable to situations which may arise before the board. Unless excused by the chairman of the board, a regular member's absence from two or more consecutive board meetings creates a vacancy in the office to which the member was appointed.

Section 9. *Treasurer; depositories; fiscal agent.—*

(1) The board shall designate an individual who is a resident of the state, or a qualified public depository as defined in s. 280.02, Florida Statutes, as treasurer of the authority, who shall have charge of the funds of the authority. Such funds shall be disbursed only upon the order of or pursuant to the resolution of the board by warrant, check, authorization, or direct deposit pursuant to s. 215.85, Florida Statutes, signed or authorized by the treasurer or his representative or by such other persons as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate, and shall establish the treasurer's compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his powers and duties. The board shall audit or have audited the books of the treasurer at least once a year.

(2) The board is authorized to select as depositories in which the funds of the board and of the authority shall be deposited any banking corporation or other financial institution organized under the laws of the state, or under the laws of the United States and doing business in the state, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

(3) The board may employ a fiscal agent, who shall be either a resident of the state or a corporation organized under the laws of this or any other state and authorized by such laws to act as such fiscal agent in the state.

Section 10. *Powers and duties of the board of supervisors.—Except as otherwise provided in this act, all of the powers and duties of the authority shall be exercised by and through the board of supervisors, including the power and duty to:*

(1) Adopt bylaws, rules, resolutions, and orders prescribing the powers, duties, and functions of the officers of the authority, the conduct of the business of the authority, the maintenance of records, and the form of all documents and records of the authority. The board may adopt administrative rules and regulations with respect to any of the projects of the authority, with notice and public hearing.

(2) Maintain an executive office and authority offices in close proximity to Kennedy Space Center.

(3) Enter, and authorize any agent or employee of the authority to enter, upon any lands, waters, and premises, upon giving reasonable notice and due process to the land owner, for the purposes of making surveys, soundings, drillings, appraisals, and examinations necessary to perform its duties and functions. Any such entry shall not be deemed a trespass or an entry that would constitute a taking in an eminent domain proceeding. The authority shall make reimbursement for any actual damages to such lands, waters, and premises as a result of such activity.

(4) Execute all contracts and other documents, adopt all proceedings, and perform all acts determined by the board to be necessary or desirable to carry out the purposes of this act. The board may authorize one or more members of the board to execute contracts and other documents on behalf of the board or the authority.

(5) Establish and create such departments, committees, or other agencies as from time to time the board may deem necessary or desirable in the performance of any acts or other things necessary to the exercise of the powers provided in this act, and delegate to such departments, boards, or other agencies such administrative duties and other powers as the board may deem necessary or desirable.

(6) Appoint a person to act as executive director of the authority, having such official title, functions, duties, powers, and salary as the board may prescribe.

(7) Examine, and authorize any officer or agent of the authority to examine, the county tax rolls with respect to the assessed valuation of the real and personal property within any spaceport territory.

(8) Engage in the planning and implementation of space-related economic and educational development within the state.

(9) Execute intergovernmental agreements and development agreements consistent with prevailing statutory provisions, including, but not limited to, special benefits or tax-increment financing initiatives.

(10) Establish reserve funds for future board operations.

(11) Adopt rules pursuant to chapter 120, Florida Statutes, to carry out the purposes of this act.

(12) Abide by all applicable federal labor laws in the construction and day-to-day operations of the authority and any spaceport. Further, the Board shall establish, by rule and regulation, pursuant to Chapter 120, F.S., policies and procedures for the construction and operation of the authority and any spaceport. Said policies and procedures shall be such that when the authority expends federal funds for construction or operation of any spaceport project, the authority will be subject to the federal labor laws observed at the Kennedy Space Center and Cape Canaveral Air Force Station, Florida, applicable as a result of such federal expenditures. When expenditure of federal funds for construction, maintenance and day-to-day operations of any spaceport project located on federally owned property is not involved, the policies and procedures shall, to the full extent permissible under state law, include provisions paralleling the requirements imposed when federal funds are expended.

(13) Prepare an annual report of operations. Said report shall include, but not be limited to, a balance sheet, an income statement, a statement of changes in financial position, a reconciliation of changes in equity accounts, a summary of significant accounting principles, the auditor's report, comments from management about the year's business, and prospects for the next year, which shall be submitted each year by November 30 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.

Section 11. *Exercise by authority of its powers within municipalities and other political subdivisions.—The authority shall have the power to exercise any of its rights, powers, privileges, and authority in any and all portions of any spaceport territory lying within the boundaries of any municipal corporation or other political subdivision, heretofore or hereafter created or organized, whose boundaries lie wholly or partly within the geographical limits of the spaceport territory, to the same extent and in the same manner as in areas of the spaceport territory not incorporated as part of a municipality or other political subdivision. With respect to any municipal corporation or other political subdivision whose boundaries lie partly within and partly without the geographical limits of the spaceport territory, the authority shall have the power to exercise its rights, powers, privileges, and authority only within the portion of such municipal corporation or other political subdivision lying within the boundaries of the spaceport territory.*

Section 12. *Furnishing facilities and services within the spaceport territory.—The authority shall have the power to construct, develop, create, maintain, and operate its projects within the geographical limits of the spaceport territory, including any portions of the spaceport territory located inside the boundaries of any incorporated municipality or other political subdivision, and to offer, supply, and furnish the facilities and services provided for in this act to, and to establish and collect fees, rentals, and other charges from, persons, public or private, within the geographical limits of the spaceport territory and for the use of the authority itself.*

Section 13. *Power of the authority with respect to roads.—Within the territorial limits of any spaceport territory, the authority has the right to acquire, through purchase or interagency agreement, or as otherwise provided in law, and to construct, control, and maintain, roads deemed necessary by the authority and connections thereto and extensions thereof now or hereafter acquired, constructed, or maintained in accordance with established highway safety standards, provided that, in the event a road being addressed by the authority is owned by another agency or jurisdiction, the authority, prior to proceeding with the proposed project or work activity, shall have either coordinated the desired work with the owning agency or jurisdiction or shall have successfully executed an interagency agreement with the owning agency or jurisdiction.*

Section 14. *Exclusive authority.—This act specifically provides that the authority shall have exclusive power and authority to regulate spaceports in the state.*

Section 15. *Maintenance of projects across rights-of-way.—The authority shall have the right to construct and operate its projects in, along, or under any streets, alleys, highways, or other public places or ways, and across any drain, ditch, canal, floodway, holding basin, excavation, railroad right-of-way, track, grade, fill, or cut; provided, however, that just compensation, including fees, shall be paid by the authority for any private property taken or damages by the exercise of such power.*

Section 16. *Rates, fees, rentals, tolls, fares, and charges; procedure for adoption and modification; minimum revenue requirements.—*

(1) To recover the costs of the spaceport facility or system, the authority shall have the power to prescribe, fix, establish, and collect rates, fees, rentals, tolls, fares, or other charges (hereinafter referred to as "revenues"), and to revise the same from time to time, for the facilities and services furnished or to be furnished by the authority and the spaceport, including, but not limited to, launch pads, ranges, payload assembly and processing facilities, visitor and tourist facilities, transportation facilities, and parking and other related facilities, and shall have the power to provide for reasonable penalties against any user or property for any such rates, fees, rentals, tolls, fares, or other charges that are delinquent.

(2) The board shall have the power to enter into contracts for the use of the projects of the authority and for the services and facilities furnished or to be furnished by the authority, including, but not limited to, launch services, payload assembly and processing, and other space-related services, for such consideration and on such other terms and conditions as the board may approve. Such contracts, and revenues or service charges received or to be received by the authority thereunder, may be pledged as security for any of the bonds of the authority.

Section 17. *Recovery of delinquent charges.—In the event that any of the rates, fees, rentals, tolls, fares, other charges, or delinquent penalties shall not be paid as and when due and shall be in default for 30 days or more, the unpaid balance thereof and all interest accrued thereon, together with attorney's fees and costs, may be recovered by the authority in a civil action.*

Section 18. *Discontinuance of service.—In the event that the rates, fees, rentals, tolls, fares, or other charges for the services and facilities of any project are not paid when due, the board shall have the power to discontinue and shut off the same until such rates, fees, rentals, tolls, fares, or other charges, including interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services and facilities, are fully paid. Such delinquent rates, fees, rentals, tolls, fares, or other charges, together with interest, penalties, and charges for the shutting off and discontinuance and the restoration of such services and facilities, and reasonable attorney's fees and other expenses, may be recovered by the authority by suit in any court of competent jurisdiction. The authority may also enforce payment of such delinquent rates, fees, rentals, tolls, fares, or other charges by any other lawful method of enforcement.*

Section 19. *Comprehensive planning; building and safety codes.—The board of supervisors shall have the power to:*

(1) Adopt, and from time to time review, amend, supplement, or repeal, a comprehensive general plan for the physical development of the area within the spaceport territory in accordance with the objectives and purposes of this act and consistent with the comprehensive plans of the applicable county or counties and municipality or municipalities adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163, Florida Statutes.

(2) Prohibit within the spaceport territory the construction, alteration, repair, removal, or demolition, or the commencement of the construction, alteration, repair (except emergency repairs), removal, or demolition, of any building or structure, including, but not by way of limitation, public utility poles, lines, pipes, and facilities, without first obtaining a permit from the board or such other officer or agency as the board may designate, and to prescribe the procedure with respect to the obtaining of such permit.

Section 20. *Additional powers of board.—The board shall have the power within any spaceport territory to:*

(1) Adopt regulations to prohibit or control the pollution of air and water, and require certain location and placement of electrical power, telephone, and other utility lines, cables, pipes, and ducts.

(2) Divide the spaceport territory into zones or districts of such number, shape, and area as the board may deem best suited to carry out the purposes of this act, and within and for each such district make regulations and restrictions as provided for in subsection (1).

Section 21. *Federal and other funds and aid.—The authority is authorized to accept, receive, and receipt for federal moneys, property, and other moneys or properties, either public or private, for the acquisition, planning, operation, construction, enlargement, improvement, maintenance, equipment, or development of programs, facilities, and sites therefor, and to comply with the provisions of the laws of the United States and any rules and regulations made thereunder for the expenditure of federal moneys.*

Section 22. *Agreements with municipalities within any spaceport territory.—The board and the governing body or bodies of any one or more municipalities located wholly or partly within any spaceport territory, whether now in existence or hereafter created, are authorized to enter into and carry into effect contracts and agreements relating to the common powers, duties, and functions of the board and other officers, agents, and employees of the authority, and the respective governing body or bodies of one or more such municipalities, and their respective officers, agents, and employees, to the end that there may be effective cooperation between and coordination of the efforts of such municipality or municipalities and the authority in discharging their common functions, powers, and duties and in rendering services to the respective residents and property owners of such municipality or municipalities and the authority. The board and the governing body or bodies of one or more such municipalities are further authorized to enter into and carry into effect contracts and agreements for the performance of any of their common functions, powers, and duties by a central agency or common agent of the contracting parties.*

Section 23. *Cooperative agreements with the state, counties, and municipalities.—*

(1) The state and the counties, municipalities, and other political subdivisions, public bodies, and agencies thereof, or any of them, whether now existing or hereafter created, are authorized to aid and cooperate with the authority in carrying out any of the purposes and projects of the authority, to enter into cooperative agreements with the authority, to provide in any such cooperative agreement for the making of loans, gifts, grants, or contributions to the authority and the granting and conveyance to the authority of real or personal property of any kind or nature, or any interest therein, for the carrying out of the purpose and projects of the authority, to covenant in any such cooperative agreement to pay all or any part of the costs of acquisition, planning, development, construction, reconstruction, extension, improvement, operation, and maintenance of any projects of the authority, and to pay all or any part of the principal and interest on any bonds of the authority.

(2) The state and the counties, municipalities, and other political subdivisions, public bodies, and agencies thereof, or any of them, whether now existing or hereafter created, and the authority created by this act, are further authorized to enter cooperative agreements to provide for the furnishing by the authority to the state or any county, municipality, or other political subdivision, public body, or agency thereof of any of the facilities and services of the authority, or by the state or any county, municipality, or other political subdivision, public body, or agency thereof to the authority and to persons within the spaceport territory of facilities and services of the type that the authority is authorized to furnish or undertake, or such other facilities and services as may be determined necessary or desirable by the board for the carrying out of the purposes of this act. Without limitation of the foregoing, such cooperative agreements may provide for the furnishing by any county, municipality, or other political subdivision of fire and police protection for the authority and persons and property within the authority, and for the providing to the authority of any services deemed necessary or desirable by the board for the proper functioning of the authority.

(3) Without limitation of the foregoing, the board may undertake and finance any of the projects of the authority, in whole or in part, jointly with any municipality or municipalities, now existing or hereafter created, or in any other manner combine the projects of the authority with the projects of such municipality or municipalities.

(4) Any agreement of the type authorized by this section may be made and entered into pursuant to this act for such time or times, not exceeding 40 years.

Section 24. *Contracts, grants, and contributions.—The authority shall have the power to make and enter all contracts and agreements necessary or incidental to the performance of the functions of the authority and the execution of its powers, and to contract with, and to accept and receive grants or loans of money, material, or property from, any person, private or public, as the board shall determine to be necessary or desirable to carry out the purposes of this act, and in connection with any such contract, grant, or loan to stipulate and agree to such covenants, terms, and conditions as the board shall deem appropriate.*

Section 25. Subsection (4) is added to section 206.42, Florida Statutes, to read:

206.42 Aviation gasoline exempt from excise tax*; rocket fuel.*—

(4) Fuels of such quality not adapted for use in ordinary motor vehicles, being produced for and sold and exclusively used for space flight as defined in s. 212.02 are not subject to the tax pursuant to this part, parts II and III, and chapter 212.

Section 26. Subsections (23) and (24) are added to section 212.02, Florida Statutes, 1988 Supplement, to read:

212.02 Definitions.—The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(23) "Spaceport activities" means activities directed or sponsored by the Spaceport Florida Authority on spaceport territory pursuant to its powers and responsibilities under the Spaceport Florida Authority Act.

(24) "Space flight" means any flight designed for suborbital, orbital, or interplanetary travel of a space vehicle, satellite, or station of any kind.

Section 27. *Paragraph (c) of subsection (5) of section 212.06, Florida Statutes, is hereby repealed.*

Section 28. Paragraph (b) of subsection (5) of section 212.08, Florida Statutes, 1988 Supplement, is amended, and subsection (16) is added to said section, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(b) Machinery and equipment used to increase productive output.—

1. Industrial machinery and equipment purchased for use in new businesses which manufacture, process, compound, or produce for sale, *or for exclusive use in spaceport activities as defined in s. 212.02,* items of tangible personal property at fixed locations are exempt from the tax imposed by this chapter upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used in a new business in this state. Such purchases must be made prior to the date the business first begins its productive operations, and delivery of the purchased item must be made within 12 months of that date.

2. Industrial machinery and equipment purchased for use in expanding manufacturing facilities or plant units which manufacture, process, compound, or produce for sale, *or for exclusive use in spaceport activities as defined in s. 212.02,* items of tangible personal property at fixed locations in this state are exempt from any amount of tax imposed by this chapter in excess of $100,000 per calendar year upon an affirmative showing by the taxpayer to the satisfaction of the department that such items are used to increase the productive output of such expanded business by not less than 10 percent.

3.a. To receive an exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall apply to the department for a temporary tax exemption permit. The application shall state that a new business exemption or expanded business exemption is being sought. Upon a tentative affirmative determination by the department pursuant to subparagraph 1. or subparagraph 2., the department shall issue such permit.

b. The applicant shall be required to maintain all necessary books and records to support the exemption. Upon completion of purchases of qualified machinery and equipment pursuant to subparagraph 1. or subparagraph 2., the temporary tax permit shall be delivered to the department or returned to the department by certified or registered mail.

c. If, in a subsequent audit conducted by the department, it is determined that the machinery and equipment purchased as exempt under subparagraph 1. or subparagraph 2. did not meet the criteria mandated by this paragraph or if commencement of production did not occur, the amount of taxes exempted at the time of purchase shall immediately be due and payable to the department by the business entity, together with the appropriate interest and penalty, computed from the date of purchase, in the manner prescribed by this chapter.

d. In the event a qualifying business entity fails to apply for a temporary exemption permit or if the tentative determination by the department required to obtain a temporary exemption permit is negative, a qualifying business entity shall receive the exemption provided in subparagraph 1. or subparagraph 2. through a refund of previously paid taxes. No refund may be made for such taxes unless the criteria mandated by subparagraph 1. or subparagraph 2. have been met and commencement of production has occurred.

4. The department shall promulgate rules governing applications for, issuance of, and the form of temporary tax exemption permits; provisions for recapture of taxes; and the manner and form of refund applications and may establish guidelines as to the requisites for an affirmative showing of increased productive output, commencement of production, and qualification for exemption.

5. The exemptions provided in subparagraphs 1. and 2. do not apply to machinery or equipment purchased or used by electric utility companies, communications companies, phosphate or other solid minerals severance, mining, or processing operations, oil or gas exploration or production operations, printing or publishing firms, any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business Regulation, or any firm which does not manufacture, process, compound, or produce for sale, *or for exclusive use in spaceport activities as defined in s. 212.02,* items of tangible personal property.

6. For the purposes of the exemptions provided in subparagraphs 1. and 2., these terms have the following meanings:

a. "Industrial machinery and equipment" means "section 38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the Internal Revenue Code, provided "industrial machinery and equipment" shall be construed by regulations adopted by the Department of Revenue to mean tangible property used as an integral part of the manufacturing, processing, compounding, or producing for sale, *or for exclusive use in spaceport activities as defined in s. 212.02,* of items of tangible personal property. Such term includes parts and accessories only to the extent that the exemption thereof is consistent with the provisions of this paragraph.

b. "Productive output" means the number of units actually produced by a single plant or operation in a single continuous 12-month period, irrespective of sales. Increases in productive output shall be measured by the output for 12 continuous months immediately following the completion of installation of such machinery or equipment over the output for the 12 continuous months immediately preceding such installation. However, if a different 12-month continuous period of time would more accurately reflect the increase in productive output of machinery and equipment purchased to facilitate an expansion, the increase in productive output may be measured during that 12-month continuous period of time if such time period is mutually agreed upon by the Department of Revenue and the expanding business prior to the commencement of production; provided, however, in no case may such time period begin later than 2 years following the completion of installation of the new machinery and equipment. The units used to measure productive output shall be physically comparable between the two periods, irrespective of sales.

(16) EXEMPTIONS; SPACE ACTIVITIES.—

(a) There shall be exempt from the tax imposed by this part:

1. The sale, lease, use, storage, consumption, or distribution in this state of any orbital space facility, space propulsion system, or space vehicle, satellite, or station of any kind possessing space flight capacity, including the components thereof.

2. The sale, lease, use, storage, consumption, or distribution in this state of tangible personal property placed on or used aboard any orbital space facility, space propulsion system, or space vehicle, satellite, or station of any kind, irrespective of whether such tangible personal property is returned to this state for subsequent use, storage, or consumption in any manner. This exemption is not affected by the failure of a launch to occur, or the destruction of a launch vehicle or any components thereof.

(b) This subsection shall be strictly construed and enforced.

Section 29. *Environmental permits.—The authority shall obtain required environmental permits in accordance with federal and state law and shall comply with the provisions of chapter 380, Florida Statutes.*

Section 30. *Information relating to trade secrets confidential.—The records of the authority regarding matters encompassed by this act are public records subject to the provisions of chapter 119, Florida Statutes, except that any information which would reveal a trade secret, as defined in s. 812.081, Florida Statutes, of the authority, any spaceport user, or the space industry business is confidential and may not be disclosed. If the authority determines that any information requested by the public will reveal a trade secret, it shall, in writing, inform the person making the request of that determination. The determination is an order as defined in s. 120 52(11), Florida Statutes. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14, Florida Statutes.*

Section 31. *Foreign trade zone.—The authority shall have the power to apply to the Federal Government for a grant allowing the designation of any spaceport territory as a foreign trade zone pursuant to ss. 288.36 and 288.37, Florida Statutes. However, the designation of any spaceport territory as a foreign trade zone shall not be deemed to authorize an exemption from any tax imposed by the state or by any political subdivision, agency, or instrumentality thereof.*

Section 32. *Sovereign immunity.—The authority shall be granted sovereign immunity in the same manner as the state under the laws and Constitution of the State of Florida. The state, by this section, hereby waives the sovereign immunity granted to the same extent as waived by the state under state law.*

Section 33. *Changing boundary lines; annexation and exclusion of lands; creation of municipalities within the geographical limits of any spaceport territory; limitations on the furnishing of services within annexed areas.—*

(1) The board may at any time strike out or correct the description of any land within or claimed to be within the boundary lines of any spaceport territory upon the written consent of the owners of all the land that would be included or excluded from the boundary lines of any spaceport territory or otherwise affected by the taking of such action, and of the owners of not less than the majority in acreage of all lands within any spaceport territory.

(a) The board may enlarge the geographical limits of any spaceport territory to include any lands not then within any spaceport territory:

1. Upon the written consent of the owners of all the land to be included in any spaceport territory and of the owners of not less than a majority in acreage of all the land then within any spaceport territory; or

2. By resolution of the board approved at a special election called for such purpose, by vote of a majority of freeholders residing within the area to be annexed and a majority of freeholders residing within any spaceport territory.

(b) The board may contract the geographical limits of any spaceport territory so as to exclude from any spaceport territory any land then within any spaceport territory:

1. Upon the written consent of the owners of all the land to be so excluded and of the owners of not less than a majority in acreage of all the land then within any spaceport territory; or

2. By resolution of the board approved at a special election called for such purpose, by vote of a majority of freeholders residing within the area to be excluded and a majority of the freeholders residing within any spaceport territory.

(2) Land, including property situated thereon, added to any spaceport territory in the manner provided in subsection (1) shall from the time of its inclusion within such spaceport territory be subject to all assessments thereafter levied and assessed on all other land or property of any spaceport territory similarly situated. Land, including property situated thereon, excluded from any spaceport territory in the manner provided in subsection (1) shall from the date of such exclusion be exempt from assessments thereafter imposed by the authority but shall not be exempt from assessments theretofore levied or due with respect to such land or property, or from subsequent installments of assessments theretofore levied or assessed with respect thereto, and such assessments may be enforced and collected by or on behalf of the authority in the same manner as if such land or property continued to be within the geographical limits of any spaceport territory.

(3) In the event that the geographical limits of any spaceport territory as set forth in section 4 are revised so as to include within any spaceport territory any areas not presently contained within any spaceport territory, the authority shall not engage in the business of furnishing electric power for sale in such annexed area, unless the authority shall offer to purchase from any person who is at the time engaged in the business of making, generating, or distributing electricity for sale within such annexed area, such portion of its electric plant and property suitable and used for such business in connection therewith as lies within the limits of such annexed area, in a manner consistent with law.

(4) The authority shall designate new launch pads outside the present designated spaceport territories by statutory amendment of section 4.

Section 34. *Enforcement and penalties.—The board or any aggrieved person may have recourse to such remedies in law and equity as may be necessary to ensure compliance with the provisions of this act, including injunctive relief to enjoin or restrain any person violating the provisions of this act, and any bylaws, resolutions, regulations, rules, codes, and orders adopted under this act, and the court shall, upon proof of such violation, have the duty to issue forthwith such temporary and permanent injunctions as are necessary to prevent such further violation thereof. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, land, or water is used, in violation of this act, or of any code, order, resolution, or other regulation made under authority conferred by this act or under law, the board may institute any appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or avoid such violation, to prevent the occupancy of such building, structure, land, or water, and to prevent any illegal act, conduct, business, or use in or about such premises, land, or water.*

Section 35. *Revenue bonds.—*

(1) The authority shall have limited power as provided in Section 5 to issue revenue bonds the first year. The authority shall submit to the Legislature a portfolio of proposed bonding projects along with the business plan as provided in section 5 prior to the 1990 Regular Session of the Legislature.

(2) Subsequent to legislative authorization, the issuance of revenue bonds may be secured by or payable from the gross or net pledge of the revenues to be derived from any project or combination of projects, from the rates, fees, rentals, tolls, fares, or other charges to be collected from the users of any project or projects, from any revenue-producing undertaking or activity of the authority, or from any source of pledged security. Such bonds shall not constitute an indebtedness of the authority unless such bonds are additionally secured by the full faith and credit of the authority. Bonds issued by the authority are not secured by the full faith and credit of the State of Florida.

(3) Any two or more projects may be combined and consolidated into a single project, and may thereafter be operated and maintained as a single project. The revenue bonds authorized herein may be issued to finance any one or more such projects separately, or to finance two or more such projects, regardless whether or not such projects have been combined and consolidated into a single project. If the board deems it advisable, the proceedings authorizing such revenue bonds may provide that the authority may thereafter combine the projects then being financed or theretofore financed with other projects to be subsequently financed by the authority shall be on a parity with the revenue bonds then being issued, all on such terms, conditions, and limitations as shall be provided, and may further provide that the revenues to be derived from the subsequent projects shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent projects. The authority may pledge for the security of the revenue bonds a fixed amount, without regard to any fixed proportion of the gross revenues of any project.

Section 36. *Issuance of additional bonds.—If the proceeds of any bonds shall be less than the cost of completing the project in connection with which such bonds are issued, the board may authorize the issuance of additional bonds, upon such terms and conditions as the board may provide in the resolution authorizing the issuance thereof, but only in compliance with the resolution or other proceedings authorizing the issuance of the original bonds.*

Section 37. *Refunding bonds.—The authority through its board shall have the power to issue bonds to provide for the retirement or refunding of any bonds or obligations of the authority that at the time of such issuance are or subsequently thereto become due and payable, or that at the time of issuance have been called or are or will be subject to call for redemption within 10 years thereafter, or the surrender of which can be procured from the holders thereof at prices satisfactory to the board. Refunding bonds may be issued at any time when in the judgment of the board such issuance will be advantageous to the authority. The provisions of this act pertaining to bonds of the authority shall, unless the context otherwise requires, govern the issuance of refunding bonds, the form and other details thereof, the rights of the holders thereof, and the duties of the board with respect to the same.*

Section 38. *Pledging assessments and other revenues and properties as additional security on bonds.—The authority may pledge as additional security for the payment of any of the bonds of the authority its full faith and credit, and provide that such bonds shall be payable as to both principal and interest, and as to any reserve or other funds provided therefor, to the full extent that any revenues as defined in this*

act, assessments, or other funds, or any combination thereof, pledged therefor are insufficient for the full payment of the same, and provided further that no bonds shall be issued to the payment of which the full faith and credit of the authority is pledged unless approved at an election in the manner provided by law. The authority by resolution of the board may also pledge as additional security for said bonds the revenues from any project of the authority, utility service, assessments, and any other sources of revenue or funds, or any combination of the foregoing, and may pledge or mortgage any of the properties, rights, interest, or other assets of the authority. Bonds issued by the authority are not secured by the full faith and credit of the State of Florida. The board may also provide with respect to any bonds of the authority that such bonds shall be payable, in whole or in part, as to principal amount or interest, or both, out of rates, fees, rentals, tolls, fares, or other charges collected with respect to any of the projects of the authority.

Section 39. *Lien of pledges.—All pledges of revenues and assessments made pursuant to the provisions of this act shall be valid and binding from the time when such pledges are made. All such revenues and assessments so pledged and thereafter collected shall immediately be subject to the lien of such pledges without any physical delivery thereof or further action, and the lien of such pledges shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether such parties have notice thereof.*

Section 40. *Issuance of bond anticipation notes.—In addition to the other powers provided for in this act and not in limitation thereof, the authority shall have the power, at any time from time to time after the issuance of any bonds of the authority shall have been authorized, to borrow money for the purposes for which such bonds are to be issued in anticipation of the receipt of the proceeds of the sale of such bonds and to issue bond anticipation notes in a principal amount not in excess of the authorized maximum amount of such bond issue. Such notes shall be in such denomination or denominations, bear interest at such rate or rates, mature at such time or times, be renewable for such additional term or terms, and be in such form and executed in such manner as the board shall prescribe. Such notes may be sold at public sale, or if such notes shall be renewable notes, may be exchanged for notes then outstanding on such terms as the board shall determine. Such notes shall be paid from the proceeds of such bonds when issued. The board may in its discretion, in lieu of retiring the notes by means of bonds, retire them by means of current revenues or from any assessments levied for the payment of such bonds, but in such event a like amount of the bonds authorized shall not be issued.*

Section 41. *Short-term borrowing.—The authority at any time may obtain loans, in such amount and on such terms and conditions as the board may approve, for the purpose of paying any of the expenses of the authority or any costs incurred or that may be incurred in connection with any of the projects of the authority, which loans shall have such term or terms, be renewable for such term or terms, bear interest at such rate or rates, and be payable from and secured by a pledge of such funds, revenues, and assessments as the board may determine. For the purpose of defraying such costs and expenses, the authority may issue*rs *by means of current revenues or from any assessments levied for the payment of such bonds, but in such event a like amount of the bonds authorized shall not be issued.e prf bonds and*
of indebtedness to be payable at such time or times, to bear interest at such rate or rates, and to be sold or discounted at such price or prices and on such term or terms as the board may deem advisable. The board shall have the right to provide for the payment thereof by pledging the whole or any part of the funds, revenues, and assessments of the authority.

Section 42. *Trust agreements.—In the discretion of the board, any issue of bonds may be secured by a trust agreement by and between the authority and a corporate trustee which may be any trust company or bank having the powers of a trust company within or without the state. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received from any projects of the authority and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as the board may approve, including without limitation covenants setting forth the duties of the authority in relation to the acquisition, planning, development, construction, reconstruction, improvement, maintenance, repair, operation, and insurance of any projects, the fixing and revision of the rates, fees, rentals, tolls, fares, and charges, and the custody, safeguarding, and application of all moneys, and for the employment of counseling engineers in connection with such acquisition, planning, development, construction, reconstruction, improvement, maintenance, repair, or operation. It shall be lawful for any bank or trust company incorporated under the laws of the state or the United States which may act as a depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the authority. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. The board may provide for the payment of the proceeds of the sale of the bonds and the revenues of any project to such officer, board, or depository as it may designate for the custody thereof, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of the project to which such trust agreement pertains.*

Section 43. *Sale of bonds.—Bonds may be sold in blocks or installments at different times, or an entire issue or series may be sold at one time. Bonds may only be sold at public sale after being advertised and publicly noticed. Bonds may be sold or exchange for refunding bonds. Special assessment and revenue bonds may be delivered as payment by the authority of the purchase price or lease of any project or part thereof, or a combination of projects or parts thereof, or as the purchase price of, or exchange for, any property, real, personal, or mixed, including franchises, or services rendered by any contractor, engineer, or other person, all at one time or in blocks from time to time, in such manner and upon such terms as the board in its discretion shall determine. The price or prices for any bonds sold, exchanged, or delivered may be:*

(1) The money paid for the bonds.

(2) The principal amount, plus accrued interest to date of redemption or exchange, of outstanding obligations exchanged for refunding bonds.

(3) In the case of special assessment or revenue bonds, the amount of any indebtedness to contractors or other persons paid with such bonds, or the fair value of any properties exchanged for the bonds, as determined by the board.

Section 44. *Authorization and form of bonds.—Bonds may be authorized by resolution or resolutions of the board which shall be adopted by a majority of all of the members thereof then in office and present at the meeting at which the resolution or resolutions are adopted and shall be approved as provided in Section 5. The resolution or resolutions of the board may be adopted at the same meeting at which they are introduced, and shall be published and noticed. The board may by resolution authorize the issuance of bonds, fix the aggregate amount of bonds to be issued, the purpose or purposes for which the moneys derived therefrom shall be expanded, the rate or rates of interest, the denomination of the bonds, whether or not the bonds are to be issued in one or more series, the date or dates thereof, the date or dates of maturity, which shall not exceed 40 years from their respective dates of issuance, the medium of payment, the place or places within or without the state where payment shall be made, registration privileges,*
thereof then in office and
present at the meeting at which the resolution or resolutions are adopted and shall be approved as provided in Section 5. The resolution

coupons, and any and all other terms, covenants, and conditions thereof, and the establishment of reserve or other funds. Such authorizing resolution may further provide that such bonds may be executed manually or by engraved, lithographed, or facsimile signature, provided that where signatures are engraved, lithographed, or facsimile no bond shall be valid unless countersigned by a registrar or other officer designated by appropriate resolution of the board. The seal of the authority may be affixed, lithographed, engraved, or otherwise reproduced in facsimile on such bonds. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

Section 45. *Interim certificates; replacement certificates.—Pending the preparation of definitive bonds, the board may issue interim certificates or receipts or temporary bonds, in such form and with such provisions as the board may determine, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The board may also provide for the replacement of any bonds which shall become mutilated or be lost or destroyed.*

Section 46. *Negotiability of bonds.—Any bond issued under this act and any interim certificate, receipt, or temporary bond shall, in the absence of an express recital on the face thereof that it is nonnegotiable, be fully negotiable and shall be and constitute negotiable instruments within the meaning and for all purposes of the law merchant and the laws of the State of Florida.*

Section 47. *Defeasance.—The board may make such provision with respect to the defeasance of the right, title, and interest of the holders of any of the bonds and obligations of the authority in any revenues, funds, or other properties by which such bonds are secured as the board deems appropriate and, without limitation on the foregoing, may provide that when such bonds or obligations become due and payable or shall have been called for redemption, and the whole amount of the principal and the interest and premium, if any, due and payable upon the bonds or obligations when outstanding shall be paid, or sufficient moneys or direct obligations of the United States Government the principal of and the interest on which when due will provide sufficient moneys, shall be held or deposited in trust for such purpose, and provision shall also be made for paying all other sums payable in connection with such bonds or other obligations, then and in such event the right, title, and interest of the holders of the bonds in any revenues, funds, or other properties by which such bonds are secured shall thereupon cease, terminate, and become void; and the board may apply any surplus in any sinking fund established in connection with such bonds or obligations and all balances remaining in all other funds or accounts other than money held for the redemption or payment of the bonds or other obligations to any lawful purpose of the authority as the board shall determine.*

Section 48. *Bonds as legal investment or security.—Notwithstanding any other provision of law to the contrary, all bonds issued under the provisions of this act shall constitute legal investments for savings banks, banks, trust companies, insurance companies, executors, administrators, trustees, guardians, and other fiduciaries and for any board, body, agency, instrumentality, county, municipality, or other political subdivision of the state, and shall be and constitute securities which may be deposited by banks or trust companies as security for deposits of state, county, municipal, or other public funds or by insurance companies as required or voluntary statutory deposits.*

Section 49. *Covenants.—Any resolution authorizing the issuance of bonds may contain such covenants as the board may deem advisable and all such covenants shall constitute valid and legally binding and enforceable contracts between the authority and the bondholders, regardless of the time of issuance thereof. Such covenants may include, without limitation, covenants concerning the disposition of the bond proceeds, the use and disposition of project revenues, the pledging of revenues, and assessments, the obligations of the authority with respect to the operation of the project and the maintenance of adequate project revenues, the issuance of additional bonds, the appointment, powers, and duties of trustees and receivers, the acquisition of outstanding bonds and obligations, restrictions on the establishing of competing projects or facilities, restrictions on the sale or disposal of the assets and property of the authority, the priority of assessment liens, the priority of claims by bondholders on the taxing power of the authority, the maintenance of deposits to assure the payment of revenues by users of spaceport facilities and services, the discontinuance of authority services by reason of delinquent payments, acceleration upon default, the execution of necessary instruments, the procedure for amending or abrogating covenants with the bondholders, and such other covenants as may be deemed necessary or desirable for the security of the bondholders.*

Section 50. *Validity of bonds; validation proceedings.—Any bonds issued by the authority shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid because of any irregularity or defect in the proceedings for the issue and sale thereof. Prior to the issuance of any bonds, the authority shall publish a notice at least once in a newspaper or newspapers published or of general circulation in the appropriate counties in the state, stating the date of adoption of the resolution authorizing such obligations, the amount, maximum rate of interest, and maturity of such obligations, and the purpose in general terms for which such obligations are to be issued, and further stating that no action or proceeding questioning the validity of such obligations or of the proceedings authorizing the issuance thereof, or of any covenants made therein, must be instituted within 20 days after the first publication of such notice, or the validity of such obligations, proceedings, and covenants shall not be thereafter questioned in any court whatsoever. If no such action or proceeding is so instituted within such 20-day period, then the validity of such obligations, proceedings, and covenants shall be conclusive, and all persons or parties whatsoever shall be forever barred from questioning the validity of such obligations, proceedings, or covenants in any court whatsoever.*

Section 51. *Act furnishes full authority for issuance of bonds.—This act constitutes full and complete authority for the issuance of bonds and the exercise of the powers of the authority provided herein. Any and all bonds issued by the authority shall not be secured by the full faith and credit of the State of Florida.*

Section 52. *Investment of funds.—The board may in its discretion invest funds of the authority in:*

(1) Direct obligations of or obligations guaranteed by the United States or for the payment of the principal and interest of which the faith and credit of the United States is pledged;

(2) Bonds or notes issued by any of the following federal agencies: Bank for Cooperatives; federal intermediate credit banks; federal home loan bank system; federal land banks; or the Federal National Mortgage Association (including debentures or participating certificates issued by such association);

(3) Public housing bonds issued by public housing authorities and secured by a pledge or annual contributions under an annual contribution contract or contracts with the United States;

(4) Bonds or other interest-bearing obligations of any county, district, city, or town located in the state for which the full faith and credit of such political subdivision is pledged; or

(5) Any investment authorized for insurers by ss. 625.306-625.316, Florida Statutes, and amendments thereto.

Section 53. *Fiscal year of the authority.—The board has the power to establish and from time to time redetermine the fiscal year of the authority. Unless the board otherwise provides, the authority's fiscal year shall be October 1 through September 30.*

Section 54. *Insurance coverage of the authority; safety program.—*

(1) Notwithstanding any other provision of law, the Florida Fire Insurance Trust Fund established under s. 284.01, Florida Statutes, shall not insure buildings and property owned or leased by the authority.

(2) Notwithstanding any other provision of law, the Florida Casualty Insurance Risk Management Trust Fund established under s. 284.30, Florida Statutes, shall not insure against any liability of the authority.

(3) The authority shall establish a safety program. The safety program shall include:

(a) The development and implementation of a loss prevention program which shall consist of a comprehensive authority-wide safety program, including a statement, established by the board of supervisors, of safety policy and responsibility.

(b) Provision for regular and periodic facility and equipment inspections.

(c) Investigation of job-related employee accidents and other accidents occurring on the premises of the authority or within areas of its jurisdiction.

(d) Establishment of a program to promote increased safety awareness among employees, agents, and subcontractors of the authority.

(4)(a) The authority shall, if available, secure insurance coverage within reasonable limits for liability which may arise as a consequence of its responsibilities.

(b) The authority shall, if available, and if cost effective, secure insurance coverage on its buildings, facilities, and property at reasonable levels.

(c) The authority, with respect to the purchase of insurance, shall be subject to the applicable provisions of chapter 287, Florida Statutes, and other applicable law.

Section 55. Subsections (2), (3), (6), and (7) of section 768.28, Florida Statutes, 1988 Supplement, are amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions.—

(2) As used in this act, "state agencies or subdivisions" include the executive departments, the Legislature, the judicial branch (including public defenders), and the independent establishments of the state; counties and municipalities; and corporations primarily acting as instrumentalities or agencies of the state, counties, or municipalities, *including the Spaceport Florida Authority.*

(3) Except for a municipality *and the Spaceport Florida Authority,* the affected agency or subdivision may, at its discretion, request the assistance of the Department of Insurance in the consideration, adjustment, and settlement of any claim under this act.

(6)(a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality *or the Spaceport Florida Authority,* presents such claim in writing to the Department of Insurance, within 3 years after such claim accrues and the Department of Insurance or the appropriate agency denies the claim in writing; except that, if such claim is for contribution pursuant to s. 768.31, it must be so presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no such judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against him, to discharge the common liability. The failure of the Department of Insurance or the appropriate agency to make final disposition of a claim within 6 months after it is filed shall be deemed a final denial of the claim for purposes of this section. For purposes of this subsection, in medical malpractice actions, the failure of the Department of Insurance or the appropriate agency to make final disposition of a claim within 90 days after it is filed shall be deemed a final denial of the claim. The provisions of this subsection do not apply to such claims as may be asserted by counterclaim pursuant to s. 768.14.

(b) For purposes of this section, the requirements of notice to the agency and denial of the claim are conditions precedent to maintaining an action but shall not be deemed to be elements of the cause of action and shall not affect the date on which the cause of action accrues.

(7) In actions brought pursuant to this section, process shall be served upon the head of the agency concerned and also, except as to a defendant municipality *or the Spaceport Florida Authority,* upon the Department of Insurance; and the department or the agency concerned shall have 30 days within which to plead thereto.

Section 56. Section 233.65, Florida Statutes, is created to read:

233.65 Residential Mathematics and Science Honors High Schools.—

(1) There shall be established one or more residential high schools for academically talented students which have a curricular emphasis in mathematics and science. Schools established pursuant to this section shall be operated by the State Board of Education, either directly or through grants or contractual agreements with other public or duly accredited educational agencies approved by the State Board of Education.

(2) There is hereby created the Council on Residential Mathematics and Science Honors High Schools. The council shall be composed of the Commissioner of Education, who shall serve as chairperson, and 10 other members, of whom five shall be appointed by the Governor and five by the Commissioner of Education. Each appointed member shall serve a term of 3 years. The council shall serve as an advisor to the State Board of Education regarding policies and rules related to the operation and administration of such schools. Each member of the council shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061.

(3) The council shall recommend and the State Board of Education shall designate initial sites for schools designated pursuant to this section by competitive proposals from school districts, state universities, or private universities which hold accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools. Such proposals shall include a description of the manner in which the schools will be affiliated with a public high school in the district in which the school is located. Proposals shall also include a description of the manner in which the schools will be affiliated with the state university of closest geographic proximity to the school. No more than three schools shall be designated. Sites shall be designated in a manner that yields even geographic distribution. Priority in the designation of sites shall be given to proposals that establish the availability of existing facilities. Sites utilized for the purposes of this section shall be be required to meet the requirements of chapter 235.

(4) Students shall be selected for enrollment in a school established pursuant to this section by competitive application. The council shall recommend and the State Board of Education shall establish an application process through which such selection is accomplished. Any process so established shall take into account student grade-point average, academic achievements, extracurricular activities, and recommendations from teachers, administrators, and adults affiliated with the student outside the school setting. Initially, schools established pursuant to this section shall serve only eleventh and twelfth grade students. No such school shall exceed an enrollment of 100 students per grade level.

(5) Courses taught within a school established pursuant to this section shall meet, at a minimum, the standards prescribed for such courses within the Course Code Directory. Courses may also be conducted within such schools that exceed the standards contained within the Course Code Directory. In addition, with the approval of the Commissioner of Education, courses may be conducted that are sufficiently specialized or advanced as not to be included in the Course Code Directory. The Legislature encourages the adoption of a curriculum that provides accelerated articulation opportunities pursuant to s. 240.116.

(6) No later than March 1, 1990, the council and the State Board of Education shall recommend to the President of the Senate and the Speaker of the House of Representatives a level of funding sufficient to fund schools established pursuant to this section. The council and the State Board of Education shall also examine the feasibility of incorporating tenth grade students into such schools and shall convey recommendations regarding such incorporation within the report.

(7) The State Board of Education may adopt any rules necessary to implement the provisions of this section.

Section 57. Section 240.3341, Florida Statutes, is created to read:

240.3341 Incubator facilities for small business concerns.—

(1) Each community college established pursuant to s. 240.3031 may provide incubator facilities to eligible small business concerns. As used in this section, "small business concern" shall be defined as an independently owned and operated business concern incorporated in Florida which is not an affiliate or a subsidiary of a business dominant in its field of operation, and which employs 25 or fewer full-time employees. "Incubator facility" shall be defined as a facility in which small business concerns share common space, equipment, and support personnel and through which such concerns have access to professional consultants for advice related to the technical and business aspects of conducting a commercial enterprise. The community college board of trustees shall authorize concerns for inclusion in the incubator facility.

(2) Each community college that provides an incubator facility shall provide the following:

(a) Management and maintenance of the incubator facility;

(b) Secretarial and other support personnel, equipment, and utilities; and

(c) Mechanisms to assist with the acquisition of technical, management, and entrepreneurial expertise to resident and other local small business concerns.

(3) The incubator facility and any improvements to the facility shall be owned by the community college. The community college may charge residents of the facility all or part of the cost for facilities, utilities, and support personnel and equipment. No small business concern shall reside in the incubator facility for more than 5 calendar years. The state shall not be liable for any act or failure to act of any small business concern residing in an incubator facility pursuant to this section or of any such concern benefiting from the incubator facilities program.

(4) Community colleges are encouraged to establish incubator facilities through which emerging small businesses supportive of spaceport endeavors and other high technology enterprises may be served.

Section 58. *Participation by women, minorities, and socially and economically disadvantaged business enterprises encouraged.—It is the intent of the Legislature and the public policy of this state that women, minorities, and socially and economically disadvantaged business enterprises be encouraged to participate fully in all phases of economic and community development. Accordingly, to achieve such purpose, the authority shall, in accordance with applicable state and federal law, involve and utilize women, minorities, and socially and economically disadvantaged business enterprises in all phases of the design, development, construction, maintenance, and operation of spaceports developed under this act.*

Section 59. *Applicability limitations on powers of the authority.—*

(1) The authority may on the effective date of this act exercise any and all powers granted pursuant to this act with respect to the Cape San Blas territory located in Gulf County.

(2) The authority shall exercise such powers pursuant to this act with respect to the spaceport territory located in Brevard County and any other proposed spaceport territory project, facility, system, or complementary activity only pursuant to the approval by the 1990 Legislature of any statutory changes or legislative budget requests which shall be based upon an assessment of the business plan required in section 5. However, notwithstanding any other provision of this act, the authority may authorize the launching of low-earth-orbit rockets with a payload of less than 150 pounds in the Brevard territory if the project demonstrates economic feasibility, does not require bonding, and can be accomplished without additional structural changes to an existing launch facility in the Brevard territory. Any low-earth-orbit activity undertaken as provided by this section may be audited by the Auditor General.

Section 60. *The Administration Commission and state agencies shall have authority to adopt rules containing procedures for review of spaceport plans and amendments and development orders for projects applied for or issued under this act.*

Section 61. *The provisions of this act shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes, prior to October 1, 1995*

Section 62. *Severability of provisions.—If any section, clause, sentence, or provision of this act, or the application of such section, clause, sentence, or provision to any person or under any circumstances shall be held to be inoperative, invalid, or unconstitutional, the invalidity of such section, clause, sentence, or provision shall not be deemed, held, or taken to affect the validity or constitutionality of any of the remaining parts of this act, or the application of any of the provisions of this act to persons or in circumstances other than those as to which it or any part thereof shall have been held inoperative, invalid, or unconstitutional, and it is intended that this act shall be construed and applied as if any section, clause, sentence, or provision held inoperative, invalid, or unconstitutional had not been included in this act.*

Section 63. This act shall take effect upon becoming a law.

Amendment 2 to House Amendment 1—On page 18, lines 2-8, strike all of said lines and insert: *applicable as a result of such federal expenditures.*

Amendment 2—On page 1, line 2, through page 5, line 3, strike all of said lines and insert: An act relating to the Spaceport Florida Authority Act; providing for the establishment, powers, and functions of the Spaceport Florida Authority; providing for the creation of the authority as a public corporation, body politic, and subdivision of the state; stating its purposes; setting forth geographical boundaries of spaceport territories under the control of the authority and providing for the changing thereof; authorizing designation of launch pads outside spaceport territories; providing for federal air space notification; providing restrictions on development of the Cape San Blas facility; providing powers and duties of the authority; requiring a business plan and a report; providing for the appointment of a board of supervisors; providing for membership, terms, organization, officers, powers, and duties of the board; providing for procedures relating to the management and operation of the authority; providing powers and duties relating to fiscal matters; providing for exercise of powers of the authority within municipalities and other political subdivisions located within any spaceport territory; authorizing the authority to construct and furnish facilities and services; providing authority with respect to roads within the boundaries of any spaceport territory; establishing the power of the authority to enter into agreements with private parties for the furnishing of certain facilities and services; authorizing the authority to maintain projects across rights-of-way within or without any spaceport territory; providing authority to set rates, fees, rentals, tolls, fares, and charges, subject to certain requirements; providing authority to recover delinquent charges together with attorney's fees, expenses, and penalties, and to discontinue services; authorizing the authority to adopt and revise a comprehensive general plan for physical development of the area within any spaceport territory and providing powers with respect thereto; authorizing the authority to receive federal and other funds and aid; providing for cooperative agreements with municipalities for the joint discharge of common functions and the joint undertaking and financing of projects; providing authority for cooperative agreements with other governments and agencies with respect to financial or other contributions and loans to the authority; establishing procedures for furnishing of facilities and services by or to the authority; amending s. 206.42, F.S.; providing that fuels used for space flight are exempt from excise and sales taxes on fuel; amending s. 212.02, F.S.; providing definitions; repealing s. 212.06(5)(c), F.S., relating to a sales tax exemption for telecommunications satellites and associated launch vehicles; amending s. 212.08, F.S.; extending the sales tax exemptions for machinery and equipment used by new and expanding businesses to increase productive output to apply to businesses which manufacture tangible personal property for exclusive use in spaceport activities; providing a sales tax exemption for orbital space facilities, space propulsion systems, and space vehicles, satellites, and stations, and tangible personal property used thereon; requiring the authority to obtain certain required environmental permits; providing for confidentiality of trade secrets; providing for review and repeal; providing power of the authority to apply for establishment of a foreign trade zone and providing for applicability of existing taxes thereto; providing sovereign immunity and providing for waiver thereof; providing power of injunction and other relief for violation of authority bylaws, regulations, resolutions, rules, codes, and orders; providing bonding authority, including revenue and refunding bonds, additional bonds when necessary, pledge of certain security thereon, lien of pledges, bond anticipation notes, short-term borrowing, trust agreements, sale of bonds, authorization and form of bonds, interim and replacement certificates, negotiability of bonds, defeasance, bonds as legal investments or security, covenants, and validation proceedings; providing limitations on issuance of bonds; providing for investment of funds; providing for fiscal year of the authority; providing for insurance coverage of the authority; requiring establishment of a safety program; prohibiting the Florida Fire Insurance Trust Fund and the Florida Casualty Insurance Risk Management Trust Fund from providing specified insurance to the authority; amending s. 768.28, F.S., which provides for limited waiver of sovereign immunity in tort actions for state agencies and subdivisions; providing for application to the authority; creating s. 233.65, F.S.; providing for the establishment of residential mathematics and science honors high schools; creating a council and providing for members, terms, and duties; providing requirements for competitive proposals, selection of students, and content of courses; requiring a report; creating s. 240.3341, F.S.; authorizing community colleges to provide incubator facilities for small business concerns; providing requirements; providing for participation by women, minorities, and socially and economically disadvantaged business enterprises; providing applicability limitations on powers of the authority; providing for rules for review of spaceport plans and amendments and project development orders; providing for legislative review; providing severability; providing an effective date.

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

CS for SB 1469 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	Bruner	Crenshaw	Forman
Bankhead	Casas	Davis	Gardner
Beard	Childers, D.	Deratany	Girardeau
Brown	Childers, W. D.	Dudley	Gordon

Grant	Margolis	Scott	Weinstein
Johnson	McPherson	Souto	Weinstock
Kirkpatrick	Meek	Stuart	Woodson-Howard
Kiser	Myers	Thomas	
Langley	Peterson	Thurman	
Malchon	Ros-Lehtinen	Walker	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has refused to recede from House amendment 1 to Senate amendment 1 to House amendment 1 to CS for SB 1141 and again requests the Senate to concur.

John B. Phelps, Clerk

CS for SB 1141—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges for specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges for specified county courts; amending s. 35.06, F.S.; increasing the number of judges for specified district courts of appeal; amending s. 25.241, F.S.; providing additional filing fees; amending s. 28.241, F.S.; providing an additional service charge; amending s. 35.22, F.S.; increasing certain filing fees; providing an appropriation; amending s. 34.041, F.S.; providing additional filing fees; providing effective dates.

On motion by Senator Weinstein, the Senate concurred in House Amendment 1 to Senate Amendment 1 to House Amendment 1.

CS for SB 1141 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Langley	Souto
Bankhead	Dudley	Malchon	Stuart
Beard	Forman	Margolis	Thomas
Brown	Gardner	McPherson	Thurman
Bruner	Girardeau	Meek	Walker
Casas	Gordon	Myers	Weinstein
Childers, D.	Grant	Peterson	Weinstock
Childers, W. D.	Johnson	Plummer	Woodson-Howard
Crenshaw	Kirkpatrick	Ros-Lehtinen	
Davis	Kiser	Scott	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for CS for SB 1417 and requests the concurrence of the Senate.

John B. Phelps, Clerk

CS for CS for SB 1417—A bill to be entitled An act relating to education; creating the K through 12 Mathematics, Science, and Computer Education Quality Improvement Act; providing legislative intent; creating the K through 12 Mathematics, Science, and Computer Education Quality Improvement Advisory Council; providing for membership; providing for powers and duties; requiring the Department of Education to conduct an evaluation of math and science textbooks; creating the Teacher/Quest Scholarship Program and providing procedures and criteria for participation; amending s. 240.408, F.S.; authorizing the use of funds from the Challenger Astronauts Memorial Scholarship Trust Fund for the Teacher/Quest Scholarship Program; amending s. 236.013, F.S.; redefining full-time equivalent student with respect to courses in mathematics, science, and computer education; creating s. 233.0575, F.S.; providing legislative intent; authorizing mathematics/science mentor teachers; providing qualifications; providing duties; providing for the allocation of appropriated funds; providing for rules, evaluations, and reporting; providing for state funded pilot projects; providing requirements for approval and for a library of information; amending s. 233.09, F.S.; requiring instructional materials recommended for adoption to be consistent with the Comprehensive Plan for Mathematics, Science, and Computer Education; providing for review and repeal; creating s. 233.0575, F.S.; providing legislative intent; authorizing school districts to employ mathematics-science mentor teachers; providing qualifications; providing duties; providing for the allocation of appropriated funds; providing for rules, evaluations, and reporting; providing for state funded pilot projects; providing requirements for approving pilot projects; requiring a library of information; providing for review and repeal; creating s. 236.1228, F.S.; providing legislative intent; creating an incentives grant program for public high schools; defining the term "high school"; providing achievement indicators; providing for program funding; creating s. 232.2467, F.S.; defining "graduation rate"; providing for rulemaking; requiring reports; amending s. 236.13, F.S.; exempting certain incentives funds from use in federal compliance standards; providing effective dates.

Amendment 1—On page 27, line 27, before "Section 19." insert:

Section 19. Paragraph (d) of subsection (1) of section 236.081, Florida Statutes, 1988 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it 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:

(d) Allocation of full-time equivalents.—The department is authorized and directed to review all district programs in the areas of educational alternatives, exceptional student programs, special vocational-technical programs, and special adult general education programs. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests with priority to those districts with the lowest incidence of programs to students identified to be in need of such special programs.

1. The assigned weighted full-time equivalent student membership in special programs for exceptional students, educational alternative programs, part-time programs, special vocational-technical programs, and special adult general education programs, including adult basic education and adult high school, in any school fiscal year shall not exceed the maximum prescribed in the current year's General Appropriations Act for such programs. The Department of Education is directed to review the method of projecting enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs, and special adult general education programs and to report, at least 60 days prior to each regular session of the Legislature, a 3-year projected enrollment of full-time equivalent students in these programs.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed at a cost factor of 1.00.

3. With respect to special programs for the visually handicapped part-time, upon request of a school board in any district or multidistrict area in which there are five or more students receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.

4. When a student has been properly classified as an exceptional student pursuant to s. 230.23(4)(m) and is eligible for a full-time special program for exceptional students identified in subparagraph (1)(c)2. and, as a condition of such student's individualized educational plan, is assigned to a basic program on a part-time basis with required special services, aids, or equipment, the basic program cost factor for such student shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program.

5. As an alternative to a special program for hospital and homebound part-time, a school district may establish appropriate instructional groupings of certain students within any hospital when those students are eligible for a special program for the hospitalized or homebound due to physical impairments which result in reduced efficiency in school work because of temporary or chronic lack of strength,

vitality, or alertness. Each full-time equivalent student in such a program shall be assigned a cost factor equal to the cost factor established for physically handicapped pursuant to subparagraph (c)2.

(Renumber subsequent sections.)

Amendment 2—On page 2 in the title, line 22, before "providing" insert: amending s. 236.081, F.S.; providing an alternative to a special program for hospital and homebound part-time students; providing for reporting;

Amendment 3—On page 27, line 27, before "Section 19." insert:

Section 19. Subsection (3) of section 231.532, Florida Statutes, is amended to read:

231.532 District quality instruction incentives programs.—There is established the quality instruction incentives program. The goals of this program are to increase the performance of public school students and to provide economic incentives to instructional personnel, and other personnel as specified in paragraph (3)(f), based upon approved district incentive plans.

(3) In order to be approved, the quality instruction incentives program of a school district shall provide awards based on the category specified in paragraph (f); and the program may also provide awards on the basis of one or more of the categories specified in paragraphs (a), (b), (c), (d), (e), (g), ~~and~~ (h), *and (i)*.

(a) Outstanding attendance.

(b) Employment in a critical teacher shortage subject area, as determined by rules of the State Board of Education.

(c) Employment in a critical teacher shortage area school site, as determined by rules of the State Board of Education.

(d) Completion of a minimum of 8 semester hours of in-field credit, with a grade of "B" or better, at a standard institution as defined in State Board of Education rules.

(e) Superior evaluation results on a performance evaluation which utilizes reliable, valid, and normed instruments. Evaluations shall be conducted by the person's principal, who may elect to use other objective evaluation criteria approved by the district superintendent. All such evaluations shall be conducted every 3 years, unless the person being evaluated receives an unsatisfactory annual evaluation by the principal, pursuant to s. 231.29. The principal shall be successfully trained in the use of the performance evaluation system.

(f) Employment at a meritorious school. Such a school shall be selected by at least exceeding its statistically verifiable expectancy level on an approved standardized test as measured by tests of verbal and quantitative achievement. The school selection process shall be evaluated by the department to determine that the procedures of the district have assured to the fullest extent possible that:

1. All participating schools, regardless of socioeconomic differences and grade levels, have an equal chance to be recognized as meritorious;

2. The local evaluation and measurement procedures are not such that the same schools would tend to be selected each year or that it would be too difficult for a school to be selected 2 years in a row;

3. The procedures are fair and nonbiased; and

4. A standard of standards shall be selected from at least one of the following measurement categories:

a. Standardized tests, such as the national physical fitness test or the state student assessment tests.

b. Participation standards, such as membership in formal school support organizations or student participation in science fairs.

c. Achievement standards, such as vocational placements or winners of district, regional, or state competitions.

d. Discipline standards, such as suspension rates or attendance rates.

Each program approved under this section shall include provisions for recognizing student progress at meritorious schools. Noninstructional personnel and school-level administrators and supervisors may be included under the provisions of this paragraph.

(g) State policy objectives as determined periodically by the Legislature. Salary incentives shall be available for mathematics, science, and computer education personnel for the extended school day and extended school year. The department shall develop guidelines necessary to implement the policy objectives.

(h) Standard diploma graduation rate improvement.

(i)~~(h)~~ Other categories related to the goals and other requirements set forth in this section.

(Renumber subsequent sections.)

Amendment 4—On page 2 in the title, line 22, before "providing" insert: amending s. 231.532, F.S.; providing for district quality instruction incentives program awards for standard diploma graduation rate improvement;

Amendment 5—On page 27, line 27, before "Section 19." insert:

Section 19. Paragraph (d) of subsection (1), paragraph (a) of subsection (6), and subsection (9) of section 236.081, Florida Statutes, 1988 Supplement, are amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it 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:

(d) *Annual* allocation *calculation* ~~of full-time equivalents.~~—

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

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

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

a. The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Health and Rehabilitative Services.

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

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

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

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

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

(V) For program groups 2 and 3, the weighted enrollment ceiling shall be a number not less than the sum obtained by multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and by adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor. ~~The department is authorized and directed to review all district programs in the areas of educational alternatives, exceptional student programs, special vocational-technical programs, and special adult general education programs. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests with priority to those districts with the lowest incidence of programs to students identified to be in need of such special programs.~~

~~1. The assigned weighted full-time equivalent student membership in special programs for exceptional students, educational alternative programs, part-time programs, special vocational-technical programs, and special adult general education programs, including adult basic education and adult high school, in any school fiscal year shall not exceed the maximum prescribed in the current year's General Appropriations Act for such programs. The Department of Education is directed to review the method of projecting enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs, and special adult general education programs and to report, at least 60 days prior to each regular session of the Legislature, a 3-year projected enrollment of full-time equivalent students in these programs.~~

~~2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed at a cost factor of 1.00.~~

4.~~3.~~ With respect to special programs for the visually handicapped ~~part-time~~, upon request of a school board in any district or multidistrict area in which there are five or more students receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.

5.~~4.~~ When a student has been properly classified as an exceptional student pursuant to s. 230.23(4)(m) and is eligible for a full-time special program for exceptional students identified in subparagraph (1)(c)2. and, as a condition of such student's individualized educational plan, is assigned to a basic program on a part-time basis with required special services, aids, or equipment, the basic program cost factor for such student shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program.

(6) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation shall be distributed periodically in the manner prescribed by regulations of the state board and shall be calculated as follows:

(a) The basic amount for current operation as determined in subsection (1), multiplied by the district cost differential factor as determined in subsection (2), plus the amount for the decline in full-time equivalent students as determined in subsection (7), *plus the caps adjustment supplement as determined in subsection (9)*, less the required local effort as determined in subsection (4). If the funds appropriated for the purpose of funding the total amount for current operation as provided in this paragraph are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation.

(9) *CAPS ADJUSTMENT SUPPLEMENT.—If there are funds remaining in the appropriation, excluding any working capital funds after calculating subsection (6), a caps adjustment supplement of up to 10 percent of the funds remaining in the appropriation shall be calculated as follows:*

(a) As a first priority, the exceptional student programs weighted full-time equivalent student membership above cap group 2 shall be funded up to the level of the appropriation. If the level of appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated.

(b) As a second priority, all other group 2 special programs weighted full-time equivalent student membership above cap group 2 shall be funded at the weighted average of the cost factors for basic grades 4-8 and 9-12 multiplied by the equivalent unweighted full-time equivalent student membership up to the level of the remaining Florida Education Finance Program appropriation. If the level of the remaining appropriation does not allow funding of all weighted full-time equivalent student memberships above the cap provided in this paragraph, the funds available shall be prorated. ~~ANNUAL ALLOCATION CALCULATION.—The provisions of this section to the contrary notwithstanding, the following procedure shall be followed in determining the annual allocation to each district for operation:~~

~~(a) The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district.~~

~~(b) Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 230.23(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in s. 236.081(1)(c), may be transferred from the participating districts to the district providing the program.~~

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

~~1. The weighted enrollment ceiling for group 2 and group 3 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program groups 2 and 3 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Health and Rehabilitative Services.~~

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

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

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

~~c. The reduction proportion calculated under sub-subparagraph b. shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-subparagraph a.~~

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

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

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

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

(Renumber subsequent sections.)

Amendment 6—On page 2 in the title, line 22, before "providing" insert: amending s. 236.081, F.S.; revising procedures relating to the allocation of full-time equivalents and the annual allocation calculation in the Florida Education Finance Program; revising the full-time equivalent student assignment for the visually handicapped; providing for calculation of a caps adjustment supplement; including the caps adjustment supplement in the calculation of the annual state allocation to each district for current operation;

Amendment 7—On page 27, line 27, before "Section 19." insert:

Section 19. Paragraph (k) of subsection (1) of section 236.081, Florida Statutes, 1988 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it 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:

(k) Extended day supplement.—Annually, an amount established in the appropriations act shall be added to the basic amount of current operation of qualified districts as an extended day supplement for grades 9 through 12. The department shall conduct two counts of grades 9 through 12 students in seven contiguous periods of at least 50 minutes and six contiguous periods of at least 60 minutes and nonparticipants in extended day for each school district. The two counts shall be conducted during the 180-day school year in conjunction with the Florida Education Finance Program full-time equivalent student membership survey periods. The definition of contiguous periods includes time for normal travel between school centers; meal periods; homeroom/advisory periods and breaks between classes; and time between classes that includes a dual enrollment class period or a job training period that exceeds normal travel time and/or meal time due to college, vocational-technical center, or job schedules for dual enrollment or cooperative or work experience courses. The definition of contiguous periods to be counted excludes weekend classes, except that dual enrollment, *dropout prevention,* and job training in cooperative or work experience courses are exempt from the contiguous requirement at any time, provided the equivalent time in the calendar week is met. Study hall may be counted as one of the seven or six contiguous periods, but the percentage of students in study hall for a given period in a school may not be greater than the average for other periods in the day. Students in grades 9 through 12 counted for extended day must qualify on the same basis of membership and attendance that qualifies students to be counted in full-time equivalent student membership surveys. The extended day counts shall be conducted in accordance with instructions provided by the department. The extended day supplement for each district shall be computed as follows:

1. Every district shall receive an amount specified in the appropriations act for every student in grades 9 through 12 enrolled in six periods of at least *360* ~~60~~ minutes *of daily instruction* ~~each~~. Every district shall receive an amount specified in the appropriations act for every student in grades 9 through 12, or in grades 6 through 8 if the school has a ninth or tenth grade but not an eleventh or twelfth grade, who is enrolled in seven periods of at least *350* ~~50~~ minutes *of daily instruction* ~~each~~ or an equivalent amount of time each week.

2. If the total amount calculated for students enrolled in six periods of at least *360* ~~60~~ minutes *of daily instruction* ~~each~~ exceeds an amount specified in the appropriations act, each district's allocation shall be prorated. In the event the total amount of district extended day and seventh period entitlements exceed an amount to be specified in the appropriations act, each district's entitlement shall be prorated. In the event the sum of each district's allocation for students enrolled in seven periods of at least *350* ~~50~~ minutes *of daily instruction,* each district's allocation for students enrolled in six periods of at least *360* ~~60~~ minutes *of daily instruction,* and the adjustment amount for nonparticipants in either an extended day or seventh period is less than an amount specified in the appropriations act, the difference shall be allocated based on each district's proportion of the state total number of students enrolled in seven periods of at least *350* ~~50~~ minutes *of daily instruction* ~~each~~.

Section 20 (1) Paragraph (d) of subsection (5) of section 230.2316, Florida Statutes, 1988 Supplement, as created by section 6 of chapter 86-157 and section 4 of chapter 86-225, Laws of Florida, is reenacted to read:

230.2316 Dropout prevention.—

(5) PROGRAM PLANNING AND IMPLEMENTATION.—

(d) Districts may modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs pursuant to the provisions of this section. Such modifications must be approved by the commissioner and may include lengthening or shortening of the time allocated for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction.

(Renumber subsequent sections.)

Amendment 8—On page 2 in the title, line 22, before "providing" insert: amending s. 236.081, F.S.; revising provisions relating to the extended day supplement of the Florida Education Finance Program; reenacting s. 230.2316(5)(d), F.S.; resolving differences between provisions authorizing a school district to modify courses listed in the State Course Code Directory for the purpose of providing dropout prevention programs under the Dropout Prevention Act, which provisions were enacted by s. 6 of chapter 86-157 and s. 4 of chapter 86-225, Laws of Florida; omitting provisions limiting the duration and application of that authority and a provisions that required a report by a certain date that has occurred; providing for retroactive application;

Amendment 9—On page 27, line 27, insert:

Section 1. Section 230.69, Florida Statutes, is created to read:

230.69 Youth Enhancement Services Centers.—

(1) It is the intent of the Legislature to make the afterschool hours of children more productive through the creation of Youth Enhancement Services (YES) Centers in the school districts of the state. It is legislative intent that each YES Center be contained in a public school multi-purpose activity building and that such centers provide a variety of activities.

(2) The creation of a nonprofit corporation for each YES Center is authorized. Such corporation shall be exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code. Each such corporation shall have a seven-member board of directors as follows: Three members shall be parents of students attending the school where the YES Center is to be established, such attendance to be within 2 years of election to the board; two members shall be interested community volunteers, unless such volunteers are not available, in which case the members shall be parents as specified herein; and two members shall be persons employed by the local school district who shall be elected by the other five board members. Board members shall serve without compensation for 1-year terms commencing August 1 and may be reelected for three

consecutive terms. Election of board members shall be open to parents of students attending the school where the YES Center is to be established. Elections shall be held in May of each year, except that the first election of board members may be held at any time. Notice of elections and meetings shall be distributed through standard school-to-parent communication methods.

(3)(a) The board of directors of a nonprofit corporation established pursuant to subsection (2) shall notify the appropriate district school board and the Department of Education of its intent to establish a YES Center. The board of directors shall raise from private contributions at least one-fourth of the capital costs necessary for establishment of the YES Center, such funds to be placed in a YES Center depository fund established by the board of directors for the construction of the center. Before any funds are raised by the board of directors, the district school board shall approve the proposal for each YES Center. The proposal shall contain the following provisions:

1. Placement of a center on the grounds of a public elementary or middle school.

2. Afterschool attendance at a center by any elementary or middle school student within the school district.

3. Use of a proposed multi-purpose activity building.

4. Funding through private contributions and state grant, with at least one-fourth of the capital costs provided by private contributions and no more than three-fourths of the capital costs provided by matching state grant.

5. Planning and construction of the facility according to the State Uniform Building Code for Public Educational Facilities Construction, pursuant to s. 235.26.

6. Offering of, but not limited to, the following: academic enrichment programs, including mathematics and reading skills; athletic activities, such as basketball and volleyball; social activities, such as Boy Scouts, Girl Scouts, Boys Clubs and Girls Clubs, 4-H, and Junior Achievement; handicraft, art, music, drama, and sewing lessons; substance abuse education; and intergenerational activities.

7. Involvement of parents and community volunteers in center activities.

8. Use of security checks, including fingerprinting, pursuant to ss. 402.305 and 402.3055 as a condition of employment for salaried staff and volunteers, and compliance with the staffing ratios for child care pursuant to s. 402.305.

9. Payment of fees, if necessary for operation, by parents of students attending a center based on a sliding scale according to family income and the number of children in a family attending a center.

Provision for bus transportation for transporting students from a YES Center to their homes at closing shall be optional.

(b) When sufficient funds for the capital costs have been raised by the board of directors, the board shall submit to the Department of Education the proposal for the creation of a YES Center.

(c) For each YES Center proposal approved by the Department of Education and for which at least one-fourth of the capital costs have been raised by the board of directors, the department shall allocate such funds as may be appropriated for the purposes of this section to the YES Center depository fund established by the board of directors.

(4) Title to any YES Center constructed pursuant to this section shall vest in the school board.

(5) The YES Center shall be available for use by the school board during regular school hours and at other times when agreed to by the school board and the board of directors. Prior to the beginning and following the end of regular school hours, the board of directors shall be responsible for center operation and security. Existing school district policies for the operation of extended day programs shall apply to the operations of each YES Center. The school district shall provide utilities and liability and property and casualty insurance coverage for continuous operation. Salaries for administrative, tutorial, and recreational staff of each center shall be paid by the board of directors from funds raised from private contributions and from fees paid by participants.

(6) Pilot programs for implementation of this section shall be established in school districts as provided by law. From funds appropriated, an amount shall be allocated to each pilot program for a period not to exceed 3 years. In the event all funds allocated are not used within the 3-year period, the remaining balance shall revert to the General Revenue Fund.

(7) The State Board of Education shall adopt rules to be included in the State Uniform Building Code for Public Educational Facilities Construction which specify the capacity and design parameters for facilities which will accommodate the programs and activities that will be conducted in a YES Center.

(8) The board of directors shall make provision for an annual postaudit of its financial accounts, to be conducted by the district auditor in accordance with rules to be promulgated by the State Board of Education. The audit shall be filed as a public record in the district. The State Board of Education and the Auditor General have the authority to require and receive from the board of directors or the district auditor any detail or supplemental data relative to the operation of the corporation. The identity of donors and all information identifying donors and prospective donors are exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14. All other records and information shall be considered public records for the purposes of chapter 119.

(9) This section is repealed on July 1, 1993, and shall be reviewed by the Legislature prior to that date.

Amendment 10—On page 2 in the title, line 5, insert: creating s. 230.69, F.S.; providing for the creation of Youth Enhancement Services Centers within school districts; authorizing the creation of a nonprofit corporation with a board of directors; requiring approval of a proposal for each center by the district school board and the Department of Education; providing requirements, including private contributions and matching state grant; providing for allocation of funds to center depository funds; providing for the vesting of title; providing for center operation; providing for pilot programs; requiring rules relating to capacity and design of facilities; requiring an annual postaudit; providing an exemption from public records requirements for certain donor information; providing for review and repeal;

Amendment 11—On page 17, line 5 through page 21, line 8, strike all of said lines

Amendment 12—On page 2 in the title, lines 2-12, between "repeal;" and "repeal;" strike all of said language

Amendment 13—On page 27, line 27, insert:

Section 19. Subsection (18) of section 228.041, Florida Statutes, 1988 Supplement, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(18) EXCEPTIONAL STUDENT.—The term "exceptional student" means any child or youth who has been *determined eligible for a special program in accordance with State Board of Education Rules* ~~classified under regulations of the state board as unsuited for enrollment in a regular class of the public schools or who is unable to be adequately educated in the public schools without the provision of special classes, instruction, facilities, or related services, or a combination thereof~~. The term "exceptional students" includes *students who are mentally handicapped, speech and language impaired, hearing impaired, visually impaired, physically impaired, emotionally handicapped, specific learning disabled, gifted, hospital and homebound, deaf-blind, or autistic* ~~the following: the mentally handicapped, the speech impaired, the language impaired, the deaf and hard of hearing, the blind and partially sighted, the physically handicapped and other health impaired, the emotionally handicapped, those with specific learning disabilities, and the gifted~~.

Section 20. Section 232.145, Florida Statutes, 1988 Supplement, is amended to read:

232.145 Exceptional students; reports to Department of Health and Rehabilitative Services and other appropriate state agencies.—In conjunction with an individualized educational plan meeting, each school district shall~~, prior to the anticipated final school year of such students,~~

identify those exceptional students who may need postschool services from the Department of Health and Rehabilitative Services and any other appropriate state agency *and shall report the total number of these students by exceptionality to the appropriate state agency. Other appropriate state agencies are defined to include, but not be limited to, the Division of Blind Services and the Division of Community Colleges of the Department of Education and the Division of Vocational Rehabilitation of the Department of Labor and Employment Security.* ~~Information disclosing the identity of such students is exempt from the requirements of chapter 119, and, notwithstanding the provisions of s. 119.14, each school district must obtain, pursuant to the provisions of s. 228.093, written consent from the student's parent or guardian, or the student if the student is not a minor, prior to releasing to the Department of Health and Rehabilitative Services and any other appropriate state agency the name of the student and the classification of exceptional student under s. 228.041(18) in which the student participated during that year. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.~~ Such information shall be submitted at least annually, and no later than *February 15* ~~September 1~~ during the school year in which the student turns *16* ~~14~~ years of age, to the Department of Health and Rehabilitative Services district administrator of the service district in which the school system is located and to any other appropriate state agency. *School districts may develop transition plans in conjunction with an individualized educational plan. Appropriate agencies should be involved and referrals initiated with parent permission.*

Section 21. Effective July 1, 1990, paragraph (d) of subsection (1) of section 236.081, Florida Statutes, 1988 Supplement, is amended to read:

236.081 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it 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:

(d) Allocation of full-time equivalents.—The department is authorized and directed to review all district programs in the areas of educational alternatives, exceptional student programs, special vocational-technical programs, and special adult general education programs. First priority in the assignment of full-time equivalent student membership shall be based on the request of the districts as submitted and approved by the department. Any unassigned full-time equivalent membership shall be allocated to those districts submitting supplemental requests with priority to those districts with the lowest incidence of programs to students identified to be in need of such special programs.

1. The assigned weighted full-time equivalent student membership in special programs for exceptional students, educational alternative programs, part-time programs, special vocational-technical programs, and special adult general education programs, including adult basic education and adult high school, in any school fiscal year shall not exceed the maximum prescribed in the current year's General Appropriations Act for such programs. The Department of Education is directed to review the method of projecting enrollment and determining incidence in all special programs for exceptional students, special vocational-technical programs, and special adult general education programs and to report, at least 60 days prior to each regular session of the Legislature, a 3-year projected enrollment of full-time equivalent students in these programs.

2. In administering the maximums, the department shall review each district's program and needs with each scheduled student membership survey and may reassign the authorized weighted membership within the maximums provided. In any district in which, after the final assignment, the actual full-time equivalent membership multiplied by the appropriate cost factors exceeds the assigned maximum, such excess full-time equivalent student membership shall be computed at a cost factor of 1.00.

3. With respect to special programs for the visually handicapped part-time, upon request of a school board in any district or multidistrict area in which there are five or more students receiving an appropriate program, the Department of Education may assign three unweighted full-time equivalent students for the special program until such time as more than three full-time equivalent students are generated.

4. ~~When~~ A student ~~has been~~ properly classified as an exceptional student pursuant to s. 230.23(4)(m) and ~~is~~ eligible for a ~~full-time~~ special program for exceptional students identified in subparagraph (1)(c)2., *excluding gifted part-time, may* ~~and~~, as a condition of such student's individualized educational plan, *be* ~~is~~ assigned to a basic *or vocational mainstream* program on a part-time basis. *Physically impaired students may be assigned to a basic or vocational mainstream program on a part-time or full-time basis.* ~~with required special services, aids, or equipment,~~ The basic program cost factor *or aggregated vocational program cost factor* for such *mainstreamed students* ~~student~~ shall be doubled for the purpose of generating weighted full-time equivalent membership for time served in the program, *provided such students are furnished with required special services, aids, or equipment in accordance with their individualized educational plan. The Department of Education may promulgate rules needed to implement this subparagraph.*

Section 22. *The amendments to s. 236.081(1)(d)4. in section 5 of this act shall be implemented in the 1990-1991 school year and each year thereafter to the extent specifically funded in the General Appropriations Act.*

(Renumber subsequent sections.)

Amendment 14—On page 2 in the title, line 22, after the semicolon (;) insert: amending s. 228.041, F.S.; revising the definition of exceptional student; amending s. 232.145, F.S.; revising reporting to the Department of Health and Rehabilitative Services and other appropriate state agencies regarding certain exceptional students; amending s. 236.081, F.S., relating to the Florida Education Finance Program; revising provisions relating to funding for certain exceptional students; providing for implementation;

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

CS for CS for SB 1417 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	Deratany	Langley	Souto
Bankhead	Dudley	Malchon	Stuart
Beard	Forman	Margolis	Thomas
Brown	Gardner	McPherson	Thurman
Bruner	Girardeau	Meek	Walker
Casas	Gordon	Myers	Weinstein
Childers, D.	Grant	Peterson	Weinstock
Childers, W. D.	Johnson	Plummer	Woodson-Howard
Crenshaw	Kirkpatrick	Ros-Lehtinen	
Davis	Kiser	Scott	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives returns CS for SB 1252 as requested.

John B. Phelps, Clerk

CS for SB 1252—A bill to be entitled An act relating to continuing care contracts; amending s. 651.021, F.S., relating to application for a certificate of authority; amending s. 651.022, F.S.; revising requirements for application for a provisional certificate of authority; providing a time period for issuance; requiring an escrow agreement; amending s. 651.023, F.S.; revising requirements and procedures for issuance of a certificate of authority; revising conditions and procedures for releasing certain moneys held in escrow; amending s. 651.026, F.S.; providing for designating a fiscal year other than a calendar year; amending s. 651.035, F.S.; providing for satisfaction of minimum liquid reserve requirements; amending s. 651.095, F.S.; prohibiting unfair insurance advertising practices; providing an effective date.

On motion by Senator Langley, the Senate reconsidered the vote by which CS for SB 1252 passed June 2.

On motion by Senator Langley, the Senate reconsidered the vote by which the Senate concurred in House Amendment 2 as amended.

On motion by Senator Langley, the Senate reconsidered the vote by which Amendment 1 to House Amendment 2 was adopted. Amendment 1 was withdrawn.

On motion by Senator Langley, the Senate concurred in House Amendment 2.

On motion by Senator Langley, the Senate reconsidered the vote by which the Senate concurred in House Amendment 3 as amended.

On motion by Senator Langley, the Senate reconsidered the vote by which Amendment 1 to House amendment 3 was adopted. Amendment 1 was withdrawn.

On motion by Senator Langley, the Senate concurred in House Amendment 3.

CS for SB 1252 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Langley	Stuart
Bankhead	Dudley	Malchon	Thomas
Beard	Forman	Margolis	Thurman
Brown	Gardner	McPherson	Walker
Bruner	Girardeau	Meek	Weinstein
Casas	Gordon	Myers	Weinstock
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Johnson	Plummer	
Crenshaw	Kirkpatrick	Ros-Lehtinen	
Davis	Kiser	Souto	

Nays—None

On motions by Senator Kiser, by two-thirds vote HB 423 was withdrawn from the Committee on Finance, Taxation and Claims and by two-thirds vote placed on the special order calendar.

SPECIAL ORDER, continued

HB 423—A bill to be entitled An act relating to ad valorem taxes; amending s. 196.011, F.S.; providing that initial or original homestead exemption applications may be filed with the property appraiser at any time during the year; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote HB 423 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Deratany	Langley	Stuart
Bankhead	Dudley	Malchon	Thomas
Beard	Forman	Margolis	Thurman
Brown	Gardner	McPherson	Walker
Bruner	Girardeau	Meek	Weinstein
Casas	Gordon	Myers	Weinstock
Childers, D.	Grant	Peterson	Woodson-Howard
Childers, W. D.	Johnson	Plummer	
Crenshaw	Kirkpatrick	Ros-Lehtinen	
Davis	Kiser	Souto	

Nays—None

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has passed SB 16, CS for CS for SB 20, CS for SB 94, Senate Bills 114, 124, 180, 181, CS for SB 190, CS for SB 191, CS for SB 220, SB 255, CS for CS for SB 265, SB 272, CS for SB's 281 and 1122, CS for SB 284, CS for SB's 315 and 1079, SB 316, CS for SB 350, CS for SB 374, SB 390, CS for CS for SB 543, CS for SB 562, Senate Bills 606, 685, 703, 705, 711, CS for SB 732, Senate Bills 734, 737, CS for SB 742, CS for SB 759, CS for SB 791, CS for SB 817, Senate Bills 819, 842, CS for SB 961, CS for SB 988, SB 1034, CS for SB 1042, Senate Bills 1089, 1092, CS for SB 1106, CS for SB 1124, CS for SB 1178, CS for SB 1183, CS for SB 1213, Senate Bills 1248, 1272, CS for SB 1295, Senate Bills 1471, 1478, 1479, 1480, 1482, 1483, 1488, 1495, 1496, 1498, 1499, 1504, 1505, 1511, 1524, 1530, 1531, 1532, 1533, 1542, 1543, 1546, 1552, 1554, 1558, 1563, 1565, 1566, 1569, 1571, 1577; and has passed by the required Constitutional three-fifths vote of the membership of the House CS for SJR 43, CS for SJR 380 and SCR 1579.

John B. Phelps, Clerk

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1, 2, 3, 4, 5, 6, 7 and 8 and passed CS for SB 993.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered enrolled.

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has accepted the Conference Committee Reports as an entirety and passed Senate Bills 1500 and 1501 as amended by the Conference Committee Reports.

John B. Phelps, Clerk

The Honorable Bob Crawford, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment to House Amendment 3 and passed SB 122, as amended; has concurred in Senate amendment to House Amendment 1 and passed CS for SB 267, as amended; has concurred in Senate amendment to House amendment and passed SB 241, as amended; has concurred in Senate amendments to House Amendments 1, 2, and 5, receded from House Amendment 3 and passed SB 1448, as amended; has receded from House Amendment 3 to House Substitute Amendment 1 and House Amendment 4 to House Substitute Amendment 2 and passed CS for SB 896, as amended; has concurred in Senate amendments to House amendments and passed SB 344, as amended; has receded from House Amendment 3 and passed CS for SB 1413, as amended.

John B. Phelps, Clerk

The bills contained in the foregoing messages were ordered engrossed and then enrolled.

ENROLLING REPORTS

SCR 1579 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 2, 1989.

Joe Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 1 was corrected and approved.

CO-INTRODUCERS

Senator Souto—CS for SB 71; Senator Ros-Lehtinen—SB 1211

ADJOURNMENT

On motion by Senator Scott, the Senate in extended session adjourned sine die at 2:00 a.m., June 3.

CERTIFICATE

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 1406, 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 Twenty-First Regular Session of the Legislature convened under the Constitution as Revised in 1968, held from April 4 through June 3, 1989. 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 28, 1989