



Journal of the Senate

Number 7

Wednesday, March 27, 1991

CALL TO ORDER

The Senate was called to order by the President at 4:15 p.m. A quorum present—37:

Madam President	Davis	Johnson	Souto
Bankhead	Diaz-Balart	Kiser	Thomas
Beard	Dudley	Kurth	Thurman
Brown	Forman	Langley	Weinstein
Bruner	Gardner	Malchon	Weinstock
Casas	Girardeau	McKay	Wexler
Childers	Gordon	Meek	Yancey
Crenshaw	Grant	Myers	
Crotty	Grizzle	Plummer	
Dantzler	Jennings	Scott	

Excused: Senator Kirkpatrick

PRAYER

The following prayer was offered by Senator Grant:

Thank you, Lord, for the privilege of public service in a forum where we are free to express our opinions and vote our conscience. Help us, we pray, to realize the awesomeness of that privilege as we contemplate the magnitude of our responsibilities.

May we this day remember the lives that are so directly affected by all we do, as we speak and act for those who cannot speak for themselves, and for those who have honored us by asking that we act on their behalf.

For a task that is beyond our collective and individual abilities, we seek your divine assistance and inspiration.

We ask, O God, for the wisdom of Solomon, the patience of Job, and for the courage of our own moral convictions.

As we realize the problems of the day, help us to rise to the challenge of the hour and in all we do this day, O God, may we do your will, nothing more, nothing less, and nothing else. Amen.

PLEDGE

Senator Jenne led the Senate in the pledge of allegiance to the flag of the United States of America.

CONSIDERATION OF RESOLUTION

On motion by Senator Bankhead, by unanimous consent—

By Senator Bankhead—

SR 2410—A resolution honoring the men and women of the United States Navy; praising their heroic efforts in defense of freedom; expressing regret and sorrow for those who gave their lives; welcoming home Florida-based naval units; praying for the speedy and safe return of units still serving in the Persian Gulf.

WHEREAS, the men and women of the United States Navy who are based in Florida have served their country and the world gallantly in the Persian Gulf War, and

WHEREAS, the heroism and deeds of the Navy serve as models of patriotism and sacrifice to quash tyranny and injustice, and

WHEREAS, members of the Naval Service stationed in Florida have made the ultimate sacrifice to their country, and

WHEREAS, the USS Saratoga, USS Sampson, USS Spruance, USS Elmer Montgomery, USS Philippine Sea, Carrier Air Wing 17, Light Attack Wing 1, VS-30, VFA-81, VFA-83, and units of HSL 36 and HSL 42 are returning home to Mayport and Jacksonville on March 28, 1991, and

WHEREAS, Destroyer Squadron 14, USS Impervious, USS Vreeland, USS Leyte Gulf, USS McInerney and units of Helicopter Squadrons 36, 42, 44, and 48 and Carrier Air Wings 1, 3, and 8, all based in Florida, continue to serve in the Middle East as a deterrent to further aggression and to help establish a lasting peace, NOW, THEREFORE,

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

That this legislative body takes this opportunity to express its gratitude and appreciation for the job well done by Florida's men and women who serve in the United States Navy and further expresses its regret and sympathy to the families of those who lost their lives.

BE IT FURTHER RESOLVED that this legislative body takes this opportunity to welcome home the returning ships and air units and prays for the speedy and safe return of Naval Forces still serving in the Persian Gulf.

—was introduced out of order and read by title. On motion by Senator Bankhead, **SR 2410** was read the second time in full and adopted. The vote on adoption was:

Yeas—35 Nays—None

SPECIAL ORDER

CS for SB 2126—A bill to be entitled An act relating to fiscal affairs of the state; amending s. 161.091, F.S., relating to the Beach Management Trust Fund; eliminating funds from the State Infrastructure Fund for beach management purposes; amending s. 201.15, F.S.; providing for the distribution of revenues from the state excise tax on documents to the General Revenue Fund and the Land Acquisition Trust Fund rather than the State Infrastructure Fund; amending s. 212.20, F.S.; eliminating distribution of revenues from the state tax on sales, use, and other transactions to the State Infrastructure Fund; providing for distribution thereof to the General Revenue Fund; amending s. 212.69, F.S.; increasing the amount of the proceeds to be distributed annually from the State Transportation Trust Fund; specifying purposes for which such distribution may be used; amending s. 215.32, F.S.; eliminating the State Infrastructure Fund as a fund in the State Treasury; requiring certain annual appropriations of general revenue for certain state-level purposes; amending s. 216.016, F.S.; eliminating the State Infrastructure Fund as a source for certain projects; amending s. 216.167, F.S.; eliminating the State Infrastructure Fund from the Governor's consideration regarding his budget recommendations; amending s. 320.072, F.S.; providing for disposition of proceeds from additional fees imposed on certain motor vehicle registration transactions; amending s. 366.84, F.S.; restricting the Florida Energy Trust Fund to the sole purpose of subsidizing and guaranteeing loans made prior to July 1, 1991; repealing s. 195.094, F.S., relating to the Property Assessment Loan Fund; repealing s. 212.235, F.S., relating to the State Infrastructure Fund; repealing s. 216.175, F.S., relating to State Infrastructure Fund appropriations; reappropriating certain funds; providing an effective date.

—was read the second time by title.

Senator Gardner moved **Amendments 1, 2, 3, 4, 5, 6, 7, 8 and 9** which were adopted.

Senator Beard moved **Amendment 10** which was adopted. The vote was:

Yeas—28 Nays—7

Senator Gardner moved **Amendments 11, 12, 13, 14, 15 and 16** which were adopted.

On motion by Senator Gardner, by two-thirds vote **CS for SB 2126** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38 Nays—None

CS for SB 2128—A bill to be entitled An act relating to fiscal affairs of the state; amending s. 215.32, F.S.; requiring the Administration Commission to provide the chairmen of the legislative appropriations committees with certain information on trust funds approved for establishment by the commission; providing for automatic abolishment of such trust funds; requiring certain legislative authorization to continue such trust funds; prohibiting reestablishment of abolished trust funds, except in certain circumstances; providing duties of the Comptroller; providing exemptions; clarifying the moneys available in the General Revenue Fund; providing for the transfer of excess General Revenue Funds to the Working Capital Fund; amending s. 216.011, F.S., and repealing paragraph (1)(e), relating to the definition of “biennium”; modifying the definition of “fixed capital outlay”; amending s. 216.0158, F.S.; changing a date for submission of a facility needs assessment; conforming to annual budgeting; amending s. 216.023, F.S.; changing the dates for disseminating the budget instructions and for submitting legislative budget requests; providing for annual submission; conforming provisions relating to agency legislative budget requests to truth-in-bonding provisions; amending s. 216.031, F.S.; changing a date for submission of separate major issues relating to budgets for operational expenditures; changing from biennial to annual budgeting; amending s. 216.043, F.S.; changing from biennial to annual budgeting; requiring state agencies to include certain truth-in-bonding information in any legislative budget request for fixed capital outlay or operating capital outlay proposed to be funded by a proposed state debt or obligation; amending s. 216.044, F.S.; requiring the Department of General Services to assist state agencies and the Executive Office of the Governor in fulfilling truth-in-bonding information requirements; creating s. 216.0442, F.S., relating to truth in bonding; providing definitions; requiring development of a summary of state debt, a statement of proposed financing, and a truth-in-bonding statement, under specified circumstances; amending s. 216.081, F.S.; changing a date for submission of estimates of financial needs of the legislative branch; conforming to annual budgeting; amending s. 216.136, F.S.; conforming to annual budgeting; amending s. 216.162, F.S.; modifying the time of submission of the Governor’s recommended budget under certain circumstances; amending s. 216.163, F.S.; conforming to annual budgeting; requiring inclusion of state debt, debt financing, and truth-in-bonding documents in the Governor’s recommended budget for each specific fixed capital outlay project or group of projects or operating capital outlay requests to be funded from a proposed state debt or obligation; amending s. 216.165, F.S.; conforming to annual budgeting; amending s. 216.167, F.S.; requiring inclusion of state debt, debt financing, and truth-in-bonding documents, and a 5-year estimate of program operational costs, in certain of the Governor’s recommendations; amending s. 216.168, F.S.; changing a date relating to the Governor’s amended revenue or budget recommendations; amending s. 216.177, F.S.; requiring the chairmen of the legislative appropriations committees to jointly transmit certain information relating to state debt and truth-in-bonding to the Executive Office of the Governor, the Comptroller, the Auditor General, and each state agency; authorizing a shorter period of notice of budget actions under certain circumstances; prohibiting action by the commission on certain budget items without notice; creating s. 216.179, F.S.; prohibiting reinstatement of vetoed appropriations by administrative means; amending s. 216.181, F.S.; providing for advance payments for program startup or contracted services by agencies authorized by the General Appropriations Act; amending s. 216.195, F.S.; limiting impoundment of funds by the commission; amending s. 216.221, F.S.; authorizing use of certain legislative branch appropriations and the Working Capital Fund to prevent a deficit in the General Revenue Fund; prohibiting reductions for the purpose of increasing funds in or restoring funds to the Working Capital Fund; requiring notice to the Legislature of certain proposed reductions or adjustments to agency budgets; providing restrictions on restoring budget reductions; amending ss. 216.271 and 216.275, F.S.; conforming to annual budgeting; creating s. 216.2815, F.S.; providing that any appropriation made in the General Appropriations Act to a private or nongovernmental organization or person shall be a public record and may be audited by the Auditor General; amending s. 216.301, F.S.; modifying provisions and changing dates relating to certification of undisbursed funds to the Executive Office of the Governor, including certain fixed capital outlay appropriations; providing a date by which the review of such certifications shall be completed; creating s. 216.346, F.S.; restricting assessment of overhead and other indirect costs in any contract between state agencies; creating s. 216.347, F.S.; prohibiting disbursement of grants and aids appropriations for lobbying; creating s. 216.3475, F.S.; imposing a maximum rate for certain services funded under the General Appropriations Act; creating s. 216.349, F.S.; requiring review of grants and aids appropriations; requiring audits or attestation statements on

such appropriations to certain entities; requiring the Governor to submit to the Secretary of State a statement of the estimated costs of each new proposed state debt or obligation in the General Appropriations Act; repealing s. 216.045, F.S., relating to supplemental appropriations; repealing s. 216.046, F.S., relating to the Governor’s supplemental recommendations; amending ss. 229.053, 229.575, 231.087, 240.2601, 282.308, and 407.04, F.S., relating to various reports by the State Board of Education, Commissioner of Education, public schools, Florida Council on Educational Management, state universities, and Health Care Cost Containment Board, to conform; amending ss. 339.135 and 409.185, F.S.; correcting references; providing limitations on payment of monetary damages under judgments against the state or state agencies; requiring that there be appropriations made by law for such purpose; providing presumption in suits seeking monetary damages against the state or its agencies; providing limitations on and procedures for enforcing such judgments; providing for a reviser’s bill; providing an effective date.

—was read the second time by title.

Senator Gardner moved **Amendments 1, 2, 3, 4, 5, 6 and 7** which were adopted.

Senator Gordon moved **Amendment 8** which was adopted.

Senator Langley moved that Rule 7.1 be waived to allow consideration of **Amendment 9** by Senators McKay, Langley and Bankhead. The motion failed.

Senators Dudley and Gordon offered **Amendment 10** which was moved by Senator Dudley.

POINT OF ORDER

Senator Gardner raised a point of order that pursuant to Rule 7.1 **Amendment 10** was not germane to the bill.

RULING ON POINT OF ORDER

The President ruled the point well taken and the amendment out of order.

Senator Gardner moved **Amendments 11, 12 and 13** which were adopted.

Senator McKay moved **Amendment 14** which was adopted.

Pending further consideration of **CS for SB 2128** as amended, on motion by Senator Gardner, by two-thirds vote **HB 2313** was withdrawn from the Committee on Appropriations.

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

HB 2313—A bill to be entitled An act relating to fiscal affairs of the state; amending s. 215.32, F.S.; requiring the Administration Commission to provide the chairmen of the legislative appropriations committees with certain information on trust funds approved for establishment by the commission; providing for automatic abolishment of such trust funds; requiring certain legislative authorization to continue such trust funds; prohibiting reestablishment of abolished trust funds, except in certain circumstances; providing duties of the Comptroller; providing exemptions; providing for transfer of trust funds to the Working Capital Fund to prevent a deficit in general revenue; providing exemptions; clarifying the moneys available in the General Revenue Fund; amending s. 216.011, F.S., and repealing paragraph (1)(e), relating to the definition of “biennium”; modifying the definition of “fixed capital outlay”; defining “emergency situation”; amending s. 216.0158, F.S.; changing a date for submission of a facility needs assessment; conforming to annual budgeting; amending s. 216.023, F.S.; changing the dates for disseminating the budget instructions and for submitting legislative budget requests; providing for annual submission; conforming provisions relating to agency legislative budget requests to truth-in-bonding provisions; amending s. 216.031, F.S.; changing a date for submission of separate major issues relating to budgets for operational expenditures; changing from biennial to annual budgeting; amending s. 216.043, F.S.; changing from biennial to annual budgeting; requiring state agencies to include certain truth-in-bonding information in any legislative budget request for fixed capital outlay or operating capital outlay proposed to be funded by a proposed state debt or obligation; amending s. 216.044, F.S.; requiring the Department of General Services to assist state agencies and the Executive Office of the Governor in fulfilling truth-in-bonding information requirements; creating s. 216.0442, F.S., relating to truth in bonding; providing definitions; requiring development of a summary of state debt, a statement of

proposed financing, and a truth-in-bonding statement, under specified circumstances; creating s. 216.065, F.S.; providing for fiscal impact statements on actions affecting the budget; amending s. 216.081, F.S.; changing a date for submission of estimates of financial needs of the legislative branch; conforming to annual budgeting; amending s. 216.136, F.S.; conforming to annual budgeting; amending s. 216.162, F.S.; modifying the time of submission of the Governor's recommended budget under certain circumstances; amending s. 216.163, F.S.; conforming to annual budgeting; requiring inclusion of state debt, debt financing, and truth-in-bonding documents in the Governor's recommended budget for each specific fixed capital outlay project or group of projects or operating capital outlay requests to be funded from a proposed state debt or obligation; amending s. 216.165, F.S.; conforming to annual budgeting; amending s. 216.167, F.S.; requiring inclusion of state debt, debt financing, and truth-in-bonding documents, and a 5-year estimate of program operational costs, in certain of the Governor's recommendations; amending s. 216.168, F.S.; changing a date relating to the Governor's amended revenue or budget recommendations; creating s. 216.174, F.S.; providing specifications for the bill which enacts legislative budget decisions; requiring truth-in-bonding provisions, under certain circumstances; amending s. 216.177, F.S.; requiring the chairmen of the legislative appropriations committees to jointly transmit certain information relating to state debt and truth-in-bonding to the Executive Office of the Governor, the Comptroller, the Auditor General, and each state agency; authorizing a shorter period of notice of budget actions under certain circumstances; prohibiting action by the commission on certain budget items without notice; creating s. 216.179, F.S.; prohibiting reinstatement of vetoed appropriations by administrative means; amending s. 216.181, F.S.; providing for advance payments for program startup or contracted services by agencies authorized by the General Appropriations Act; amending s. 216.195, F.S.; limiting impoundment of funds by the commission; amending s. 216.221, F.S.; authorizing use of certain legislative branch appropriations and the Working Capital Fund to prevent a deficit in the General Revenue Fund; requiring notice to the Legislature of certain proposed reductions or adjustments to agency budgets; providing restrictions on restoring budget reductions; amending ss. 216.271 and 216.275, F.S.; conforming to annual budgeting; creating s. 216.2815, F.S.; providing that any appropriation made in the General Appropriations Act to a private or nongovernmental organization or person shall be a public record and may be audited by the Auditor General; amending s. 216.301, F.S.; modifying provisions and changing dates relating to certification of undisbursed funds to the Executive Office of the Governor, including certain fixed capital outlay appropriations; providing a date by which the review of such certifications shall be completed; creating s. 216.346, F.S.; restricting assessment of overhead and other indirect costs in any contract between state agencies; creating s. 216.347, F.S.; prohibiting disbursement of grants and aids appropriations for lobbying; creating s. 216.349, F.S.; requiring review of grants and aids appropriations; requiring audits or attestation statements on such appropriations to certain entities; requiring the Governor to submit to the Secretary of State a statement of the estimated costs of each new proposed state debt or obligation in the General Appropriations Act; repealing s. 216.045, F.S., relating to supplemental appropriations; repealing s. 216.046, F.S., relating to the Governor's supplemental recommendations; amending ss. 229.053, 229.575, 231.087, 240.2601, 282.308, and 407.04, F.S., relating to various reports by the State Board of Education, Commissioner of Education, public schools, Florida Council on Educational Management, state universities, and Health Care Cost Containment Board, to conform; amending ss. 339.135 and 409.185, F.S.; correcting references; providing for a reviser's bill; providing an effective date.

—a companion measure, was substituted for CS for SB 2128 and by two-thirds vote read the second time by title.

Senator Gardner moved **Amendments 1 and 2** which were adopted.

On motion by Senator Gardner, by two-thirds vote **HB 2313** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39 Nays—None

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 27, 1991: CS for SB 2126, CS for SB 2128

Respectfully submitted,
Pat Thomas, Chairman

The Committee on Finance, Taxation and Claims recommends the following pass: SB 54, CS for SB 518, CS for SB 558, CS for SB 674, SB 702, SJR 802, CS for SB 968 with 1 amendment, SB 1610, SB 1646 with 1 amendment

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

The Committee on Finance, Taxation and Claims recommends the following pass: SB 1862

The bill was placed on the calendar.

BILLS REFERRED TO SUBCOMMITTEE

The following have been referred to the Select Subcommittee on Reviser's Bills: SB 2316 and HB 2347, SB 2312 and HB 2349, SB 2332 and HB 2351, SB 2336 and HB 2353, SB 2328 and HB 2355, SB 2334 and HB 2357, SB 2314 and HB 2359, SB 2330 and HB 2361, SB 2318 and HB 2363, SB 2320 and HB 2365, SB 2326 and HB 2367, SB 2322 and HB 2369, SB 2324 and HB 2371 and also the Florida Statutes/Adoption Act, SB 808 and HB 2345.

The Select Subcommittee on Reviser's Bills was appointed for the period of March 11-April 10 and should report to the full committee by April 10.

Pat Thomas, Chairman
Committee on Rules and Calendar

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senator Grant—

SB 2354—A bill to be entitled An act relating to motor vehicle insurance; amending s. 627.736, F.S.; applying a medical fee schedule to certain personal injury protection benefits; providing an effective date.

—was referred to the Committees on Commerce and Appropriations.

By Senator Casas—

SB 2356—A bill to be entitled An act relating to the Department of Health and Rehabilitative Services; amending s. 20.19, F.S.; requiring the secretary of the department to appoint a Deputy Secretary for Children, Youth, and Families; providing duties of the deputy secretary; providing for the appointment of a deputy assistant secretary and assistant secretaries; creating the Advisory Council on Children, Youth, and Families within the department; providing for appointment of members and terms of office; providing duties of the council; providing for meetings; providing for a separate appropriation for funding council expenses; providing for programs under the Deputy Secretary for Children, Youth, and Families to be administered through the judicial circuits; providing for the appointment of circuit administrators; providing for the appointment of circuit managers for administrative services; requiring circuits to establish advisory councils; providing for the appointment of members and terms of office; providing duties of the councils; providing for meetings; providing for a separate appropriation for funding expenses of the councils; eliminating the Children, Youth, and Families Program Office; deleting obsolete provisions; modifying responsibilities of the Deputy Secretary for Operations and the Deputy Secretary for Programs; conforming language to changes made by the act; providing an additional responsibility for the District Advisory Council Statewide Coordinating Council in advising the Deputy Secretary for Children, Youth, and Families; providing for an additional budget entity for the Office of the Deputy Secretary for Children, Youth, and Families within the departmental budget; providing for the appointment of an additional management fellow; amending ss. 39.056, 63.301, F.S., relating to early delinquency intervention programs and an advisory council on adoption, to conform to the reorganization made by this act; amending s. 381.0615, F.S.; redesignating the Children, Youth, and Families Program Office as the Office of the Deputy Secretary for Children, Youth, and Families; amending ss. 381.702, 385.103, 393.066, 393.068, 393.11, 394.67, 394.75, 396.1818, 397.217, 401.245, 409.146, 410.023, 410.024, 410.603, 415.501, 415.504, 420.621, F.S.; correcting cross-references made obsolete by the act; updating terminology to conform to the reorganization made by this act; requiring the department to present necessary implementing legislation to the Legislature; transferring funding and personnel from the Children,

Youth, and Families Program Office to the Office of the Deputy Secretary for Children, Youth, and Families; providing an effective date.

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

By Senator Grant—

SB 2358—A bill to be entitled An act relating to the judiciary; amending s. 26.01, F.S.; providing for 21 judicial circuits; amending s. 26.021, F.S.; deleting Hernando County from the Fifth Judicial Circuit; deleting Pasco County from the Sixth Judicial Circuit; creating the Twenty-first Judicial Circuit composed of Hernando and Pasco Counties; amending s. 26.031, F.S.; providing number of circuit judges in the Fifth, Sixth, and Twenty-first Judicial Circuits; amending s. 26.26, F.S.; deleting the spring and fall terms of the circuit court for the Fifth Judicial Circuit held in Hernando County; amending s. 26.27, F.S.; deleting the spring and fall terms of the circuit court for the Sixth Judicial Circuit held in Pasco County; creating s. 26.366, F.S.; providing for spring and fall terms of the circuit court for the Twenty-first Judicial Circuit; amending s. 35.03, F.S.; adding the Twenty-first Judicial Circuit to the Second Appellate District; amending ss. 39.025, 396.1817, 397.216, F.S.; providing technical changes; providing for the reassignment of specified circuit judges to the Twenty-first Judicial Circuit; providing an effective date.

—was referred to the Committees on Judiciary and Appropriations.

By Senator Meek—

SB 2360—A bill to be entitled An act relating to groundwater protection; amending s. 206.9925, F.S.; redefining the terms "petroleum product" and "pollutants" for purposes of determining products subject to excise tax on importation or manufacture; amending s. 376.301, F.S.; redefining the term "pollutants" for purposes of pollutant discharge prevention and removal; amending s. 376.3071, F.S.; providing for cleanup of discharges of pollutants under the Inland Protection Trust Fund; providing penalties for certain offenses involving pollutants or pollutant storage facilities; reenacting s. 206.9935(3), F.S., imposing an excise tax on production or importation of pollutants; providing an effective date.

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

By Senator Myers—

SB 2362—A bill to be entitled An act relating to dissolution of marriage; creating s. 61.125, F.S.; providing that there is a presumption that joint custody is in the best interests of a child when his parents dissolve their marriage; defining terms; providing for orders of custody and for modification of orders; amending s. 61.13, F.S.; prescribing the order of preference in awarding custody of children in dissolution of marriage; providing an effective date.

—was referred to the Committee on Judiciary.

By Senator Thurman—

SB 2364—A bill to be entitled An act relating to aquatic plants; amending s. 212.69, F.S.; providing for the transfer of certain gas tax funds to the water management districts; removing a restriction on the uses of other gas tax funds transferred to the Department of Natural Resources and providing other restrictions on transferred funds; amending s. 369.20, F.S.; providing for the responsibilities to regulate aquatic plant management activities and to conduct research activities under the Florida Aquatic Weed Control Act; amending s. 369.22, F.S.; amending the definition of the term "waters"; providing for uses of certain funds in the Aquatic Plant Trust Fund; providing criteria for departmental review of certain water management district activity; providing for the establishment of an Aquatic Plant Advisory Council; providing that the water management districts shall regulate certain aquatic plant control activities; amending s. 369.25, F.S.; providing for the Department of Agriculture and Consumer Services to issue certain permits or exemptions for businesses and agencies involving noxious aquatic plants; providing penalties for violations; providing for enforcement; amending s. 403.088, F.S.; providing authority of the water management districts with respect to the use of herbicides for controlling aquatic weeds and algae; providing for the transfer of certain positions, equipment, and funds from the department to the water management districts; allocating positions to the department for specified purposes; providing that this act does not affect

departmental responsibilities under s. 370.081, F.S.; providing an effective date.

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

By Senator Thurman—

SB 2366—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.61, F.S.; authorizing the transaction of intertrack wagers throughout the year at specified locations where certain thoroughbred sales are conducted; deleting the requirement that intertrack wagering receipts be paid to the Florida Thoroughbred Breeders' Association, Inc.; providing an effective date.

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

By Senator Dudley—

SB 2368—A bill to be entitled An act relating to Lee County; providing for the relief of Suzanne Alexander; providing for attorney's fees; compensating her for personal injuries sustained as a result of an automobile accident occurring on May 1, 1985, in Fort Myers, Florida; providing for payment by Lee County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Senator Weinstock—

SB 2370—A bill to be entitled An act relating to the Palm Beach County Health Care District, Palm Beach County; amending chapter 87-450, Laws of Florida, as amended; providing that the Palm Beach County Health Care District shall be exempt from the payment of fees, taxes, or increment revenue to community redevelopment agencies created pursuant to part III of chapter 163, Florida Statutes; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

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

By Senator Johnson—

SB 2372—A bill to be entitled An act relating to Sarasota County; amending s. 10, ch. 88-475, Laws of Florida; postponing, until a specified date, the expiration of ch. 88-475, Laws of Florida, which regulates the use of gill nets in Sarasota County; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Davis, Beard and Grant—

SB 2374—A bill to be entitled An act relating to Hillsborough County; amending ss. 1, 2, 3, 5, 9, and 11, ch. 83-423, Laws of Florida, as amended by ch. 87-496, Laws of Florida, and ch. 88-493, Laws of Florida, relating to the Hillsborough County Public Transportation Commission; providing for regulation of tow trucks by the commission; authorizing the commission to set maximum taxicab rates, fares, and charges; providing definitions; requiring tow truck operators to obtain a certificate of operation; exempting tow truck operators from a public hearing requirement; exempting tow trucks from certain cleaning requirements; requiring tow trucks to comply with certain safety, inspection, and insurance requirements; conforming enforcement provisions to changes made by the act; amending s. 12, ch. 83-423, Laws of Florida, as amended by ch. 88-493, Laws of Florida; prohibiting tow truck operators from subcontracting with individual operators; providing a temporary exemption from the certification requirement for certain operators; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senators Thomas and Walker—

SR 2376—A resolution honoring Dr. Bernard F. Sliger for his achievements as the president of Florida State University during the past 15 years.

—was referred to the Committee on Rules and Calendar.

By Senator Gordon—

SR 2378—A resolution recognizing April 7 through April 13, 1991, as National County Government Week.

—was referred to the Committee on Rules and Calendar.

By Senator Bankhead—

SB 2380—A bill to be entitled An act for the relief of Donald D. Moulden; requiring an appropriation by the City of Jacksonville to compensate him for severe personal injuries sustained as a result of the negligent maintenance of a traffic control device by the city; providing for payment by the city; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Senator Bruner—

SR 2382—A resolution honoring the Gulf County School District for achieving the lowest drop-out rate in grades nine through twelve of all the counties in Florida.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 2384—A bill to be entitled An act relating to the Port Everglades District and the Port Everglades Authority in Broward County; amending ch. 59-1157, Laws of Florida, as amended, and ch. 89-427, Laws of Florida; revising legislative intent; deleting provisions authorizing proposed legislation to recodify the Port Everglades Charter; revising provisions for the election and appointment of commissioners; providing for the dissolution of the Port Everglades District and the Port Everglades Authority on a specified date; providing for the assumption of indebtedness and liabilities of the district and the authority by Broward County; providing for the disposition of the funds, assets, and property of the district and the authority; providing for contracts of the district and the authority to remain in effect; providing for limitations and restrictions on the use of revenues that accrue from the operations, facilities, and assets of the district and the authority to continue after the transfer of such operations, facilities, and assets to Broward County; providing for municipalities within certain boundaries of the district to retain home rule powers, including ad valorem taxing powers; providing for future repeal of ch. 59-1157, Laws of Florida, as amended, and ch. 89-427, Laws of Florida; providing for severability; providing for a referendum; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Girardeau—

SB 2386—A bill to be entitled An act relating to Nassau County; amending ss. 1 and 2 of chapter 21418, Laws of Florida, 1941, as amended; requiring the Board of Port Commissioners of the Ocean Highway and Port Authority to select a vice chairman; allowing the board to institute a retirement plan and a health insurance plan, to be funded from Port Authority revenues; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Casas—

SB 2388—A bill to be entitled An act relating to Metropolitan Dade County; providing for the relief of Annette and Timothy Holmes; directing Metropolitan Dade County to compensate them for personal injuries sustained by Annette Holmes as a result of a Metrobus accident; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Special Master; and the Committee on Finance, Taxation and Claims.

By Senator Forman—

SB 2390—A bill to be entitled An act relating to Broward County; amending chapter 90-487, Laws of Florida, relating to the Pompano

Beach Farmers Market Authority; providing that members of the authority shall have an interest in the economic success and redevelopment of the Pompano Beach Farmers Market; providing that as many as three members of the authority may own or operate a business at the Pompano Beach Farmers Market; providing that owning or leasing a building or real estate under jurisdiction of the authority shall not prohibit an individual from serving on the authority; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committees on Agriculture; and Rules and Calendar.

By Senator Childers—

SB 2392—A bill to be entitled An act relating to Escambia County; repealing ch. 81-376, Laws of Florida, as amended; abolishing the Escambia County Utilities Authority and transferring all powers, duties, assets, and liabilities of the authority to Escambia County; providing for operation of the utilities system and provision of utilities services; providing for employees of the authority to become employees of Escambia County; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 2394—A bill to be entitled An act relating to state road designations; designating a portion of Griffin Road in Broward County the "Anne Kolb Tree Path"; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SB 2396—A bill to be entitled An act relating to the Central Broward Drainage District, Broward County; amending s. 4d., ch. 61-1439, Laws of Florida, as amended; revising the legal description of zone 2 and zone 3 of the district; amending s. 4g., ch. 61-1439, Laws of Florida, as amended; increasing the allowable compensation for the board of commissioners of the district; providing requirements for the board of commissioners in procuring services, goods, supplies, and materials; specifying the maximum contract amount that the board of commissioners may enter into without advertising for bids; providing circumstances under which the board of commissioners may procure services without competitive bids; providing that this act takes precedence over any conflicting law to the extent of such conflict; providing for severability; providing an effective date.

Proof of publication of the required notice was attached.

—was referred to the Committee on Rules and Calendar.

By Senator Forman—

SR 2398—A resolution supporting closer collaboration among the Legislature, state agencies, private industry, and service providers to implement joint funding of services enabling persons who have severe disabilities to maintain gainful employment and recognizing the Corporate Initiative's efforts to expand employment opportunities for persons who have disabilities.

—was referred to the Committee on Rules and Calendar.

FIRST READING OF COMMITTEE SUBSTITUTES

By the Committee on Natural Resources and Conservation; and Senators Brown, Weinstein and Wexler—

CS for SB's 316 and 1290—A bill to be entitled An act relating to water conservation; creating ss. 255.259, 335.167, F.S.; requiring xeriscaping of certain property under the Department of General Services or the Department of Transportation, by a specified date; providing a 5-year phase-in for xeriscaping of certain other property under the departments; providing for rules and guidelines; creating s. 373.185, F.S.; providing definitions; requiring local xeriscaping incentive programs under the water management districts; providing for local government ordinances; specifying requirements; providing for rules and a model xeriscaping code; providing for promotion of residential and commercial use of xeriscaping; amending s. 380.061, F.S.; adding a xeriscaping requirement under the

Florida Quality Developments program; creating ss. 125.568, 166.048, F.S.; providing legislative findings and intent relating to the conservation of water through xeriscaping; directing counties and municipalities to consider enacting ordinances requiring the use of xeriscaping and to enact such ordinances in specified circumstances; requiring counties and municipalities to consider promoting xeriscaping through public education and local incentives; requiring purchasers of automatic lawn sprinkler systems to install rain sensor devices; providing an effective date.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Thomas, by two-thirds vote **SB 1662** was withdrawn from the Committees on Judiciary; and Health and Rehabilitative Services and referred to the Committees on Health and Rehabilitative Services; and Judiciary; and **CS for SB 480** was also referred to the Committee on Finance, Taxation and Claims.

On motions by Senator Thomas, by two-thirds vote **SB 1034** was withdrawn from the Committee on Professional Regulation; **CS for SB 1036** was withdrawn from the Committee on Education; **SB 1926** was withdrawn from the Committee on Natural Resources and Conservation; **CS for SB 1448** was withdrawn from the Committee on International Trade, Economic Development and Tourism; **CS for SB 1554** was withdrawn from the Committee on Rules and Calendar; **SB 2036** was withdrawn from the Committee on Judiciary; **SB 122** was withdrawn from the Committee on Natural Resources and Conservation; **SB 1058** was withdrawn from the Committee on Commerce; and **CS for SB 864** and **SB 1898** were withdrawn from the Committee on Health and Rehabilitative Services.

On motions by Senator Grizzle, by two-thirds vote **CS for SB's 316 and 1290**, **SB 1004**, **CS for SB 1022**, **CS for SB 1084**, **SB 1118** and **CS for SB 1348** were withdrawn from the Committee on Community Affairs.

On motions by Senator Gardner, by two-thirds vote **Senate Bills 1096** and **1808** were also referred to the Committee on Appropriations.

On motions by Senator Gardner, by two-thirds vote **Senate Bills 118, 276, 292**, **CS for CS for SB 306**, **Senate Bills 644, 900, 956** and **1170** were withdrawn from the Committee on Appropriations.

On motions by Senator Jenne, by two-thirds vote **SB 332**, **CS for CS for SB 498**, **CS for SB 632**, **CS for SB 634**, **CS for SB 1238**, **SB 1314**, **SB 1572** and **CS for SB 1694** were withdrawn from the Committee on Finance, Taxation and Claims.

MOTION

Senator Weinstein moved that the rules be waived and **SJR 52** be removed from the table, the unfavorable report of the Committee on Judiciary to the contrary notwithstanding. The motion failed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

First Reading

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed **CS for HB 211**, **CS for HB 289**, **HB 567**, **HB 569**, **HB 605**, **HB 635**, **CS for HB 655**, **CS for HB 689**, **HB 881**, **HB 989**, **HB 1167**, **HB 2069**; has passed as amended **HB 755**, **HB 1879**, **HB 2251**, **HB 2313** and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Regulatory Reform and Representative Morse and others—

CS for HB 211—A bill to be entitled An act relating to medical practice; amending s. 458.345, F.S.; providing for renewal of registration of resident physicians, assistant resident physicians, house physicians, interns, and fellows in fellowship training leading to subspecialty board certification; requiring a renewal application fee; amending s. 458.347, F.S., relating to physician assistants; authorizing any community college with state board approval to conduct a physician assistant program; authorizing admittance to unlicensed physicians who are graduates of certain foreign medical schools; providing program requirements; providing for examination of such unlicensed physicians for physician assistant certification; requiring application and examination fees; providing for temporary certification of such unlicensed physicians; modifying existing

provisions relating to temporary certification; deleting certain alternative certification provisions; providing an alternative to continuing education requirements; revising terms of members of the Physician Assistant Committee; amending s. 459.022, F.S., relating to osteopathic physician assistants; deleting reference to "osteopathic"; providing an alternative to continuing education requirements; revising temporary certification provisions; revising qualifications and terms of members of the Physician Assistant Committee; amending ss. 154.04, 395.011, and 459.002, F.S.; conforming terminology; providing an effective date.

—was referred to the Committees on Professional Regulation and Appropriations.

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

CS for HB 289—A bill to be entitled An act relating to designation of state buildings; designating the children's medical services building of the Department of Health and Rehabilitative Services located in Brevard County as the Dr. Thomas J. Philpot Building; directing the department to erect suitable markers; providing an effective date.

—was referred to the Committee on Health and Rehabilitative Services.

By the Committee on Regulatory Reform and Representatives Tobin and Chinoy—

HB 567—A bill to be entitled An act relating to the Florida Museum of Natural History; repealing s. 240.515(2), F.S., relating to the Museum of Medical History and the Florida Medical Museum Council; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Regulatory Reform and Representatives Tobin and Rudd—

HB 569—A bill to be entitled An act relating to public health facilities; repealing part V of chapter 154, F.S., which comprises the State Health Facilities Authority Law; providing an effective date.

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

By the Committee on Regulatory Reform and Representative Tobin and others—

HB 605—A bill to be entitled An act relating to the blind services program; amending s. 413.011, F.S.; revising provisions relating to membership of the Advisory Council for the Blind; providing for officers; saving s. 413.011(2), F.S., from Sundown repeal; providing for future review and repeal; providing an effective date.

—was referred to the Committee on Education.

By the Committee on Regulatory Reform and Representatives Tobin and Rudd—

HB 635—A bill to be entitled An act relating to the Department of Professional Regulation; amending s. 455.2175, F.S.; prohibiting the theft of examinations; providing penalties; amending s. 455.219, F.S.; providing for fees for duplicate licenses, research, certified copies, and duplication; amending s. 455.225, F.S.; specifying circumstances in which a formal hearing is required; amending s. 455.2275, F.S.; expanding applicability of prohibitions against giving false information to the department or a board; amending s. 455.230, F.S.; authorizing the department to require the payment of attorney's fees, costs, and court costs by a person who defaults in an examination hearing in certain circumstances; amending s. 455.241, F.S.; providing that the furnishing of reports or copies of patient records not be conditioned upon payment of a fee; providing an effective date.

—was referred to the Committee on Professional Regulation.

By the Committee on Agriculture and Representative Mackey and others—

CS for HB 655—A bill to be entitled An act relating to building designations; designating the administration building at the farmers market in White Springs as the "Wayne Hollingsworth Administration Building"; directing the Department of General Services to erect suitable markers; providing an effective date.

—was referred to the Committee on Agriculture.

By the Committee on Health and Rehabilitative Services; and Representative K. Smith and others—

CS for HB 689—A bill to be entitled An act relating to disposition of dead bodies; amending s. 245.06, F.S.; providing for cremation of bodies to be disposed of at public expense; amending s. 245.07, F.S.; authorizing counties to arrange for cremation of bodies to be disposed of at public expense; providing an effective date.

—was referred to the Committee on Commerce.

By the Committee on Veterans and Military Affairs and Emergency Preparedness; and Representative Bronson and others—

HB 881—A bill to be entitled An act relating to the Florida National Guard; amending ss. 250.18, 250.21, 250.22, 250.27, 250.28, 250.29, 250.43, 250.44, 250.46, and 250.49, F.S.; revising the provisions of the military code to eliminate reference to gender; eliminating an annual uniform allowance; amending s. 110.205, F.S.; revising language with respect to the exemption from the career service with respect to the military personnel of the Department of Military Affairs to eliminate reference to the appropriate military pay schedule; creating s. 250.375, F.S.; authorizing certain medical officers to practice in Florida; providing an effective date.

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

By Representative C. F. Jones—

HB 989—A bill to be entitled An act relating to codification of the Laws of Florida; directing the Joint Legislative Management Committee to contract for a codification of the special and local laws and general laws of local application of the state; providing for publication and distribution of the codification; providing an effective date.

—was referred to the Committees on Governmental Operations; Rules and Calendar; and Appropriations.

By the Committee on Regulated Industries and Representative Ostrau—

HB 1167—A bill to be entitled An act relating to cigarette permitting; reenacting and amending ss. 210.15, 210.16, and 210.161, F.S., which provide procedures and requirements for issuance of cigarette distributing agent, wholesale dealer, and exporter permits; including distributing agents within provisions relating to qualifications for issuance of permits and refusal of permits; requiring distributing agents to file a set of fingerprints prior to permit approval; revising language relating to the power of the Division of Alcoholic Beverages and Tobacco to revoke wholesale dealers' permits; providing a retroactive effective date.

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

By the Committee on Employee and Management Relations; and Representative Hargrett—

HB 2069—A bill to be entitled An act relating to state-administered retirement systems; amending s. 121.021, F.S.; modifying definitions of "compensation," "average final compensation," and "beneficiary"; providing a definition for "plan year"; amending s. 121.052, F.S.; providing retirement membership options to elected state and county officers upon dual employment; deleting obsolete language on contribution payments; amending s. 121.053, F.S.; allowing retirees returning to employment to combine employment in different classes toward a second retirement benefit; exempting retired judges assigned to temporary duty; providing for additional credit toward the maximum health insurance subsidy; amending ss. 121.091, 122.09, and 238.07, F.S.; revising disability provisions to comply with federal law; amending s. 121.122, F.S., relating to renewed membership in the Florida Retirement System; providing for modified service contributions; providing for additional credit toward the maximum health insurance subsidy; amending ss. 121.125, 122.03, and 238.06, F.S.; limiting workers' compensation credit for retirement; amending s. 121.35, F.S.; providing membership options for the State University System Optional Retirement Program; amending ss. 121.40, 122.16, and 321.203, F.S.; providing for payment of full retirement contributions for certain retired persons returning to employment, effective July 1, 1991; amending s. 238.181, F.S.; modifying reemployment-after-retirement provisions under the Teachers' Retirement System to conform to similar provisions under the Florida Retirement System; providing an effective date.

—was referred to the Committees on Personnel, Retirement and Collective Bargaining; Community Affairs; and Appropriations.

By Representatives Reaves and Kelly—

HB 755—A bill to be entitled An act relating to the Department of General Services; amending s. 20.22, F.S.; renaming the Division of Safety and Crime Prevention of the department as the Division of Capitol Police; amending ss. 281.02, 281.03, 281.04, 281.05, 281.06, 281.07, 281.08, and 281.09, F.S., to conform; amending s. 281.03, to allow the division to conduct investigations relating to felonies; providing an effective date.

—was referred to the Committee on Governmental Operations.

By the Committee on Governmental Operations and Representative Figg and others—

HB 1879—A bill to be entitled An act relating to the Administrative Procedure Act; creating s. 120.535, F.S.; requiring that certain agency statements be adopted as rules; providing for challenges to statements not adopted by rule; providing for award of costs and attorney's fees; amending s. 120.57, F.S.; providing for review of agency statements relied on in proceedings affecting substantial interests; providing that an agency may not reject or modify certain findings by a hearing officer; providing for de novo review of agency statements not adopted by rule; providing applicator and effect of statements; amending s. 120.68, F.S.; providing for a stay of a hearing officer's order under certain circumstances; requiring the Division of Administrative Hearings to study and develop a pilot project to establish a text retrieval system for certain orders; providing an effective date.

—was referred to the Committees on Governmental Operations, Judiciary and Appropriations.

By the Committee on Ethics and Elections; and Representative Goode and others—

HB 2251—A bill to be entitled An act relating to elections; amending s. 106.011, F.S.; redefining "independent expenditure"; amending s. 106.021, F.S.; prohibiting a candidate from changing the designation of office sought and using campaign funds from the prior candidacy for the subsequent candidacy; providing an exception; clarifying that candidates for the office of Governor and Lt. Governor are considered a single candidate for the purpose of appointing a campaign treasurer and designating a campaign depository; amending s. 106.04, F.S.; excluding interest income from the percentage requirement for qualification of committees of continuous existence; amending s. 106.07, F.S., revising the reporting dates for certain candidates; amending s. 106.08, F.S.; revising the limitations on contributions to candidates and political committees; providing that limitations on contributions apply separately to the first and second primary and general elections only if a candidate for the office sought is opposed in that particular election; providing a separate limit on contributions by minors; providing for the application of the contribution limits to two or more entities considered as a single entity in certain circumstances; providing penalties; reenacting ss. 106.04(5), 106.075(2), 106.19(1)(a), and 106.29(4), F.S., relating to contributions by committees of continuous existence, contributions to pay loans, penalty for acceptance of contributions in excess of limits, and contributions by executive committees, to incorporate the amendment to s. 106.08, F.S., in references thereto; creating s. 106.081, F.S.; prohibiting certain contributions during legislative sessions for certain candidates; providing exceptions; prohibiting certain solicitation; providing a penalty; creating s. 106.085, F.S.; requiring persons or groups making certain independent expenditures on behalf of or in opposition to any candidate to give notice thereof; providing a penalty; amending s. 106.11, F.S.; removing the requirement that "thank you" advertising must be placed in the communications media to be a qualified expenditure after a candidate withdraws, becomes unopposed, or is eliminated or elected; amending s. 106.141, F.S.; providing an additional method for the disposition of surplus funds; amending s. 106.143, F.S.; requiring political advertisements to include a disclaimer for certain candidates for statewide office who elect not to participate in election campaign financing; providing additional requirements for electronically recorded political advertisements; allowing for the disclaimers to be provided in a language other than English; providing a penalty; amending s. 106.15, F.S.; prohibiting the making, solicitation, and acceptance of campaign contributions in buildings owned by a governmental entity; providing an exception; providing a penalty; amending s. 106.25, F.S., relating to confidentiality of complaints filed with the Florida Elections Commission, to provide that complainants are not bound thereby; amending s. 106.32, F.S.; providing for deposit into the Election Campaign Financing Trust Fund of funds from an additional service charge on income of a revenue nature deposited in certain trust funds; providing

for appropriations from the Working Capital Fund under certain circumstances; amending s. 106.33, F.S.; revising election campaign financing eligibility provisions; amending s. 106.34, F.S.; revising the expenditure limits for candidates for Governor and Lt. Governor or Cabinet officer who accept contributions from the Election Campaign Financing Trust Fund; amending s. 106.35, F.S.; revising election campaign financing provisions relating to reporting and to certification and distribution of funds, including matching requirements; providing rulemaking authority; creating s. 106.353, F.S.; requiring candidates voluntarily abiding by election campaign financing limits but not requesting public funds to file an irrevocable statement to that effect with the Secretary of State; providing a penalty; creating s. 106.355, F.S.; providing for release from the expenditure limits when opposing nonparticipating candidates exceed the limits; amending s. 106.36, F.S., to conform; amending s. 215.20, F.S.; specifying trust funds from which a deduction for the cost of general government shall be made, for deposit in the General Revenue Fund; providing that a deduction from specified trust funds shall be deposited in the Election Campaign Financing Trust Fund rather than the Agency Budget Sunset Trust Fund; providing a limitation; eliminating the future review and repeal of said deduction; amending s. 215.22, F.S.; specifying the income and trust funds exempt from the deduction for the General Revenue Fund; amending s. 215.23, F.S., to conform; amending ss. 200.132, 206.60, 206.875, 206.879, 206.9845, 206.9945, 210.20, 212.06, 212.69, 319.32, 325.214, and 624.506, F.S.; conforming language relating to various revenues and trust funds; requiring, to the extent permitted by federal law, radio and television stations, including cable television stations, to make air time available to candidates for public office at the lowest unit rate; providing effective dates.

—was referred to the Committees on Executive Business, Ethics and Elections; and Finance, Taxation and Claims.

By the Committee on Appropriations and Representative Saunders—

HB 2313—A bill to be entitled An act relating to fiscal affairs of the state; amending s. 215.32, F.S.; requiring the Administration Commission to provide the chairmen of the legislative appropriations committees with certain information on trust funds approved for establishment by the commission; providing for automatic abolishment of such trust funds; requiring certain legislative authorization to continue such trust funds; prohibiting reestablishment of abolished trust funds, except in certain circumstances; providing duties of the Comptroller; providing exemptions; providing for transfer of trust funds to the Working Capital Fund to prevent a deficit in general revenue; providing exemptions; clarifying the moneys available in the General Revenue Fund; amending s. 216.011, F.S., and repealing paragraph (1)(e), relating to the definition of "biennium"; modifying the definition of "fixed capital outlay"; defining "emergency situation"; amending s. 216.0158, F.S.; changing a date for submission of a facility needs assessment; conforming to annual budgeting; amending s. 216.023, F.S.; changing the dates for disseminating the budget instructions and for submitting legislative budget requests; providing for annual submission; conforming provisions relating to agency legislative budget requests to truth-in-bonding provisions; amending s. 216.031, F.S.; changing a date for submission of separate major issues relating to budgets for operational expenditures; changing from biennial to annual budgeting; amending s. 216.043, F.S.; changing from biennial to annual budgeting; requiring state agencies to include certain truth-in-bonding information in any legislative budget request for fixed capital outlay or operating capital outlay proposed to be funded by a proposed state debt or obligation; amending s. 216.044, F.S.; requiring the Department of General Services to assist state agencies and the Executive Office of the Governor in fulfilling truth-in-bonding information requirements; creating s. 216.0442, F.S., relating to truth in bonding; providing definitions; requiring development of a summary of state debt, a statement of proposed financing, and a truth-in-bonding statement, under specified circumstances; creating s. 216.065, F.S.; providing for fiscal impact statements on actions affecting the budget; amending s. 216.081, F.S.; changing a date for submission of estimates of financial needs of the legislative branch; conforming to annual budgeting; amending s. 216.136, F.S.; conforming to annual budgeting, amending s. 216.162, F.S.; modifying the time of submission of the Governor's recommended budget under certain circumstances; amending s. 216.163, F.S.; conforming to annual budgeting; requiring inclusion of state debt, debt financing, and truth-in-bonding documents in the Governor's recommended budget for each specific fixed capital outlay project or group of projects or operating capital outlay requests to be funded from a proposed state debt or obligation; amending s. 216.165, F.S.; conforming to annual budgeting; amending s. 216.167, F.S.; requiring inclusion of state debt, debt financing, and truth-

in-bonding documents, and a 5-year estimate of program operational costs, in certain of the Governor's recommendations; amending s. 216.168, F.S.; changing a date relating to the Governor's amended revenue or budget recommendations; creating s. 216.174, F.S.; providing specifications for the bill which enacts legislative budget decisions; requiring truth-in-bonding provisions, under certain circumstances; amending s. 216.177, F.S.; requiring the chairmen of the legislative appropriations committees to jointly transmit certain information relating to state debt and truth-in-bonding to the Executive Office of the Governor, the Comptroller, the Auditor General, and each state agency; authorizing a shorter period of notice of budget actions under certain circumstances; prohibiting action by the commission on certain budget items without notice; creating s. 216.179, F.S.; prohibiting reinstatement of vetoed appropriations by administrative means; amending s. 216.181, F.S.; providing for advance payments for program startup or contracted services by agencies authorized by the General Appropriations Act; amending s. 216.195, F.S.; limiting impoundment of funds by the commission; amending s. 216.221, F.S.; authorizing use of certain legislative branch appropriations and the Working Capital Fund to prevent a deficit in the General Revenue Fund; requiring notice to the Legislature of certain proposed reductions or adjustments to agency budgets; providing restrictions on restoring budget reductions; amending ss. 216.271 and 216.275, F.S.; conforming to annual budgeting; creating s. 216.2815, F.S.; providing that any appropriation made in the General Appropriations Act to a private or nongovernmental organization or person shall be a public record and may be audited by the Auditor General; amending s. 216.301, F.S.; modifying provisions and changing dates relating to certification of undisbursed funds to the Executive Office of the Governor, including certain fixed capital outlay appropriations; providing a date by which the review of such certifications shall be completed; creating s. 216.346, F.S.; restricting assessment of overhead and other indirect costs in any contract between state agencies; creating s. 216.347, F.S.; prohibiting disbursement of grants and aids appropriations for lobbying; creating s. 216.349, F.S.; requiring review of grants and aids appropriations; requiring audits or attestation statements on such appropriations to certain entities; requiring the Governor to submit to the Secretary of State a statement of the estimated costs of each new proposed state debt or obligation in the General Appropriations Act; repealing s. 216.045, F.S., relating to supplemental appropriations; repealing s. 216.046, F.S., relating to the Governor's supplemental recommendations; amending ss. 229.053, 229.575, 231.087, 240.2601, 282.308, and 407.04, F.S., relating to various reports by the State Board of Education, Commissioner of Education, public schools, Florida Council on Educational Management, state universities, and Health Care Cost Containment Board, to conform; amending ss. 339.135 and 409.185, F.S.; correcting references; providing for a reviser's bill; providing an effective date.

—was referred to the Committee on Appropriations.

RETURNING MESSAGES—FINAL ACTION

The Honorable Gwen Margolis, President

I am directed to inform the Senate that the House of Representatives has passed SB 168.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

AMENDMENTS TO SENATE BILLS

CS for SB 2126

Senator Gardner moved the following amendments which were adopted:

Amendment 1—On page 3, line 28, before "180" insert: §

Amendment 2—On page 3, strike all of lines 25-30 and insert: Trust Fund shall not exceed \$90 ~~\$30 million in fiscal year 1991-1992, \$60 million in fiscal year 1992-1993, \$120 \$90 million in fiscal year 1993-1994, \$150 \$120 million in fiscal year 1994-1995, \$180 \$150 million in fiscal year 1995-1996, \$210 \$180 million in fiscal year 1996-1997, \$240 \$210 million in fiscal year 1997-1998, \$270 \$240 million in fiscal year 1998-1999, and \$300 \$270 million in fiscal~~

Amendment 3—On page 4, between lines 25 and 26, insert:

Section 3. Subsection (2) of section 212.0606, Florida Statutes, 1990 Supplement, as amended by chapters 90-132 and 90-136, Laws of Florida, is amended to read:

212.0606 Rental car surcharge.—

(Substantial rewording of subsection. See s. 212.0606(2), F.S., 1990 Supp., for present text.)

(2) Notwithstanding the provisions of s. 212.20, and less costs of administration, 75 percent of the proceeds of this surcharge shall be deposited in the State Transportation Trust Fund, 5 percent of the proceeds of this surcharge shall be deposited in the General Revenue Fund, 15.75 percent of the proceeds of this surcharge shall be deposited in the Tourism Promotion Trust Fund, and 4.25 percent of the proceeds of this surcharge shall be deposited in the Florida International Trade and Promotion Trust Fund. For the purposes of this subsection, "proceeds" of the surcharge means all funds collected and received by the department under this section, including interest and penalties on delinquent surcharges.

(Renumber subsequent sections.)

Amendment 4—On page 5, strike all of lines 5-11 and insert:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5 percent of all other taxes and fees imposed pursuant to this part shall be deposited in monthly installments into the

Amendment 5—On page 11, strike line 16 and insert:

Section 17. (1) Notwithstanding section 413.613, Florida Statutes, there is hereby appropriated \$10 million from the Impaired Drivers and Speeders Trust Fund to the credit of the Department of Highway Safety and Motor Vehicles for transfer to the Law Enforcement Trust Fund for fiscal year 1990-1991, due to an anticipated deficit in the Law Enforcement Trust Fund.

(2) The Executive Office of the Governor is authorized to ensure that the amount transferred to the Law Enforcement Trust Fund under this section does not exceed the actual deficit amount in the Law Enforcement Trust Fund. All appropriated amounts in excess of the actual deficit amount shall revert to the Working Capital Fund.

Section 18. This act shall take effect July 1, 1991, except that this section and section 17 shall take effect upon this act becoming a law.

Amendment 6—On page 11, between lines 15 and 16, insert:

(3) The unencumbered balance of funds in the Property Assessment Loan Fund on July 1, 1991, is hereby appropriated to the Working Capital Fund.

Amendment 7—On page 10, between lines 27 and 28, insert:

Section 10. Subsection (2) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(2) Each fiscal year, at least 38 ~~37.5~~ percent of the gross revenue from the sale of lottery tickets and other earned revenue, excluding application processing fees, shall be deposited in the Educational Enhancement Trust Fund, which is hereby created in the State Treasury to be administered by the Department of Education. The Department of the Lottery shall transfer moneys to the Educational Enhancement Trust Fund at least once each quarter. Funds in the Educational Enhancement Trust Fund shall be used to the benefit of public education in accordance with the provisions of this act.

(Renumber subsequent sections.)

Amendment 8—On page 10, between lines 27 and 28, insert:

Section 10. Subsection (3) of section 259.101, Florida Statutes, 1990 Supplement, is amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. No bonds shall be issued in fiscal year 1990-1991 pursuant to this act unless there is specific authorization for the issuance of such bonds in the act implementing the 1990-1991 General Appropriations Act. The proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Natural Resources in the following manner:

(a) ~~Fifty-two and nine-tenths~~ Fifty percent to the Department of Natural Resources for the purchase of public lands as described in s. 253.023. Of this 50 percent, at least one-fifth shall be used for the acquisition of coastal lands.

(b) Thirty percent to the Department of Environmental Regulation for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section.

(c) Ten percent to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. Of this 10 percent, one-half shall be matched by local governments on a dollar-for-dollar basis.

(d) Two and nine-tenths percent to the Department of Natural Resources for the purchase of inholdings and additions to state parks. For the purposes of this paragraph, "state park" means all real property in the state under the jurisdiction of the Division of Recreation and Parks of the Department of Natural Resources, or which may come under its jurisdiction.

(e) Two and nine-tenths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07.

~~(f) Two and nine-tenths percent to the Game and Fresh Water Fish Commission to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.~~

~~(f)(g)~~ One and three-tenths percent to the Department of Natural Resources for the Florida Rails to Trails Program, to acquire abandoned railroad rights-of-way for use as public recreational trails.

Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (c), (d), (e), and ~~(f)~~, and ~~(g)~~ shall be vested in the Board of Trustees of the Internal Improvement Trust Fund. Paragraphs (a) and (b) are repealed effective October 1, 2000, and paragraphs (c), (d), (e), and ~~(f)~~, and ~~(g)~~ are repealed effective October 1, 1992. Prior to each repeal, the Legislature shall review the provisions scheduled for repeal and shall determine whether to reenact or modify the provisions or to take no action.

Section 11. Subsection (15) of section 253.025, Florida Statutes, is amended to read:

253.025 Acquisition of state lands.—

(15) The board of trustees, by an affirmative vote of five members, may direct the department to purchase lands on an immediate basis using up to 20 ~~15~~ percent of the funds allocated to the department pursuant to s. 259.101(3)(a) for the acquisition of lands that:

(a) are listed or placed at auction by the Federal Government as part of the Resolution Trust Corporation sale of lands from failed savings and loan associations, or

(b) will be developed or otherwise lost to potential public ownership, or for which federal matching funds will be lost, by the time the land can be purchased under the program within which the land is listed for acquisition.

For such acquisitions, the board of trustees may waive or modify all procedures required for land acquisition pursuant to this chapter and all competitive bid procedures required pursuant to chapters 255 and 287. Lands acquired pursuant to this subsection must, at the time of purchase, be on one of the acquisition lists established pursuant to chapter 259, or a significant portion of the lands must contain natural communities or plant or animal species which are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare, or as excellent quality occurrences of natural communities.

(Renumber subsequent sections.)

Amendment 9—On page 10, between lines 27 and 28, insert:

Section 10. Section 373.459, Florida Statutes, is amended to read:

373.459 Surface Water Improvement and Management Trust Fund.—

(1) There is created, within the department, 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. 216.304.~~ 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 shall authorize the release of money from the Surface Water Improvement and Management Trust Fund within 30 days after receipt of a request 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 approved pursuant to ss. 373.425, 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.

(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, or continuations of approved plans, to improve and manage the surface waters described in ss. 373.451-373.4595 is limited to not more than ~~60~~ 80 percent of the amount of money necessary for the approved plans. The district shall provide at least ~~40~~ 20 percent of the amount of money necessary for the plans.

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

(Renumber subsequent sections.)

Senator Beard moved the following amendment which was adopted:

Amendment 10—On page 6, line 2, strike “\$5 \$3.8” and insert: \$3.8

Senator Gardner moved the following amendments which were adopted:

Amendment 11—In title, on page 1, line 11, after “Fund” insert: and increasing the amounts to be distributed to the Land Acquisition Trust Fund

Amendment 12—In title, on page 1, line 11, after the first semicolon (;) insert: amending s. 212.0606, F.S.; providing for distribution of the proceeds of rental car surcharges to specified funds;

Amendment 13—In title, on page 2, line 11, after the second semicolon (;) insert: appropriating money for transfer to the Department of Highway Safety and Motor Vehicles to offset an anticipated deficit in the Law Enforcement Trust Fund;

Amendment 14—In title, on page 2, line 6, after the semicolon (;) insert: amending s. 24.121, F.S.; increasing the percentage of lottery revenues allocated to the Educational Enhancement Trust Fund;

Amendment 15—In title, on page 2, line 6, after “1991;” insert: amending s. 259.101, F.S.; providing for the distribution of proceeds in the Preservation 2000 Trust Fund; amending s. 253.025, F.S.; increasing funds for acquisition of lands from the Resolution Trust Corporation;

Amendment 16—In title, on page 2, line 6, after “1991;” insert: amending s. 373.459, F.S.; removing the requirement for funds to be continually appropriated; changing the cost sharing from the Surface Water Improvement and Management Trust Fund;

CS for SB 2128

Senator Gardner moved the following amendments which were adopted:

Amendment 1—On page 9, strike all of lines 19 and 20 and insert: 216.011, Florida Statutes, is repealed, paragraph (o) of subsection (1) of that section is amended, and paragraph (d) is added to subsection (2) of that section, to read:

Amendment 2—On page 10, between lines 4 and 5, insert:

(2) For purposes of this chapter, each of the following terms has the meaning indicated:

(d) “Emergency situation” means a set of conditions that were unforeseen at the time the General Appropriations Act was adopted and that are essential to correct in order to continue the operation of government, or a set of conditions that were not considered in the General Appropriations Act and that constitute an imminent threat to public health, safety, or welfare. This definition shall not apply to the emergency provisions of chapter 252.

Amendment 3—On page 21, between lines 29 and 30, insert:

Section 9. Section 216.065, Florida Statutes, is created to read:

216.065 Fiscal impact statements on actions affecting the budget.—In addition to the applicable requirements of chapter 120, before the Governor and Cabinet as a body, performing any constitutional or statutory duty, take any final action that will directly require a request for an increased or new appropriation in the following fiscal year or that will transfer current year funds, they shall first provide the legislative appropriations committees with a fiscal impact statement that details the effects of such action on the budget.

Amendment 4—On page 9, line 31, and on page 10, line 1, strike “furniture, equipment, and supplies” and insert: furniture and equipment

Amendment 5—On page 34, line 14, before the period (.) insert: that restore the reductions, without complying with the notice, review, and objection procedures set forth in s. 216.177

Amendment 6—On page 38, line 23, before “prevailing” insert: competitive

Amendment 7—On page 33, strike all of lines 15 and 16 and insert: , but may not reduce any appropriations to the legislative branch that are voluntarily placed in their reserve by the President of the Senate

Senator Gordon moved the following amendment which was adopted:

Amendment 8—On page 35, line 12, following the period (.) insert: The Auditor General may subpoena any person or record when necessary in auditing an appropriation pursuant to this section.

The motion to allow consideration of the following amendment by Senators McKay, Langley and Bankhead failed:

Amendment 9—On page 38, between lines 14 and 15, insert:

Section 27. Section 11.062, Florida Statutes, is amended to read:

11.062 Use of state funds for lobbying prohibited; penalty.—

(1) No funds, exclusive of salaries, travel expenses, and per diem, appropriated to, or otherwise available for use by, any executive, judicial, or quasi-judicial department shall be used by any state employee or other person for lobbying purposes, which shall include the cost for publication and distribution of each publication used in lobbying; other printing; media; advertising, including production costs; postage; entertainment;

and telephone and telegraph. Any state employee of any executive, judicial, or quasi-judicial department who violates the provisions of this section shall have deducted from his salary the amount of state moneys spent in violation of this section.

(2)(a) *A department of the executive branch including the Governor and Governor and Cabinet, or a state university, a community college, or a water management district may not use public funds to retain a lobbyist to represent it before the Legislature or the executive branch; provided that any full-time employee of a department, university, community college, or water management district may register as a lobbyist and represent his employer before the Legislature or executive branch. A person may not accept any public funds from a department, university, community college, or water management district for providing lobbying services.*

(b) *Any department, university, community college, or water management district that violates this subsection may be prohibited from lobbying the Legislature or any of its committees and from lobbying the executive branch for a period not to exceed 2 years.*

(c) *Any person who accepts public funds as compensation for his lobbying services in violation of this subsection may be prohibited from registering to lobby the Legislature or any of its committees and from registering to lobby the executive branch for a period not to exceed 2 years.*

(d) *Any person may file a written complaint with the Commission on Ethics alleging a violation of this subsection. The commission shall make its investigation and report its findings to the President of the Senate and Speaker of the House of Representatives and to the Governor and Cabinet. Based upon the report of the Commission on Ethics or upon its own findings that a violation of this subsection has occurred, each house of the Legislature may discipline the violator according to its rules, and the Governor and Cabinet may prohibit the violator from lobbying the executive branch for a period not to exceed 2 years from the date of the formal determination of a violation. The Commission on Ethics shall adopt rules necessary to conduct investigations under this paragraph.*

(Renumber subsequent sections.)

Senators Dudley and Gordon offered the following amendment which was moved by Senator Dudley:

Amendment 10—On page 38, strike all of lines 15-24 and insert:

Section 27. A person who lobbies the Legislature or any legislative employee, any department or agency of the executive branch of government, or any state or local agency of government shall not accept a contingency fee for the lobbying services provided.

Amendment 10 was ruled out of order on a point of order.

Senator Gardner moved the following amendments which were adopted:

Amendment 11—In title, on page 1, line 18, after the semicolon (;) insert: authorizing the Administration Commission to transfer selected trust fund balances to the Working Capital Fund under specified circumstances;

Amendment 12—In title, on page 1, line 21, following the first semicolon (;) insert: defining the term "emergency situation";

Amendment 13—In title, on page 2, line 19, after the semicolon (;) insert: creating s. 216.065, F.S.; requiring the Governor and the Cabinet to submit fiscal impact statements to legislative appropriations committees under certain circumstances;

Senator McKay moved the following amendment which was adopted:

Amendment 14—In title, on page 4, line 28, after the semicolon (;) insert: amending s. 11.062, F.S.; prohibiting departments of the executive branch, universities, community colleges, and water management districts from using public funds to retain lobbyists; providing that full-time employees of these entities are exempt; prohibiting lobbyists from accepting compensation derived from public funds; providing penalties; authorizing complaints to be filed with the Ethics Commission; authorizing the commission to adopt rules;

AMENDMENTS TO HOUSE BILLS

HB 2313

Senator Gardner moved the following amendments which were adopted:

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

Section 1. Paragraphs (b) and (c) of subsection (2) of section 215.32, Florida Statutes, are amended to read:

215.32 State funds; segregation.—

(2) The source and use of each of these funds shall be as follows:

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The Administration Commission shall have the power and authority, subject to the limitations of this paragraph, to approve the establishment of any trust fund it deems necessary to preserve the integrity of any moneys received or collected by a state agency for a specific use or purpose authorized by law. The state agency receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law.

2. Within 14 days after approving the establishment of any trust fund, the Administration Commission shall provide the chairmen of the legislative appropriations committees with the following information on the trust fund:

- a. The name of the trust fund.
- b. The specific requirements being met by the establishment of the trust fund.
- c. The agency responsible for administering the trust fund.
- d. The specific sources of all receipts to be deposited in the trust fund.
- e. The projected amount of receipts from each source to be deposited in the trust fund for each of the following 2 fiscal years.
- f. The names of any other funds whose balances or future deposits may be reduced by the deposit of funds into the trust fund.
- g. The purposes, programs, or services for which expenditures will be made from the trust fund.
- h. The period of time for which the trust fund will be necessary or the circumstances under which the trust fund will no longer be necessary.

3.a. Unless the Legislature establishes the trust fund in substantive legislation or includes it in a specific appropriation, any trust fund approved for establishment by the Administration Commission shall be abolished on October 1 following the next regular legislative session after the establishment of the trust fund and may not be approved by the commission for reestablishment, except in those cases where the commission determines that there is a critical state interest or that federal matching funds or contributions will otherwise be lost to the state and, in either case, consults with the Legislature as provided in s. 216.177(2). The Comptroller shall close out and remove from the various state accounting systems any trust fund so abolished, using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities.

b. The provisions of this subparagraph shall not apply to any trust fund established by bond indentures or resolutions, any trust fund the revenues of which are legally pledged by the state or any public body to meet debt service or other financial requirements of any debt obligations of the state or such public body, or any trust fund used solely as a clearing trust fund or account for any state agency.

4.2. In order to maintain a minimum number of trust funds in the State Treasury, each state agency may consolidate, if permitted under the terms and conditions of their receipt, the trust funds administered by it; provided, however, the agency employs effectively a uniform system of accounts sufficient to preserve the integrity of such trust funds; and provided, further, that such consolidation is approved by the Administration Commission.

5.3. All such moneys are hereby appropriated to be expended in accordance with the law or trust agreement under which they were received, subject always to the provisions of chapter 216 relating to the appropriation of funds and to the applicable laws relating to the deposit or expenditure of moneys in the State Treasury.

(c)1. *The amount of moneys in the General Revenue Fund shall be determined at the beginning of the fiscal year based on the Revenue Estimating Conference's estimate of funds available. This amount shall be adjusted upon determination of the previous year's appropriations which remain unspent after certifications are completed pursuant to s. 216.301.*

2.1. The Working Capital Fund shall consist of an amount, not more than 10 percent of the amount of net revenue of the General Revenue Fund for the preceding fiscal year, which accrues from moneys in the General Revenue Fund which are in excess of the amount needed to meet the General Revenue Fund appropriations acts, ~~as determined by the Executive Office of the Governor.~~ By September 15 of each year, the Executive Office of the Governor shall transfer the excess funds that are in the General Revenue Fund to the Working Capital Fund. Such moneys are hereby appropriated for transfer to the General Revenue Fund whenever it is determined by the Administration Commission that revenue collections in the General Revenue Fund will be insufficient to meet General Revenue Fund appropriations and when the Administration Commission determines, after consultation with the legislative appropriations committees, that it would be more prudent to transfer the Working Capital Funds than to reduce general revenue approved budget and release authority pursuant to s. 216.221. When not required to meet General Revenue Fund appropriations, such moneys shall be used as a revolving fund for transfers as provided by s. 215.18; and when the Comptroller determines that such moneys are not needed for either type of transfer, they may be temporarily invested as provided in s. 18.125.

3.2. The provisions of subparagraph 1. notwithstanding, the Comptroller shall pay from the Working Capital Fund such claims as are authorized pursuant to s. 265.55.

Section 2. Paragraph (e) of subsection (1) of section 216.011, Florida Statutes, is repealed, paragraph (o) of subsection (1) of that section is amended, and paragraph (d) is added to subsection (2) of that section, 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:

(n)(e) "Fixed capital outlay" means real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use and including *furniture and equipment operating capital outlay* necessary to furnish and operate a new or improved facility, when appropriated by the Legislature in the fixed capital outlay appropriation category.

(2) For purposes of this chapter, each of the following terms has the meaning indicated:

(d) "Emergency situation" means a set of conditions that were unforeseen at the time the General Appropriations Act was adopted and that are essential to correct in order to continue the operation of government, or a set of conditions that were not considered in the General Appropriations Act and that constitute an imminent threat to public health, safety, or welfare. This definition shall not apply to the emergency provisions of chapter 252.

Section 3. Subsections (2) and (4) and paragraph (d) of subsection (5) of section 216.0158, Florida Statutes, are amended to read:

216.0158 Assessment of facility needs.—

(2) On or before ~~September November~~ 1 of each year, each state agency, as defined in s. 216.011, shall submit to the Executive Office of the Governor, in a manner prescribed by the legislative budget instructions, a short-term plan for facility needs covering the next 5-year period. The short-term plan shall include preventive maintenance strategies, expected replacement of existing facilities, expected improvements or additions to facilities on a specific project-by-project basis, estimated

cost, and other information as prescribed by the legislative budget instructions. At the same time, when directed in the legislative budget instructions as provided in s. 216.023(3), each agency shall submit to the legislative appropriations committees and to the Executive Office of the Governor, in a format prescribed by the instructions, a long-term plan for the 5 years following the period of the short-term plan. The long-term plan shall outline forecasted agency facility needs.

(4) Each of the first 2 years of the plan referred to in subsection (2) shall comport with the requirements of s. 216.043.

(5) Each agency plan for years 3 through 5 shall provide the following information:

(d) A request for a legislative appropriation to provide such funding in the appropriate *fiscal year of the biennium*, including the need for advance funding of programming and design activities.

Section 4. Subsections (1), (2), (3), and (4) and paragraph (a) of subsection (7) of section 216.023, Florida Statutes, 1990 Supplement, are amended to read:

216.023 Legislative budget requests to be furnished by agencies.—

(1) The head of each agency, except the state courts system as defined in s. 25.382, shall submit a final legislative budget request to the Legislature and to the Governor, as chief budget officer of the state, in the form and manner prescribed in the budget instructions and at such time as specified by the Executive Office of the Governor, based on the agency's independent judgment of its needs. However, no state agency shall submit its final legislative budget request later than *September November* 1 of each ~~even-numbered~~ year.

(2) The state courts system and the Division of Administrative Hearings shall submit their final legislative budget requests directly to the Legislature with a copy to the Governor, as chief budget officer of the state, in the form and manner as prescribed in the budget instructions. However, the final legislative budget requests shall be submitted no later than *September November* 1 of each ~~even-numbered~~ year.

(3) The Executive Office of the Governor and the appropriations committees of the Legislature shall jointly develop legislative budget instructions from which each agency, pursuant to ~~ss. s.~~ 216.031 and 216.043, shall prepare its legislative budget request. The budget instructions shall be consistent with s. 216.141 and shall be transmitted to each agency no later than *June 15 August 1* of each ~~even-numbered~~ year. In the event that agreement cannot be reached between the Executive Office of the Governor and the appropriations committees of the Legislature regarding legislative budget instructions, the issue shall be resolved by the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(4) Each agency shall submit for review a preliminary legislative budget request to the Executive Office of the Governor, in the form and manner prescribed in ~~ss. s.~~ 216.031 and 216.043, in accordance with the legislative budget instructions, and at such time as may be prescribed by the Executive Office of the Governor.

(7)(a) The provisions of subsections (1) and (2) to the contrary notwithstanding, each agency subject to the provisions of this section shall submit its legislative budget request no later than *September October* 1 of the year in which the agency is required to submit its point-by-point response pursuant to s. 216.0165(1)(d).

Section 5. Section 216.031, Florida Statutes, 1990 Supplement, is amended to read:

216.031 Budgets for operational expenditures.—A legislative budget request, reflecting the independent judgment of the head of the state agency with respect to the needs of the agency for operational expenditures during the next *fiscal year biennium*, shall be submitted by each head of a state agency and shall contain the following:

(1) For each budget entity, a summary exhibit showing, for each appropriation category, for each fund, 2 prior years' appropriations for general revenue, 1 prior year's actual expenditures and 1 current year's estimated expenditures, and the requested expenditures for ~~each year of the next fiscal year biennium~~. The total number of positions for the budget entity shall be shown for each fiscal year of data for which positions are authorized, fixed, or requested. However, the agency budget request for the State University System shall be expressed in terms of the

amounts for the various programs as prescribed in s. 240.271 and in terms of the specified appropriation categories, including the special units' budgets, prescribed in the prior appropriations act.

(2) For each program component within the budget entity, an exhibit showing, for each appropriation category, the summary explanation of expenditures for each detail issue describing the amounts and positions for ~~each year of the next fiscal year biennium~~ for continuation of current programs, for improved programs, and for new programs, with a summary showing totals by fund for ~~the next fiscal each year of the biennium~~.

(3) For each trust fund within the budget entity, a schedule showing the trust funds available, providing the source of receipts, detail of non-operating disbursements, operating expenditures, fixed capital outlay, and unencumbered cash balances, for 1 prior year's actual, the current year's estimated, and the request for ~~the next fiscal each year of the biennium~~. In addition, for each trust fund established in connection with legislative action authorizing the collection of a fee or other charge to support a governmental service or activity being performed by the agency involved, there shall be submitted a schedule showing the full cost of such service or activity, the total fees or charges collected to fund such costs, and the amount of excess collections or any deficit. The sources and amounts of any funds used to cover a deficit shall also be shown. The service or activity being performed shall be reviewed by the appropriations committees in the Senate and House of Representatives for the express purpose of making adjustments in fees or other charges in order to make such activities as nearly self-supporting as possible.

(4) For each budget entity, a schedule showing detail of positions, providing for each class of positions within discrete organizational activities, by the collective bargaining unit and program component for ~~each year of the next fiscal year biennium~~, the number of full-time equivalent positions, the estimated rate of salary, the number of months of employment, the amounts requested for new positions, and the number of new positions requested.

(5) Detailed information for ~~the next fiscal each year of the biennium~~ necessary for the Legislature and the Governor to evaluate:

(a) The effectiveness of current programs, including justification for those programs.

(b) The justification for increasing costs to continue the operations of current programs.

(c) The justification for proposed improvements in existing programs.

(d) The justification for proposed new programs.

(e) The projected cost of the requested program for the following ~~fiscal year biennial budget cycle~~.

(6) Additional information providing a detailed description of the request of the agency and the corresponding calculations needed to support the request.

(7) Workload and other performance indicators, as prescribed by the legislative budget instructions.

(8) The sum of money actually expended for contractual services, as defined in s. 287.012, by the agency for the previous year.

(9) A schedule listing each committee, however created; council; coordinating council; commission; and board of trustees that is adjunct to the executive agency. The schedule shall show the name, number of meetings held in the past fiscal year, number of members, and expenses of each committee, council, coordinating council, commission, or board of trustees. The schedule shall further state the purpose of each committee, council, coordinating council, commission, or board of trustees and the statutory basis for each one's creation.

(10) An information resources management schedule showing the agency's total budget request for information resources management. The schedule shall be in the format provided for in the legislative budget instructions. The budget request for information resources management shall identify, if applicable, which parts of the request are in response to any information resources management issues included in the legislative budget instructions pursuant to s. 282.305(1)(f). This subsection is applicable only to those state agencies which are under the purview of ss. 282.301-282.313.

(11) The sum of money actually expended in the previous year for the production of publications as determined by the state agency and a schedule listing the publications discontinued or scheduled for discontinuance and the cost avoidance to be realized by such action.

Either chairman of a legislative appropriations committee or the Executive Office of the Governor may require the agency to address major issues separate from those outlined in s. 216.023, this section, and s. 216.043 for inclusion in the requests of the agency. The issues shall be submitted to the agency no later than ~~July August~~ 30 of each ~~even-numbered~~ year and shall be displayed in its requests as provided in the budget instructions.

Section 6. Subsection (1), paragraph (b) of subsection (2), and paragraphs (a) and (e) of subsection (3) of section 216.043, Florida Statutes, are amended to read:

216.043 Budgets for fixed capital outlay.—

(1) A legislative budget request, reflecting the independent judgment of the head of the agency with respect to the needs of the agency for fixed capital outlay during the next ~~fiscal year biennium~~, shall be submitted by each head of an agency and shall contain:

(a) An estimate in itemized form showing the amounts needed for fixed capital outlay expenditures, to include a detailed statement of program needs, estimated construction costs and square footage, site costs, operating capital necessary to furnish and equip for operating a new or improved facility, and the anticipated sources of funding during the next ~~fiscal year biennium~~.

(b) Proposed fixed capital outlay projects, including proposed operational standards related to programs and utilization, an analysis of continuing operating costs, and such other data as the Executive Office of the Governor deems necessary to analyze the relationship of agency needs and program requirements to construction requirements. The plan shall also include the availability and suitability of privately constructed and owned buildings and facilities to meet the needs and program requirements of the agency.

(c) For any budget request for fixed capital outlay or operating capital outlay which is to be funded by a proposed state debt or obligation as defined in s. 216.0442, the information set forth in s. 216.0442(2).

(2) The legislative budget requests for fixed capital outlay shall be submitted as a product of an ongoing planning process which:

(b) Applies that lead time to the ~~biennial~~ budget process.

(3) Each legislative budget request for fixed capital outlay submitted shall contain:

(a) A schedule of projects planned to meet the 4-year requirements of the agency and a schedule of anticipated funding for the initial ~~fiscal year biennium~~ of the 4-year period.

(e) A request for legislative appropriation to provide such funding in the appropriate ~~fiscal year of the biennium~~, including the need for advance funding of programming and design activities.

Section 7. Section 216.044, Florida Statutes, is amended to read:

216.044 Budget evaluation by Department of General Services.—

(1) Concurrently with the submission of the fixed capital outlay legislative budget request to the Executive Office of the Governor, the agency shall submit a copy of the legislative budget request to the Department of General Services for evaluation.

(2) The Department of General Services shall advise the Executive Office of the Governor and the Legislature regarding alternatives to the proposed fixed capital outlay project and make recommendations relating to the construction requirements and cost of the project. These recommendations shall be provided to the Legislature and Executive Office of the Governor at a time specified by the Governor, but not less than 90 days prior to the regular session of the Legislature. When evaluating alternatives, the Department of General Services shall include information as to whether it would be more cost-efficient to lease private property or facilities, to construct facilities on property presently owned by the state, or to acquire property on which to construct the facilities. In determining the cost to the state of constructing facilities on property presently owned by the state or the cost of acquiring property on which

to construct facilities, the Department of General Services shall include the costs which would be incurred by a private person in acquiring the property and constructing the facilities, including, but not limited to, taxes and return on investment.

(3) The Department of General Services shall provide assistance to any state agency and the Executive Office of the Governor in fulfilling the requirements of s. 216.0442 as developed pursuant to ss. 216.031 and 216.043.

Section 8. Section 216.0442, Florida Statutes, is created to read:

216.0442 Truth in bonding; definitions; summary of state debt; statement of proposed financing; truth-in-bonding statement.—

(1) As used in this section, the following words and terms shall have the following meanings, unless the context otherwise requires:

(a) "Costs of issuance" means all of those costs and expenses directly incurred by or on behalf of any state agency in the process of issuing or incurring a debt or obligation. Such costs of issuance shall include, but shall not be limited to, the costs of rating the debt or obligation, the costs of retaining professional services such as bond counsel or financial advisors, the amount of underwriter's discount, printing costs, and the costs of the entity responsible for issuing or incurring the debt or obligation.

(b) "Debt" means a bond, certificate, note, or other evidence of indebtedness, including, but not limited to, an agreement to pay principal and any interest thereon, whether in the form of a contract to repay borrowed money or otherwise, and includes a share or other interest in any such agreement.

(c) "Debt service" means the amounts due on any state debt or obligation for interest, any maturing principal, any required contributions to an amortization or sinking fund for a term debt or obligation, and any other continuing payments necessary or incidental to the repayment of a state debt or obligation.

(d) "Interest" means the compensation for the use or detention of money or its equivalent.

(e) "Interest rate" means the annual percentage of the outstanding state debt or obligation payable as interest.

(f) "Obligation" means an agreement to pay principal and interest thereon, other than a debt, whether in the form of a lease, lease purchase, installment purchase, or otherwise, and includes a share, participation, or other interest in any such agreement. However, the term "obligation" does not include an agreement having a term of less than 5 years, unless the principal is more than \$5 million and the term is more than 2 years.

(g) "Outstanding state debt" means any state debt or obligation of which the principal has not been paid or for which an amount sufficient to provide for the payment of such state debt or obligation and the interest on such state debt or obligation to the maturity or early redemption of such state debt or obligation has not been set aside for the benefit of the holders of such state debt or obligation.

(h) "Principal" means the face value of the debt or obligation.

(i) "Proposed state debt or obligation" means any state debt or obligation proposed to be issued or incurred.

(j) "State debt or obligation" means a debt or obligation incurred or issued by or on behalf of the state or any state agency.

(2) When required by statute to support the proposed debt financing of fixed capital outlay projects or operating capital outlay requests or to explain the issuance of a debt or obligation, one or more of the following documents shall be developed:

(a) A summary of outstanding state debt as furnished by the Comptroller pursuant to s. 216.102.

(b) A statement of proposed financing, which shall include the following items:

1. A listing of the purpose of the debt or obligation.
2. The source of repayment of the debt or obligation.
3. The principal amount of the debt or obligation.

4. The interest rate on the debt or obligation, which shall be as forecasted by the Economic Estimating Conference, as provided in s. 216.136, for the period during which the debt or obligation is to be sold.

5. A schedule of annual debt service payments for each proposed state debt or obligation.

6. The method of sale of the debt or obligation.

7. The costs of issuance of the debt or obligation, including a detailed listing of the amounts of the major costs of issuance.

(c) A truth-in-bonding statement, developed from the information compiled pursuant to this section, in substantially the following form:

The State of Florida is proposing to issue \$ (insert principal) of debt or obligation for the purpose of (insert purpose). This debt or obligation is expected to be repaid over a period of (insert term of issue from subparagraph (b)5.) years. At a forecasted interest rate of (insert rate of interest from subparagraph (b)4.), total interest paid over the life of the debt or obligation will be \$ (insert sum of interest payments).

(3) The failure of any state agency to comply with the provisions of this section shall not affect the validity of any state debt or obligation.

(4) The documents prepared pursuant to this section are for illustrative purposes only and shall not affect or control the actual terms and conditions of the debt or obligation.

Section 9. Section 216.065, Florida Statutes, is created to read:

216.065 Fiscal impact statements on actions affecting the budget.—In addition to the applicable requirements of chapter 120, before the Governor and Cabinet as a body, performing any constitutional or statutory duty, take any final action that will directly require a request for an increased or new appropriation in the following fiscal year or that will transfer current year funds, they shall first provide the legislative appropriations committees with a fiscal impact statement that details the effects of such action on the budget.

Section 10. Section 216.081, Florida Statutes, is amended to read:

216.081 Data on legislative expenses.—

(1) On or before ~~September~~ ~~November~~ 1 in each ~~even-numbered~~ year, in sufficient time to be included in the Governor's recommended budget, estimates of the financial needs of the legislative branch during the ensuing ~~fiscal year~~ ~~biennium~~ shall be furnished to the Governor pursuant to chapter 11.

(2) All of the data relative to the legislative branch shall be for information and guidance in estimating the total financial needs of the state for the ensuing ~~fiscal year~~ ~~biennium~~; none of these estimates shall be subject to revision or review by the Governor, and they must be included in his recommended budget.

Section 11. Paragraph (a) of subsection (1) of section 216.136, Florida Statutes, 1990 Supplement, is amended to read:

216.136 Consensus estimating conferences; duties and principals.—

(1) ECONOMIC ESTIMATING CONFERENCE.—

(a) Duties.—

1. The Economic Estimating Conference shall develop such official information with respect to the national and state economies as the conference determines is needed for the state planning and budgeting system. The basic, long-term forecasts which are a part of its official information shall be trend forecasts. However, the conference may include cycle forecasts as a part of its official information if the subject matter of the forecast warrants a cycle forecast and if such forecast is developed in a special impact session of the conference.

2. Prior to the submission of the Governor's budget recommendations to the Legislature pursuant to s. 216.162, 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 ~~fiscal year~~ ~~biennial budget period~~.

Section 12. Subsection (1) of section 216.162, Florida Statutes, is amended to read:

216.162 Governor's recommended budget to be furnished Legislature; copies to members.—

(1) At least 45 days before the scheduled annual legislative session in each odd-numbered year, the Governor shall furnish each senator and representative a copy of his recommended balanced budget for the state, based on his own conclusions and judgment; *provided, however, that in his first year in office a new Governor may request, subject to approval of the President of the Senate and the Speaker of the House of Representatives, that his recommended balanced budget be submitted at a later time prior to his first regular legislative session.*

Section 13. Section 216.163, Florida Statutes, is amended to read:

216.163 Governor's recommended budget; form and content; declaration of collective bargaining impasses.—

(1) The Governor's recommended budget shall be referenced to the legislative budget requests prescribed in ss. 216.031 and 216.043 and shall be distinctly separated into two sections: Section One of the budget shall be entitled "Operations," and Section Two shall be entitled "Fixed Capital Outlay."

~~(2) Within each section prescribed in subsection (1), there shall be a distinct computation for each fiscal year in the biennium. The provisions of this subsection also apply to budgets submitted in accordance with ss. 216.031 and 216.043.~~

(2)(3) The Governor's recommended budget shall also include:

(a) His recommendations for operating each state agency for the next ~~fiscal year biennium~~. These recommendations shall be displayed by appropriation category within each budget entity, with detail by program component within each budget entity, and shall also include the legislative budget request of the corresponding agency.

(b)1. His recommendations for fixed capital outlay appropriations for the next ~~fiscal year biennium~~. These recommendations shall be displayed by budget entity and shall also include the legislative budget request of the corresponding agency.

2. For each specific fixed capital outlay project or group of projects or operating capital outlay requests recommended to be funded from a proposed state debt or obligation, he shall make available pursuant to s. 216.164(1)(a) the documents set forth in s. 216.0442(2).

(c) The evaluation of the fixed capital outlay request of each agency and alternatives to the proposed projects as made by the Department of General Services pursuant to s. 216.044.

(d) A summary statement of the amount of appropriations requested by each state agency and as recommended by the Governor.

(e) A distinct listing of all nonrecurring appropriations recommended by the Governor.

(f) A listing of the general policies used to calculate the amounts required for salaries, other personal services, expenses, operating capital outlay, electronic data processing, and food products recommended by the Governor.

(g) Explanations and justification, expressed in terms of program-effectiveness measures, program-efficiency measures, workload, productivity adjustments, staffing standards, and any other criteria needed to evaluate the delivery of governmental services and to explain his recommendations, and such other supporting schedules and exhibits as may be determined by him.

(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.

(i) Any additional information which the Governor feels is needed to justify his recommendations.

(3)(4) At the same time that the Governor furnishes each senator and representative with a copy of his recommended balanced budget under s. 216.162(1), the Executive Office of the Governor shall electronically transmit to the legislative appropriations committees his recommended budget, the Exhibit B, Major Issues, and D-3a's.

(4)(5) At the time the Governor is required to furnish copies of his recommended budget to each senator and representative under s. 216.162(1), he shall declare an impasse in all collective bargaining negotiations for which he is deemed to be the public employer and for which a collective bargaining agreement has not been executed. Within 14 days thereafter, he shall furnish the legislative appropriations committees with documentation relating to the last offer he made during such collective bargaining negotiations or recommended to a mediator or special master appointed to resolve the impasse.

Section 14. Subsection (1) of section 216.165, Florida Statutes, is amended to read:

216.165 Governor's recommended revenues.—The Governor shall recommend revenues for the funds provided for in s. 215.32. The recommended revenues shall be sufficient to fund his recommended appropriations. Such recommended revenues shall include:

(1) His estimate of revenues from current revenue sources during the current ~~fiscal year biennium~~ and during the next ~~fiscal year biennium~~.

Section 15. Subsection (5) of section 216.167, Florida Statutes, is amended to read:

216.167 Governor's recommendations.—The Governor's recommendations shall include a financial schedule which shall provide:

(5)(a) For any recommendation to be funded by a proposed state debt or obligation as defined in s. 216.0442, the documents set forth in s. 216.0442(2) and a 5-year estimate of the program operational costs associated with any proposed fixed capital outlay project to be funded by the proposed state debt or obligation.

(b) His estimates of the debt service and reserve requirements for any recommended new bond issues or reissues and his recommended debt service appropriations for all outstanding fixed capital outlay bond issues.

Section 16. Subsection (4) of section 216.168, Florida Statutes, is amended to read:

216.168 Governor's amended revenue or budget recommendations; optional and mandatory.—

(4) If the Governor determines, at any time after he has furnished the Legislature with his recommendations or his amended recommendations, that the revenue estimates upon which his recommendations were based are insufficient to fund these recommendations, the Governor shall amend his revenues or appropriations recommendations to bring his recommended budget into balance. On or after ~~March~~ May 1, if the Governor determines that there is insufficient time to provide the information for the amended recommendations required in ss. 216.164 and 216.166, he shall be exempt from such requirement.

Section 17. Section 216.177, Florida Statutes, is amended to read:

216.177 Appropriations acts, statement of intent, violation, notice, review and objection procedures.—

(1) As soon as practicable, but no later than the 10th day before the end of the period allowed by law for veto consideration in any year in which an appropriation is made, the chairmen of the legislative appropriations committees shall jointly transmit:

(a) A statement of intent, including performance and workload measures as appropriate; ~~and~~

(b) The official list of General Revenue Fund appropriations determined in consultation with the Executive Office of the Governor to be nonrecurring; *and*

(c) *The documents set forth in s. 216.0442(2)(a) and (c), to the Executive Office of the Governor, the Comptroller, the Auditor General, and each state agency. The statement of intent constitutes a manifestation of how the Legislature, in its considered opinion as a representative of the people, thinks appropriations should be spent. The statement of intent is not a law and may not allocate or appropriate any funds, or amend or correct any provision, in the General Appropriations Act, but the statement of intent may provide additional explanation to the Executive Office of the Governor, the Administration Commission, and each affected state agency relative to the purpose, objectives, spending philosophy, and restrictions associated with any specific appropriation. The statement of*

intent shall compare the request of the agency or the recommendation of the Governor to the funds appropriated for the purpose of establishing intent in the development of the approved operating budget. A request for additional explanation and direction regarding the legislative intent of the General Appropriations Act during the fiscal year may be made only by and through the Executive Office of the Governor as is deemed necessary. However, the Comptroller may also request further clarification of legislative intent pursuant to his responsibilities related to his pre-audit function of expenditures.

(2)(a) Whenever notice of action to be taken by the Executive Office of the Governor or the commission is required by this chapter, such notice shall be given to the chairmen of the legislative appropriations committees in writing, and shall be delivered to both such chairmen at least 7 working days prior to the action referred to, *unless a shorter period is approved in writing by both such chairmen. The commission shall not take action on any budget item for which this chapter requires notice to the legislative appropriations committees without such notice having been provided, even though the commission may have good cause for considering such item.*

(b) If the chairmen of the legislative appropriations committees or the President of the Senate or the Speaker of the House of Representatives object in writing to the Executive Office of the Governor that the General Appropriations Act, or a special appropriations act, has been violated or that such a violation has been proposed, the Governor, if he concurs with the chairmen's or presiding officer's objections, shall void such action or instruct the affected state agency to change immediately its spending action or spending proposal to conform with such act. If, in the judgment of the Governor, the General Appropriations Act or special appropriations act has not been violated or a violation of the General Appropriations Act or special appropriations act has not been proposed, the commission shall review the spending action or spending proposal. Such spending action or spending proposal may be affirmed by a two-thirds majority affirmative vote of the members present with the Governor voting in the affirmative. In the absence of an affirmative vote of two-thirds of the members present with the Governor voting in the affirmative, the commission shall void such action or instruct the affected state agency to cease such spending action or modify its spending proposal. In considering whether the General Appropriations Act has been or will be violated, the commission may also consider any documentation presented by both chairmen of the legislative appropriations committees, the presiding officer of either house, or the Governor. The Governor or either house of the Legislature may seek judicial review of the commission's action. Such review shall be de novo and shall not be limited to the record in the proceedings before the commission.

(c)(b) If, based on documentation of legislative action which occurred prior to the General Appropriations Act becoming a law, the chairmen of the legislative appropriations committees or the President of the Senate or the Speaker of the House of Representatives object in writing to the Executive Office of the Governor that a spending action or proposed spending action is inconsistent with the statement of intent, the Governor, if he concurs with the presiding officer's or chairmen's objections, may instruct the affected state agency to change immediately its spending action or spending proposal to conform with legislative intent. If the Governor does not direct the agency to change its spending action or proposed spending action, the commission shall review the spending action or spending proposal. Such spending action or proposal may be affirmed by a two-thirds affirmative vote of the members present with the Governor voting in the affirmative. In the absence of such vote the commission shall have determined that such action violated the statement of intent. The commission may void such action or instruct the affected state agency to cease such spending action or modify its proposed spending action so as to be consistent with the statement of intent. In considering whether the statement of intent has been or will be violated, the commission may also consider other documentation presented by both chairmen of the legislative appropriations committees, the presiding officer of either house, or the Governor. The Governor or either house of the Legislature may seek judicial review of the commission's action. Such review shall be de novo and shall not be limited to the record in the proceedings before the commission.

(d)(e) The House of Representatives and the Senate shall provide by rule that any member of the House of Representatives or Senate may request, in writing, of either the President of the Senate or the Speaker of the House of Representatives or the chairman of the respective legislative appropriations committee to initiate the procedures of paragraph (b) (a) or paragraph (c) (b).

Section 18. Section 216.179, Florida Statutes, is created to read:

216.179 Reinstatement of vetoed appropriations by administrative means prohibited.—After the Governor has vetoed a specific appropriation for an agency, neither the Governor nor the Cabinet, in their various statutory and constitutional roles, may authorize expenditures for or implementation in any manner of the programs that were authorized by the vetoed appropriation.

Section 19. Paragraph (b) of subsection (12) of section 216.181, Florida Statutes, 1990 Supplement, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.—

(12)

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

Section 20. Section 216.195, Florida Statutes, is amended to read:

216.195 Impoundment of funds; restricted.—The Executive Office of the Governor, the *Administration Commission*, or any state agency shall not impound any appropriation except as necessary to avoid or eliminate a deficit pursuant to the provisions of s. 216.221. The Governor or either house of the Legislature may seek judicial review of any action or proposed action which violates the provisions of this section.

Section 21. Subsections (2), (5), and (6) of section 216.221, Florida Statutes, are amended to read:

216.221 Appropriations as maximum appropriations; adjustment of budgets to avoid or eliminate deficits.—

(2) If, in the opinion of the Governor, after consultation with the Revenue Estimating Conference, a deficit will occur in the General Revenue Fund, he shall so certify to the commission. The commission may, by affirmative action, reduce all approved state agency budgets and releases by a sufficient amount to prevent a deficit in any fund. *In addition, for purposes of preventing a deficit in the General Revenue Fund, the commission may include in its deliberations, but may not reduce any appropriations to the legislative branch that are voluntarily placed in their reserve by the President of the Senate or the Speaker of the House of Representatives or both.* However, notwithstanding the provisions of s. 215.16(2), the commission shall implement any provision or priority provided in the General Appropriations Act related to this section as a method for eliminating the deficit in the General Revenue Fund. In the absence of any direction by the Legislature in the General Appropriations Act, the commission, pursuant to the provisions of s. 14.202, may reduce all approved state agency budgets and releases by a sufficient amount to prevent a deficit in any fund or may authorize the use of the Working Capital Fund *only to prevent a deficit in the General Revenue Fund; however, the commission may not reduce agency budgets or releases to increase funds in or restore funds to the Working Capital Fund.*

(5) Any action taken pursuant to this section shall be reported to the legislative appropriations committees, and the committees may advise the Governor, the Comptroller, or the commission concerning such action. *No less than 7 working days prior to any final action by the commission pursuant to this section, the proposed plan for such action shall be submitted to the legislative appropriations committees for review and consultation, and the committees may advise the commission concerning such action.*

(6) Once a deficit is determined to have occurred and action is taken to reduce approved operating budgets and release authority, no action may be taken by the commission to restore the reductions, *either directly or indirectly, including, but not limited to, motions to reconsider that restore the reductions, without complying with the notice, review, and objection procedures set forth in s. 216.177.*

Section 22. Subsection (1) of section 216.271, Florida Statutes, is amended to read:

216.271 Revolving funds.—

(1) No revolving fund may be established pursuant to s. 18.101(2), unless approved by the Comptroller during each *fiscal year biennium*.

Section 23. Section 216.275, Florida Statutes, is amended to read:

216.275 Clearing accounts.—No clearing account may be established outside the State Treasury pursuant to s. 18.101(1) unless approved by the Treasurer during the *fiscal year biennium*. Each agency desiring to maintain a clearing account outside the State Treasury shall submit a written request to do so to the Treasurer in accordance with the format and manner prescribed by the Treasurer. The Treasurer shall maintain a listing of all clearing accounts approved during the *fiscal year biennium*.

Section 24. Section 216.2815, Florida Statutes, is created to read:

216.2815 Appropriations to nongovernmental agency or person; Auditor General may audit; public record.—Any appropriation made by the General Appropriations Act to a nongovernmental agency, corporation, or person shall be a public record and the Auditor General may audit such appropriation. All records of the nongovernmental agency, corporation, or person with respect to the receipt and expenditure of such an appropriation shall be public records and shall be treated in the same manner as other public records are under general law. The Auditor General may subpoena any person or record when necessary in auditing an appropriation pursuant to this section.

Section 25. Paragraph (a) of subsection (1), paragraph (a) of subsection (2), and subsection (3) of section 216.301, Florida Statutes, 1990 Supplement, are amended to read:

216.301 Appropriations; undisbursed balances.—

(1)(a) Any balance of any appropriation, except an appropriation for fixed capital outlay, which is not disbursed but which is expended or contracted to be expended shall, at the end of each fiscal year, be certified by the head of the affected state agency or the legislative branch, *on or before August 1 of each year*, to the Executive Office of the Governor, showing in detail the obligees to whom obligated and the amounts of such obligations. *On or before September 1 of each year*, the Executive Office of the Governor shall review and approve or disapprove any or all of the items and amounts ~~so~~ certified by the head of the affected state agency and shall approve all items and amounts certified by the legislative branch and shall furnish the Comptroller, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balance of such appropriation. The review shall assure that trust funds have been fully maximized. Any such encumbered balance remaining undisbursed on December 31 of the same calendar year in which such certification was made shall revert to the fund from which appropriated and shall be available for reappropriation by the Legislature. In the event such certification is not made and an obligation is proven to be legal, due, and unpaid, then the obligation shall be paid and charged to the appropriation for the current fiscal year of the state agency or the legislative branch affected.

(2)(a) Any balance of any appropriation for fixed capital outlay not disbursed but expended or contracted or committed to be expended shall, at the end of each fiscal year, be certified by the head of the affected state agency or the legislative branch, *on or before August 1 of each year*, to the Executive Office of the Governor, showing in detail the commitment or to whom obligated and the amount of such commitment or obligation. *On or before September 1 of each year*, the Executive Office of the Governor shall review and approve or disapprove any or all of the items and amounts ~~so~~ certified by the head of the affected state agency and shall approve all items and amounts certified by the legislative branch and shall furnish the Comptroller, the legislative appropriations committees, and the Auditor General a detailed listing of the items and amounts approved as legal encumbrances against the undisbursed balances of such

appropriations. In the event such certification is not made and the balance of the appropriation has reverted and the obligation is proven to be legal, due, and unpaid, then the same shall be presented to the Legislature for its consideration.

(3)(a) Notwithstanding the provisions of subsection (2), the unexpended balance of any appropriation for fixed capital outlay subject to but not under the terms of a binding contract or a general construction contract prior to ~~February April~~ 1 of the second fiscal year of the appropriation shall revert on ~~February April~~ 1 of such year to the fund from which appropriated and shall be available for reappropriation. The Executive Office of the Governor shall, not later than ~~February April~~ 20 of each year, furnish the Comptroller, the legislative appropriations committees, and the Auditor General a report listing in detail the items and amounts reverting under the authority of this subsection, including the fund to which reverted and the agency affected.

~~(b) For the purpose of this subsection, the fiscal year beginning July 1, 1975, shall be deemed the "second fiscal year" of any appropriation for fixed capital outlay made on or before July 1, 1974.~~

~~(c) Nothing in this subsection shall be construed to impair the obligation of any contract in existence on or before the effective date of this act.~~

Section 26. Section 216.346, Florida Statutes, is created to read:

216.346 Contracts between state agencies; restriction on overhead or other indirect costs.—In any contract between state agencies, including any contract involving the State University System or the State Community College System, the agency receiving the contract or grant moneys shall charge no more than 5 percent of the total cost of the contract or grant for overhead or indirect costs or any other costs not required for the payment of direct costs.

Section 27. Section 216.347, Florida Statutes, is created to read:

216.347 Disbursement of grants and aids appropriations for lobbying prohibited.—No state agency or Water Management District shall authorize or make any disbursement of grants and aids appropriations pursuant to a contract or grant to any person or organization unless the terms of the grant or contract prohibit the expenditure of funds for the purpose of lobbying the Legislature or a state agency. The provisions of this section are supplemental to the provisions of s. 11.062 and any other law prohibiting the use of state funds for lobbying purposes.

Section 28. Section 216.3475, Florida Statutes, is created to read:

216.3475 Maximum rate of payment for services funded under General Appropriations Act or awarded on a noncompetitive basis.—A person or entity that is designated by the General Appropriations Act, or that is awarded funding on a noncompetitive basis, to provide services for which funds are appropriated by that act may not receive a rate of payment in excess of the competitive prevailing rate for those services unless expressly authorized in the General Appropriations Act.

Section 29. Section 216.349, Florida Statutes, is created to read:

216.349 Financial review of grants and aids appropriations; audit or attestation statement.—

(1) Before disbursing any funds from a grants and aids appropriation pursuant to a grant or contract, the state agency authorized by the appropriations act to administer the funds and the Comptroller must independently ensure that the proposed expenditure is in accordance with all legal and regulatory requirements and find that the terms of the grant or contract specifically prohibits the use of funds for the purpose of lobbying the Legislature or a state agency.

(2) Any local governmental entity, nonprofit organization, or for-profit organization that is awarded funds from a grants and aids appropriation by a state agency shall:

(a) If the amount exceeds \$100,000, have a grant-specific audit performed in accordance with the rules of the Auditor General promulgated pursuant to s. 11.45;

(b) If the amount exceeds \$25,000 but does not exceed \$100,000, have a grant-specific audit performed in accordance with the rules of the Auditor General promulgated pursuant to s. 11.45 or have a statement prepared by an independent certified public accountant which attests that the receiving entity or organization has complied with the provisions of the grant; or

(c) If the amount does not exceed \$25,000, have the head of the entity or organization attest, under penalties of perjury, that the entity or organization has complied with the provisions of the grant.

All audits performed or attestation statements prepared under this subsection shall be filed with the granting agency and with the Auditor General.

Section 30. The Governor shall submit to the Secretary of State, along with the signed General Appropriations Act, a statement which sets forth the estimated cost of each new proposed state debt or obligation contained in the act. Each statement shall be written in substantially the following form:

The General Appropriations Act for fiscal year (insert years) authorizes the issuance of \$ (insert principal) of debt or obligation at a forecasted interest rate of (insert rate of interest). The total interest paid over the life of this debt or obligation will be \$ (insert sum of interest payments). Additionally, it is estimated that the 5-year operational costs associated with those capital outlay projects to be funded by the incurrence of this debt or obligation will be \$ (insert costs).

Section 31. Section 216.045, Florida Statutes, and section 216.046, Florida Statutes, as amended by chapter 87-548, Laws of Florida, are hereby repealed.

Section 32. Paragraph (e) of subsection (2) of section 229.053, Florida Statutes, is amended to read:

229.053 General powers of state board.—

(2) The board has the following duties:

(e) To adopt and transmit to the Governor as chief budget officer of the state on official forms furnished for such purposes, on or before ~~September~~ ~~November~~ 1 of each year, estimates of expenditure requirements for the State Board of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year;

Section 33. Subsections (1) and (3) of section 229.575, Florida Statutes, 1990 Supplement, are amended to read:

229.575 Reporting procedures.—

(1) COMMISSIONER'S REPORT.—The commissioner shall annually report the status of the state system of public education. All reports must be received by the school districts prior to their release to the general public. Such reports must contain:

(a) Information about how well district instructional programs enable students to meet the performance standards.

(b) Comparative numerical rankings and other appropriate analyses of this state with other states based on the nationally normed testing program specified in s. 233.011(4).

(c) Comparative numerical rankings and other appropriate analyses of districts, regions, and schools within the state based on the nationally normed testing program specified in s. 233.011(4) and student performance pursuant to s. 229.565.

(d) Results of educational program evaluations, including the performance of high school graduates who enroll in public universities, community colleges, or postsecondary vocational institutions in this state.

(e) Information about the needs of education within each district. Such information must be included in a separate section in the annual commissioner's report and must include a demographic-and-service-need profile of the children in grades K through 5, 6 through 8, and 9 through 12, by school, to support reported district educational needs in grades K through 12. This information must be completed by the commissioner in time to be included in the 1992 annual commissioner's report.

(f) Areas of immediate and long-range concern to state and district education decision makers. Such areas include program and policy recommendations to improve the readiness of children to start school; to improve the high school graduation rate; to improve student demonstration of competency in various subjects, especially math and science; to increase adult literacy; and to improve school environment and discipline, as related to drugs and violence.

(g) Recommendations for action; including action to improve areas of concern specified in paragraph (f).

(h) Information on policy decisions.

(i) Any other information and analyses which explain or clarify the status of the state system of public education. Such information must include specification of operating costs, which costs must be reported to the Governor and the State Board of Education annually based upon the cost per student.

(j) The comparisons required by s. 229.57.

(k) The high school completion rate of the state compared to that of other states and the high school completion rate of each district in the state. Students who withdraw from high school to attend adult education programs shall be reported separately and shall not be counted as high school completers unless they have earned a high school diploma or its equivalent or a certificate of completion.

The commissioner's annual report shall be presented to the Governor, the State Board of Education, and the Legislature prior to ~~September~~ ~~November~~ 1 of each year and shall be made available to the general public and the citizens of this state through all appropriate means. This report must be forwarded to the Governor and the State Board of Education at the time the annual commissioner's report is published. The Governor and the State Board of Education must be provided with the information provided in paragraphs (b), (c), (e), (f), and (g) for all K through 12 children from all 67 school districts in the aggregate and by each district and each school, and they shall use such information in approving the State Board of Education legislative budget request.

(3) SCHOOL REPORT.—Each school shall report annually on its status of education. Such report shall be based upon information for the prior school year and shall contain:

(a) Information on how well the school is meeting its goals and objectives.

(b) Interpretation and analysis of student progress, including information on how well students are achieving the minimum performance standards.

(c) Comparative numerical rankings and other appropriate analyses of this state with other states based on the nationally normed testing program specified in s. 233.011(4).

(d) Comparative numerical rankings and other appropriate analyses of districts and regions within the state based on the nationally normed testing program specified in s. 233.011(4) and student performance pursuant to ss. 232.2454(1) and 229.565(1) and (2).

(e) Comparative numerical rankings and other appropriate analyses of schools within the district based on the nationally normed testing program specified in s. 233.011(4) and student performance pursuant to ss. 232.2454(1) and 229.565(1) and (2).

(f) Comparisons of the performance in public postsecondary education of graduates of the high schools in the district. Such comparisons shall specify the ratio of graduates enrolled in public postsecondary education to the total number of graduates and to the number of graduates who were referred for remediation through college preparatory or vocational preparatory programs. A report may not identify individual students.

(g) Information on student attendance; dropouts, including an analysis of progress made toward identifying potential dropouts and remedying the problem; incidents of corporal punishment; in-school and out-of-school suspensions; and expulsions. Such information shall include a breakdown by sex and race. When reporting school dropouts in accordance with this requirement, the number of students counted as dropouts who are transient students because their parents or legal guardians either are part of the seasonal migrant labor force or are part-time residents of this state shall be separately indicated. The number of students who transferred to adult education programs shall also be separately reported. Such students shall be counted as dropouts for purposes of this calculation, unless the school verifies that they have received an adult high school diploma or its equivalent. The principal or his designated representative is responsible for including such information and analysis in the report. The State Board of Education shall prescribe by rule the nature of information required and the manner and format for reporting such information.

- (h) Fiscal information, including the school budget.
- (i) Information on the needs of the school and its students.
- (j) Summaries of teacher, student, parent, and community attitudes toward the school.

(k) Any other information and analyses which explain or clarify the status of education, including a comparison of statistical trends from the prior year.

The principal, with the assistance of teachers, students, and the school advisory committee, where existing, shall prepare the report which shall be published by ~~September~~ **November 1** each school year beginning with the 1977-1978 school year. The report shall be reproduced and distributed at the least possible cost and may be issued in a series or as part of existing school publications. The report shall be distributed to the parent or guardian of each student in the school and made available to all other interested citizens upon request.

Section 34. Paragraph (k) of subsection (3) of section 231.087, Florida Statutes, is amended to read:

231.087 Management Training Act; Florida Council on Educational Management; Florida Academy for School Leaders; Center for Interdisciplinary Advanced Graduate Study.—

(3) DUTIES OF COUNCIL.—The council shall have the following duties:

(k) To report no later than ~~September~~ **November 1** of each year for the previous fiscal year to the Commissioner of Education, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairmen of the Senate and House of Representatives committees on public school education on the expenditures, activities, and accomplishments of the council, the academy, and the Center for Interdisciplinary Advanced Graduate Study. Such report shall also include a statement of the objectives and overall program for the coming year, the recommended level of funding for the overall program for that year, and any other recommendations deemed by the council to be appropriate.

Section 35. Subsection (7) of section 240.2601, Florida Statutes, 1990 Supplement, is amended to read:

240.2601 State University System Facility Enhancement Challenge Grant Program.—

(7) By ~~September~~ **November 1** of each year, the Board of Regents shall transmit to the Legislature a list of projects which meet all eligibility requirements to participate in the Capital Facilities Matching Trust Fund and a budget request which includes the recommended schedule necessary to complete each project.

Section 36. Subsection (1) of section 282.308, Florida Statutes, 1990 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 shall develop instructions that describe the format, content, and review criteria of this part of the plan.

(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 shall develop instructions that describe the format, content, and review criteria of this part of the plan.

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 ~~September~~ **November 1** of each year for the preceding fiscal year.

Section 37. Paragraph (c) of subsection (7) of section 339.135, Florida Statutes, 1990 Supplement, is amended to read:

339.135 Work program; legislative budget request; definitions; preparation, adoption, execution, and amendment.—

(7) EXECUTION OF THE BUDGET.—

(c) Notwithstanding the provisions of ss. 216.301(3)(a) and 216.351, any unexpended balance remaining at the end of the fiscal year in the appropriations to the department for special categories; aid to local governments; lump sums for project phases which are part of the adopted 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). 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 (f). 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 (f). 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.

Section 38. Subsection (4) of section 407.04, Florida Statutes, is amended to read:

407.04 Budget; expenses; assessments; health care cost containment program account.—

(4) The Health Care Cost Containment Board shall submit its final legislative budget request directly to the Governor as chief budget officer of the state in the form and manner prescribed in the budget instructions. ~~However, the final legislative budget request shall be submitted no later than November 1 of each even-numbered year.~~

Section 39. Paragraphs (a) and (b) of subsection (5) of section 409.185, Florida Statutes, 1990 Supplement, are amended to read:

409.185 Determination of eligibility for and amount of financial assistance; exclusions; report required.—

(5) The Legislature shall set the payment standards by which payment for aid to families with dependent children are made in the General Appropriations Act. The standard of need shall be considered in establishing the payment standard.

(a) At the time the department submits its ~~annual~~ **biennial** budget to the Governor, as provided by s. 216.023(1), it shall submit a report to the Governor on the current and projected dollar value of the standard of need and payment standards with respect to payments for aid to families with dependent children. The department shall make recommendations to the Governor regarding the payment standards and their relative relationship to the standard of need.

(b) The report shall also include:

1. Data and forecasts on changes in the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services for the period from the effective date of the last determination through the upcoming ~~fiscal year~~ **biennium**.

2. A calculation indicating the value of the current payments as a percentage of the current and projected dollar value of the standard of need for the ~~upcoming fiscal each year of the biennium~~.

Section 40. Suits seeking monetary damages against the state or its agencies; payment of judgments; appropriations required.—

(1) As used in this section, the term "appropriation made by law" has the same meaning as in section 1(c) of Article VII of the State Constitution and means money allocated for a specific purpose by the Legislature by law in a general appropriations act or a special appropriations act.

(2) The state and each state agency, when exercising its inherent police power to protect the public health, safety, or welfare, is presumed to be acting to prevent a public harm. A person may rebut this presumption in a suit seeking monetary damages from the state or a state agency only by clear and convincing evidence to the contrary.

(3) Neither the state nor any of its agencies shall pay or be required to pay monetary damages under the judgment of any court except pursuant to an appropriation made by law. To enforce a judgment for monetary damages against the state or a state agency, the sole remedy of the judgment creditor, if there has not otherwise been an appropriation made by law to pay the judgment, is to petition the Legislature in accordance with its rules to seek an appropriation to pay the judgment.

(4) Notwithstanding section 74.091, Florida Statutes, a judgment for monetary damages against the state or any of its agencies may not be enforced through execution or any common law remedy against property of the state or its agencies, and a writ of execution therefor may not be issued against the state or its agencies. Moreover, it is a defense to an alternative writ of mandamus issued to enforce a judgment for monetary damages against the state or a state agency that there is no appropriation made by law to pay the judgment.

Section 41. The Division of Statutory Revision of the Joint Legislative Management Committee is directed to prepare a reviser's bill that conforms references in the statutes to the changes made to the annual budgeting process by this act.

Section 42. This act shall take effect July 1, 1991.

Amendment 2—In title, strike everything before the enacting clause and insert:

A bill to be entitled An act relating to fiscal affairs of the state; amending s. 215.32, F.S.; requiring the Administration Commission to provide the chairmen of the legislative appropriations committees with certain information on trust funds approved for establishment by the commission; providing for automatic abolishment of such trust funds; requiring certain legislative authorization to continue such trust funds; prohibiting reestablishment of abolished trust funds, except in certain circumstances; providing duties of the Comptroller; providing exemptions; clarifying the moneys available in the General Revenue Fund; providing for the transfer of excess General Revenue Funds to the Working Capital Fund; authorizing the Administration Commission to transfer selected trust fund balances to the Working Capital Fund under specified circumstances; amending s. 216.011, F.S., and repealing paragraph (1)(e), relating to the definition of "biennium"; modifying the definition of "fixed capital outlay"; defining the term "emergency situation"; amending s. 216.0158, F.S.; changing a date for submission of a facility needs assessment; conforming to annual budgeting; amending s. 216.023, F.S.; changing the dates for disseminating the budget instructions and for submitting legislative budget requests; providing for annual submission; conforming provisions relating to agency legislative budget requests to truth-in-bonding provisions; amending s. 216.031, F.S.; changing a date for submission of separate major issues relating to budgets for operational expenditures; changing from biennial to annual budgeting; amending s. 216.043, F.S.; changing from biennial to annual budgeting; requiring state agencies to include certain truth-in-bonding information in any legislative budget request for fixed capital outlay or operating capital outlay proposed to be funded by a proposed state debt or obligation; amending s. 216.044, F.S.; requiring the Department of General Services to assist state agencies and the Executive Office of the Governor in fulfilling truth-in-bonding information requirements; creating s. 216.0442, F.S., relating to truth in bonding; providing definitions; requiring development of a summary of state debt, a statement of proposed financing, and a truth-in-bonding statement, under specified circumstances; creating s. 216.065, F.S.; requiring the Governor and the Cabinet to submit fiscal impact statements to legislative appropriations committees under certain circumstances; amending s. 216.081, F.S.; changing a date for submission of estimates of financial needs of the legislative branch; conforming to annual budgeting; amending s. 216.136, F.S.; conforming to annual budgeting; amending s. 216.162, F.S.; modifying the time of submission of the Governor's recommended budget under certain circumstances; amending s. 216.163, F.S.; conforming to annual budgeting; requiring inclusion of

state debt, debt financing, and truth-in-bonding documents in the Governor's recommended budget for each specific fixed capital outlay project or group of projects or operating capital outlay requests to be funded from a proposed state debt or obligation; amending s. 216.165, F.S.; conforming to annual budgeting; amending s. 216.167, F.S.; requiring inclusion of state debt, debt financing, and truth-in-bonding documents, and a 5-year estimate of program operational costs, in certain of the Governor's recommendations; amending s. 216.168, F.S.; changing a date relating to the Governor's amended revenue or budget recommendations; amending s. 216.177, F.S.; requiring the chairmen of the legislative appropriations committees to jointly transmit certain information relating to state debt and truth-in-bonding to the Executive Office of the Governor, the Comptroller, the Auditor General, and each state agency; authorizing a shorter period of notice of budget actions under certain circumstances; prohibiting action by the commission on certain budget items without notice; creating s. 216.179, F.S.; prohibiting reinstatement of vetoed appropriations by administrative means; amending s. 216.181, F.S.; providing for advance payments for program startup or contracted services by agencies authorized by the General Appropriations Act; amending s. 216.195, F.S.; limiting impoundment of funds by the commission; amending s. 216.221, F.S.; authorizing use of certain legislative branch appropriations and the Working Capital Fund to prevent a deficit in the General Revenue Fund; prohibiting reductions for the purpose of increasing funds in or restoring funds to the Working Capital Fund; requiring notice to the Legislature of certain proposed reductions or adjustments to agency budgets; providing restrictions on restoring budget reductions; amending ss. 216.271 and 216.275, F.S.; conforming to annual budgeting; creating s. 216.2815, F.S.; providing that any appropriation made in the General Appropriations Act to a private or nongovernmental organization or person shall be a public record and may be audited by the Auditor General; amending s. 216.301, F.S.; modifying provisions and changing dates relating to certification of undisbursed funds to the Executive Office of the Governor, including certain fixed capital outlay appropriations; providing a date by which the review of such certifications shall be completed; creating s. 216.346, F.S.; restricting assessment of overhead and other indirect costs in any contract between state agencies; creating s. 216.347, F.S.; prohibiting disbursement of grants and aids appropriations for lobbying; amending s. 11.062, F.S.; prohibiting departments of the executive branch, universities, community colleges, and water management districts from using public funds to retain lobbyists; providing that full-time employees of these entities are exempt; prohibiting lobbyists from accepting compensation derived from public funds; providing penalties; authorizing complaints to be filed with the Ethics Commission; authorizing the commission to adopt rules; creating s. 216.3475, F.S.; imposing a maximum rate for certain services funded under the General Appropriations Act; creating s. 216.349, F.S.; requiring review of grants and aids appropriations; requiring audits or attestation statements on such appropriations to certain entities; requiring the Governor to submit to the Secretary of State a statement of the estimated costs of each new proposed state debt or obligation in the General Appropriations Act; repealing s. 216.045, F.S., relating to supplemental appropriations; repealing s. 216.046, F.S., relating to the Governor's supplemental recommendations; amending ss. 229.053, 229.575, 231.087, 240.2601, 282.308, and 407.04, F.S., relating to various reports by the State Board of Education, Commissioner of Education, public schools, Florida Council on Educational Management, state universities, and Health Care Cost Containment Board, to conform; amending ss. 339.135 and 409.185, F.S.; correcting references; providing limitations on payment of monetary damages under judgments against the state or state agencies; requiring that there be appropriations made by law for such purpose; providing presumption in suits seeking monetary damages against the state or its agencies; providing limitations on and procedures for enforcing such judgments; providing for a reviser's bill; providing an effective date.

ROLL CALLS ON SENATE BILLS

CS for SB 2126—Amendment 10

Yeas—28

Bankhead	Davis	Johnson	Plummer
Beard	Diaz-Balart	Kiser	Scott
Bruner	Dudley	Kurth	Souto
Casas	Girardeau	Langley	Thurman
Childers	Grant	McKay	Walker
Crenshaw	Grizzle	Meek	Weinstein
Crotty	Jennings	Myers	Yancey

Nays—7

Brown	Forman	Gordon	Weinstock
Dantzler	Gardner	Thomas	

Vote after roll call:

Yea—Wexler

CS for SB 2126

Yeas—38

Madam President	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	
Davis	Jennings	Scott	

Nays—None

Vote after roll call:

Yea—Bankhead

SR 2410

Yeas—35

Madam President	Dantzler	Johnson	Scott
Bankhead	Diaz-Balart	Kiser	Souto
Beard	Dudley	Kurth	Thomas
Brown	Forman	Langley	Thurman
Bruner	Gardner	Malchon	Weinstein
Casas	Girardeau	McKay	Weinstock
Childers	Gordon	Meek	Wexler
Crenshaw	Grizzle	Myers	Yancey
Crotty	Jennings	Plummer	

Nays—None

All Senators voting were recorded as co-sponsors of **SR 2410**.**ROLL CALLS ON HOUSE BILLS****HB 2313**

Yeas—39

Madam President	Davis	Jennings	Scott
Bankhead	Diaz-Balart	Johnson	Souto
Beard	Dudley	Kiser	Thomas
Brown	Forman	Kurth	Thurman
Bruner	Gardner	Langley	Walker
Casas	Girardeau	Malchon	Weinstein
Childers	Gordon	McKay	Weinstock
Crenshaw	Grant	Meek	Wexler
Crotty	Grizzle	Myers	Yancey
Dantzler	Jenne	Plummer	

Nays—None

CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 19 and 25 were corrected and approved.

CO-SPONSORS

Senator Bankhead—CS for SB 612; Senator Casas—SB 1046, SB 1192; Senator Davis—SB 1932; Senator Dudley—SB 1510; Senator Gardner—SB 678; Senator Girardeau—SB 320; Senator Grant—SB 1510; Senator Jenne—SB 900; Senator Kirkpatrick—SB 2058; Senator Kurth—CS for SB 1156; Senator Langley—SB 1510; Senator Myers—SB 1510; Senator Weinstein—SB 2342; Senator Weinstock—SB 1932; Senator Yancey—SB 684, CS for SB 1044, SB 1112, SB 2058

Senator Casas withdrew as sponsor of SB 1510.

RECESS

Senator Thomas moved that the Senate stand in recess for the purpose of holding committee meetings and conducting other Senate business until Tuesday, April 2, at 9:00 a.m. or upon call of the President. The motion was adopted.

Pursuant to the motion by Senator Thomas, the Senate recessed at 5:19 p.m. to reconvene at 9:00 a.m., Tuesday, April 2, or upon call of the President.