



# Journal of the Senate

Number 25

Thursday, May 2, 1991

## CALL TO ORDER

The Senate was called to order by the President at 9:30 a.m. A quorum present—37:

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

## PRAYER

The following prayer was offered by Father Michael Tugwell, Pastor, St. Thomas More Co-Cathedral Catholic Church, Tallahassee:

Lord God, we praise you and give you thanks for the gift of a new day and a new opportunity to serve you.

As this leadership body of our great State of Florida convenes today, Lord, give them the guidance of your spirit—the spirit of wisdom and courage—the spirit of right judgment and understanding—the spirit of integrity and endurance.

Lord, in your love for your people you have always taught them what is good for them—to do right, to love goodness, and to walk humbly with their God.

As our leaders consider the education and ethics issues before them today, help them to put aside personal concerns and interests and work together for the common good of the people of Florida and the good that you wish for them. Lord, give them the insight and farsightedness to plant today the seeds for tomorrow's society so that their work will truly make a difference in creating a better world for all of us, but especially, for the young and the poor.

Those close to your heart, bless the work of their hands today, Lord, so that as they end this legislative season they will have skillfully fashioned laws that will make our state a better place to live and a place we are proud to call home in the nineties.

We make this prayer to God, our Father, who is our provider and who teaches us how to provide for one another as good stewards of the great wealth he has given us. Amen.

## SPECIAL ORDER

Consideration of **CS for CS for HB 937** was deferred.

On motions by Senator Jenne, by two-thirds vote **CS for HB 275** was withdrawn from the Committees on Education and Appropriations.

On motion by Senator Jenne—

**CS for HB 275**—A bill to be entitled An act relating to postsecondary education; creating s. 240.4987, F.S.; creating the Florida Minority Medical Education Trust Fund; providing eligibility requirements and funding; providing for rules; providing an effective date.

—a companion measure, was substituted for **CS for SB 1632** and read the second time by title. On motion by Senator Jenne, by two-thirds vote **CS for HB 275** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

## RECESS

On motion by Senator Thomas, the Senate recessed at 10:11 a.m. to reconvene upon call of the President.

## CALL TO ORDER

The Senate was called to order by the President at 10:45 a.m. A quorum present—40:

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

## SPECIAL ORDER, continued

On motions by Senator Johnson, by unanimous consent—

**CS for SB's 2054 and 1504**—A bill to be entitled An act relating to education; amending s. 229.575, F.S.; revising annual reporting requirements for schools; amending s. 229.58, F.S.; requiring school districts to establish school advisory councils; providing the duties of the councils; amending s. 229.591, F.S.; revising legislative intent regarding school improvement; requiring the State Board of Education to develop a system of school improvement and educational accountability; amending s. 229.592, F.S.; specifying the responsibilities of the Commissioner of Education in implementing the system of school improvement and educational accountability; amending s. 229.593, F.S.; renaming the Commission to Improve Schools and Simplify Education Reports; revising the commission membership; providing duties of the Florida Commission on School Improvement and Accountability; amending s. 230.03, F.S.; providing duties of school principals in developing and implementing school improvement plans; amending s. 230.23, F.S.; providing requirements for school boards in implementing a system of school improvement and accountability; providing requirements for school improvement plans; providing for assistance and intervention in schools that do not meet or make progress toward meeting school performance standards; amending s. 230.33, F.S.; requiring district school superintendents to implement a system of school improvement and accountability; amending s. 231.085, F.S.; providing additional duties for school principals in developing and implementing the school improvement plan; authorizing the Commissioner of Education to reorganize the Division of Public Schools of the Department of Education; providing for expiration of such authorization; requiring the Commissioner of Education to report to the Legislature on the progress of the school accountability system; repealing s. 229.55, F.S., relating to the Educational Accountability Act of 1976; repealing s. 229.594, F.S., relating to the Florida Commission on School Improvement and Accountability; providing for future legislative review and repeal of s. 229.593, F.S., and provisions of this act, relating to the Florida Commission on School Improvement and Accountability, pursuant to the Sundown Act; providing an effective date.

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

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

Senator Gordon was recorded as voting Nay on **Amendments 1 and 2**.

On motion by Senator Johnson, by two-thirds vote **CS for SB's 2054 and 1504** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33      Nays—7

On motions by Senator Gardner, by two-thirds vote **CS for HB 463** was withdrawn from the Committees on Governmental Operations; Personnel, Retirement and Collective Bargaining; and Appropriations and by two-thirds vote placed next on the special order calendar.

**CS for HB 463**—A bill to be entitled An act relating to state officers and employees; amending s. 110.151, F.S.; revising language with respect to state officers' and employees' child care services; providing that the sponsoring state agency shall be responsible for certain costs; providing that the sponsoring state agency may be responsible for the operation of a child care center under certain circumstances; providing for consortium arrangements; deleting language referring to the Ina S. Thompson Child Care Center; providing legislative intent; creating the "Family Support Personnel Policies Act"; directing the Department of Administration to develop a model rule with respect to family support personnel policies; providing a timeframe for the adoption of the rule; directing agencies to appoint advisory committees by a certain date; providing for a study of the state personnel system; creating a Commission on Florida Government Personnel System; providing for repeal; providing for future repeal and review of the advisory committees pursuant to s. 11.611, F.S., the Sundown Act; providing an effective date.

—was 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 **CS for HB 463** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—2

On motion by Senator Scott, the following remarks were printed in the Journal:

**Senator Thomas:** Madam President, I feel that I should comment on this bill which sunsets the career service program. I represent the great majority of the wonderful public employees affected by the sunset of our career service system. In the dying hours of this hectic session, it became apparent that if I stood in the way of a sunset review of the career service system, I might imperil the much needed pay raise and a review of the inequities of the system itself. I chose, as you know, the high road. We are our own worst enemies at times when we give the appearance of running from change, when change itself might be what we overlooked that is sorely needed. I can tell you that if I was in the career service system, I'd be alarmed to see what upward mobility benefits had been extended to senior management, executive exempt and select exempt employees, those in special risk and others who retire at 55, and those employees of the legislative process who can reach out and get compensatory time and enjoy special and restricted benefits. The vanguard of government, the career service employees are shorted in many instances.

I have talked, in the last forty-eight hours, to our Chief Executive. I think he is probably as determined as anybody I have ever encountered that we do something to improve upon the station in life of our employees. I will give him credit.

You can count on your local delegation for always trying to advance compensation and promote a better style of living for our dedicated employees.

But what has happened in the career system? We have isolated that part of the work force and let them be held back while so many around them have gone upward. You ask them and many will tell you of the blatant irresponsible mismanagement that has occurred with some of the division directors taking care of the favored few, but I don't know that it has been that gray of a system overall.

I know it's approaching forty years of age. Governor Collins came to the Florida government after having seen the exodus of dedicated employees with each new Governor. The people who had labored and tried to achieve some success in life were always packing their bags because they knew their days were over, and that was wrong.

I don't think this Governor has any intent but to try to make this a better place for state employees, one that they have greater pride in and one in which they can upgrade themselves.

We have tried to do something about early retirement. We haven't been able to do that. This measure also forces us to respond to that need. There are some gross inequities in the retirement program and the career service.

I don't like what we are having to do today. I don't support the measure. Yesterday, this was tied to the pay package, and I must tell the career employees that it was an amendment Senator Johnson and I had yesterday that brought about a pay raise for the state employees and the employees of the Board of Regents. But the truth is, it was the Governor's loud and crystal clear voice that made us revisit that issue.

I pledge that the Legislature which will be in charge when this bill is re-enacted next year, and it will be re-enacted, it will be even stronger for these loyal, dedicated employees who serve in the government of the State of Florida. Thank you.

**Senator Walker:** Madam President, Senator Thomas said in his opening statement that change sometimes brings about a reluctance in us, an unwillingness to try and adapt to new ways of doing things. He reflected that change could be very positive, and that is correct. Change can also be very frightening to people if they do not feel they have had an opportunity to participate in the decisions that will affect their lives. Those of us who will be looking at this issue in future months, making these decisions, could do a great deal of service to ourselves as leaders if we would listen to those affected, listen to their concerns and look at how it would affect them.

Bob Graham had a wonderful idea when he started working on different jobs for a day to see how those people live. When I practice or get prepared for a trial for a person who is involved in great personal injury, I try to go and visit with them and see what their life is really like, what happens in a day of their life, so that when I go to the jury I'm not just standing there saying words, I'm actually living the life of the person through my words.

So I would like everyone here, and Senator Thomas in particular since you were in the leadership, to understand that we can learn a lot by getting out with people who will be affected by this issue and bring them in to the decision-making, so they don't feel excluded.

We just finished talking about how teachers who are on the job every day should be given freedom and flexibility and I'd like to extend that into this area also, because I do represent a large number of these people. They voted for me and gave me their confidence and I'd just like to make it very loud and clear to this Senate and its leadership that we take into consideration all the issues when we study the career service system.

On motions by Senator Wexler, by two-thirds vote **CS for CS for HB 685** was withdrawn from the Committees on Commerce; Criminal Justice; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Wexler—

**CS for CS for HB 685**—A bill to be entitled An act relating to bingo; amending s. 849.093, F.S.; revising provisions which regulate the conduct of bingo; providing intent; providing definitions; providing that the Division of Pari-mutuel Wagering shall supervise bingo activities and specifying powers and duties of the division; authorizing the conduct of bingo by authorized organizations; providing requirements and conditions for the conduct of bingo; requiring licensing of such organizations and distributors of bingo equipment; providing for fees; providing limitations on prizes; requiring licensees to maintain records and submit reports; prohibiting certain activities in connection with bingo; providing for revocation or denial of licenses and administrative fines; providing a criminal penalty; providing for injunctions; providing for deposit of moneys collected in the Pari-mutuel Wagering Trust Fund; providing that the regulation of bingo is preempted to the state, with certain exceptions; amending s. 718.114, F.S., which provides for the conduct of bingo by condominium associations, to conform; amending s. 723.079, F.S.; providing that nonprofit mobile home owners' associations may conduct bingo; amending ss. 849.09 and 849.094, F.S., relating to the prohibition against lotteries and regulation of game promotions, to conform; providing an appropriation and authorizing positions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1756** and read the second time by title. On motion by Senator Wexler, by two-thirds vote **CS for CS for HB 685** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

**CS for CS for HB 937**—A bill to be entitled An act relating to claims involving the state; creating s. 17.0415, F.S.; providing that the Comptroller may authorize the assignment of claims among the state, its agencies, and its subdivisions for set-off or collection purposes; amending s.

284.385, F.S.; providing for a system to coordinate the exchange of information about claims for and against the state; amending s. 768.28, F.S.; specifying prior unpaid claims information that must be disclosed; authorizing remedy for unexcused failure to disclose; providing circumstances under which a court may excuse incomplete or inaccurate compliance; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Scott, by two-thirds vote **CS for CS for HB 937** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

On motions by Senator Thurman, by two-thirds vote **HB 2509** was withdrawn from the Committees on Criminal Justice; Rules and Calendar; and Appropriations.

On motion by Senator Thurman—

**HB 2509**—A bill to be entitled An act relating to sentencing; providing that commission of a capital felony by a person under community control is an aggravating circumstance; providing for legislative adoption and implementation of revisions to sentencing guidelines promulgated by the Florida Supreme Court in accordance with s. 921.001, F.S.; providing a severability clause; providing an effective date.

—a companion measure, was substituted for **SB 1612** and read the second time by title. On motion by Senator Thurman, by two-thirds vote **HB 2509** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35      Nays—None

On motions by Senator Grant, by two-thirds vote **HB 633** was withdrawn from the Committees on Judiciary; Finance, Taxation and Claims; and Appropriations.

On motion by Senator Grant—

**HB 633**—A bill to be entitled An act relating to federal liens; creating the Florida Uniform Federal Lien Registration Act; specifying applicability; providing for filing of notices of federal liens, certificates, and other notices affecting federal liens; specifying duties of the Secretary of State and the clerks of the circuit courts; providing for fees; providing for uniformity of construction; providing an effective date.

—a companion measure, was substituted for **SB 1464** and read the second time by title. On motion by Senator Grant, by two-thirds vote **HB 633** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

On motions by Senator Yancey, by two-thirds vote **CS for CS for HB 2385** was withdrawn from the Committees on Judiciary, Community Affairs and Appropriations.

On motion by Senator Yancey—

**CS for CS for HB 2385**—A bill to be entitled An act relating to funding for state attorneys, public defenders, and attorneys ad litem; creating s. 27.005, F.S.; providing definitions; amending s. 27.54, F.S.; expanding county funding authorization for the public defender, and reenacting ss. 27.3455(4)(c), (5)(a), and (6)(a), and 939.15, F.S., relating to costs, to incorporate said amendment in references thereto; amending s. 744.331, F.S.; revising the time period within which counties must file certain claims against guardianship property; repealing s. 27.57, F.S., relating to reports; providing an effective date.

—a companion measure, was substituted for **CS for SB 1368** and read the second time by title. On motion by Senator Yancey, by two-thirds vote **CS for CS for HB 2385** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

**CS for HB 543**—A bill to be entitled An act relating to hazardous and biohazardous waste facility permits; amending ss. 403.707 and 403.722, F.S.; specifying requirements for the approval of the transfer of certain hazardous waste and biohazardous waste facility permits; providing for application for and review and approval of such transfers; providing for effect of such transfers; providing for continuation of liability

under such permits under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Walker, by two-thirds vote **CS for HB 543** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—39      Nays—None

Consideration of **CS for SB's 1530 and 1524** was deferred.

**CS for SB 524**—A bill to be entitled An act relating to a discretionary surtax on documents; providing legislative findings and intent; providing definitions; authorizing counties and eligible jurisdictions to levy a discretionary surtax on certain documents to provide financial assistance for financing eligible housing for eligible persons; providing for establishment of a trust fund; providing for the administration, collection, and distribution of the proceeds of the surtax; providing for application of specified administrative and enforcement provisions of ch. 201, F.S.; providing for notice to, and duties of, the Department of Revenue; requiring an annual report; providing for establishment and administration of the housing assistance award program; providing for an advisory council; providing eligibility requirements with respect to local government comprehensive planning; specifying effect of the act; providing an effective date.

—was read the second time by title.

Senator Forman moved that **CS for CS for HB 297** be withdrawn from the Committees on Community Affairs; Finance, Taxation and Claims; and Appropriations and substituted for **CS for SB 524**. The motion failed to receive the required two-thirds vote. The vote was:

Yeas—21      Nays—18

Further consideration of **CS for SB 524** was deferred.

**CS for HB 1313**—A bill to be entitled An act relating to economic development; creating s. 230.101, F.S.; providing procedures for increasing the number of school board members; requiring a joint cooperative strategic plan to meet the current and future economic development and workforce needs of Florida; amending s. 228.072, F.S.; requiring school boards that operate adult education programs to provide testing for persons participating in employment and training programs of the Department of Health and Rehabilitative Services; amending ss. 230.645, 240.35, F.S.; providing conditions under which students enrolled in the department's employment and training programs are exempt from instructional fees; amending s. 409.029, F.S.; revising provisions relating to the Florida Employment Opportunity Act; revising legislative intent; deleting certain reporting requirements; providing for application of the Workers' Compensation Act to program participants; deleting obsolete provisions; providing that applicants for public assistance are exempt from program participation requirements until eligibility is determined; providing circumstances under which eligible participants may be deferred from participation; revising participation requirements; revising requirements for assessment of applicants for public assistance for program eligibility; amending s. 409.185, F.S.; revising standards for determining eligibility for and amount of economic assistance; amending s. 240.4021, F.S.; directing the State Board of Education to adopt rules regarding the eligibility of certain students; amending s. 240.4062, F.S.; revising provisions relating to credit for repayment of a critical teacher shortage scholarship loan; amending s. 446.205, F.S.; providing for a Job Training Partnership Act family dropout prevention program; providing for development and implementation of a program; providing for funding; providing requirements for participation in the program; deleting provisions relating to incentive awards; amending s. 446.22, F.S.; revising definitions; amending s. 446.23, F.S.; revising terminology and mentor obligations; amending s. 446.24, F.S.; revising youth participant obligations; amending s. 446.25, F.S.; providing for coordination of services by service delivery areas and revising advisory council purposes; amending s. 446.26, F.S.; revising funding provisions; amending s. 446.27, F.S.; revising reporting requirements; directing the State Board of Education to adopt rules regarding the provision of vocational education programs to meet statewide workforce shortage needs; providing an effective date.

—was read the second time by title.

Senator Walker moved **Amendment 1**.

Senator Dantzer moved **Amendment 1A**.

Further consideration of **CS for HB 1313** with pending **Amendments 1 and 1A** was deferred.

**CS for HB 359**—A bill to be entitled An act relating to firearms; creating s. 790.054, F.S.; authorizing correctional probation officers to carry concealed firearms upon meeting certain requirements; exempting such officers from certain licensing and penal provisions; amending s. 843.025, F.S.; making unlawful depriving a correctional officer of his weapon or radio under certain circumstances; providing penalties; providing an effective date.

—was read the second time by title. On motion by Senator Yancey, by two-thirds vote **CS for HB 359** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37 Nays—1

On motions by Senator Weinstock, by two-thirds vote **CS for CS for HB's 997 and 1701** was withdrawn from the Committees on Judiciary, Criminal Justice and Appropriations.

On motion by Senator Weinstock—

**CS for CS for HB's 997 and 1701**—A bill to be entitled An act relating to domestic violence; amending s. 25.385, F.S.; directing the Florida Court Educational Council to establish standards for the instruction of county court judges with respect to domestic violence cases; redefining the term "domestic violence"; defining the term "family or household member"; amending s. 26.20, F.S., requiring each circuit to provide a judge for after hours, weekend, and holiday filings for temporary injunctions in domestic violence cases; amending s. 741.29, F.S.; directing law enforcement officers to assist certain domestic violence victims to obtain medical treatment; revising language with respect to investigations by law enforcement officers of domestic violence; providing for revised notices to victims; providing for the forwarding of certain written reports to certain spouse abuse centers; providing criteria with respect to arrest and charging for domestic violence; providing for freedom from liability; creating s. 741.2901, F.S.; providing for the duties of the state attorneys with respect to the prosecution of domestic violence cases; creating s. 741.2902, F.S.; providing for legislative intent with respect to domestic violence cases; amending s. 741.30, F.S.; redefining the term "domestic violence"; eliminating the term "spouse" and substituting the term "family or household member"; providing for additional duties of the clerk of the court with respect to domestic violence cases; providing for additional information on the petition for injunction for protection against domestic violence; providing for additional duties of law enforcement officers; amending s. 901.15, F.S.; providing for arrest without warrant for domestic violence; amending s. 943.171, F.S.; redefining the term "domestic violence"; defining the term "household member"; amending s. 944.705, F.S.; conforming to the act; providing for the responsibilities of the Department of Law Enforcement with respect to uniform statewide policies and procedures with respect to domestic violence cases; providing for collection of certain statistics on domestic violence; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1530 and 1524** and read the second time by title. On motion by Senator Weinstock, by two-thirds vote **CS for CS for HB's 997 and 1701** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38 Nays—None

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 2, 1991: **CS for CS for HB 937, CS for SB 1632, CS for SB 1756, SB 1612, SB 1464, CS for SB 1368, CS for HB 543, CS for SB 524, CS for HB 1313, CS for HB 359, SB 1004**

Respectfully submitted,  
Pat Thomas, Chairman

**MOTIONS**

On motion by Senator Thomas, by two-thirds vote **CS for SB's 2054 and 1504** was placed on the special order calendar.

On motion by Senator Langley, the House was requested to return **HB 747**.

On motion by Senator Kirkpatrick, the House was requested to return **HB 1527**.

On motions by Senator Thomas, by two-thirds vote **CS for SB's 1530 and 1524** was placed on the special order calendar to be considered following **CS for HB 543**.

**EXECUTIVE BUSINESS**

Pursuant to s. 114.05(1)(e), Florida Statutes, the Senate failed to act upon the following appointments during the 1991 regular session of the Legislature:

<i>Office and Appointment</i>	<i>For Term Ending</i>
Board of Acupuncture Appointee: Kaltsas, Harvey James	09/30/94
Affordable Housing Study Commission Appointees: Frese, Claudia Gonzalez, Jose' Andrew	Pleasure of Governor Pleasure of Governor
St. Augustine Airport Authority Appointee: Carnes, Laurence W.	01/04/93
Board of Architecture and Interior Design Appointee: West, Donald Jack	12/17/94
Florida Board of Auctioneers Appointee: Weir, Russell E., Sr.	09/30/94
Barbers' Board Appointees: Bell, George Wm. Gormley, Reginald Rhea, Rex R.	06/30/94 06/30/94 08/10/94
Florida Black Business Investment Board Appointees: Stith, Melvin T. Strickland, R. Michael	09/30/94 09/30/93
Secretary of Business Regulation Appointee: Sole, Joseph A.	Pleasure of Governor
Board of Chiropractic Appointee: Hebert, John T.	08/01/94
Hillsborough County Civil Service Board Appointee: Loggins, Yvonne A.	07/02/91
Clinical Laboratories Advisory Council Appointees: Duquette, William M. Meyers, Judith Watson	11/30/93 11/30/93
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling Appointees: Blaess, Donna A. Francis, Kay Ramers, M. Katherine	09/30/94 09/30/94 09/30/94
Florida Communities Trust Appointee: Henderson, Clay	05/31/95
State Board of Community Colleges Appointees: Rinard, Amy E. Widerman, Judie	09/30/91 09/30/95
Board of Trustees of Brevard Community College Appointee: Lesser, Jennie L.	05/31/94
Board of Trustees of Chipola Junior College Appointees: Bontrager, Laban Manor, John W.	05/31/94 05/31/94
Board of Trustees of Daytona Beach Community College Appointees: Likes, Christopher Megonegal, E. Russell	05/31/94 05/31/94
Board of Trustees of Florida Community College at Jacksonville Appointees: Slaughter, George M. Watson, N. Joyce J. Zell, Donald D.	05/31/93 05/31/94 05/31/94
Board of Trustees of Florida Keys Community College Appointees: Freeman, Shirley V.	05/31/94

<i>Office and Appointment</i>	<i>For Term Ending</i>	<i>Office and Appointment</i>	<i>For Term Ending</i>
Mulick, Nicholas W.	05/31/94	Appointee: Canton, Mirta P.	06/30/92
Board of Trustees of Gulf Coast Community College		Florida State Fair Authority, Congressional District 9	
Appointees: Arnold, David A.	05/31/94	Appointee: Cox, J. Mark	06/30/94
Dantzler, Lorenzo N.	05/31/94	Board of Funeral Directors and Embalmers	
Board of Trustees of Hillsborough Community College		Appointee: Brown, Charles M.	08/01/94
Appointee: Berry, Alfred E.	05/31/94	Game and Fresh Water Fish Commission	
Board of Trustees of Indian River Community College		Appointee: Spicola, Joseph G.	01/06/93
Appointees: McNamee, Alfred A.	05/31/94	Board of Professional Geologists	
Minix, James A.	05/31/91	Appointee: Viera, Melie	09/30/94
Mounts, Georgia L.	05/31/94	Harbormaster for the Port of Boca Grande	
Board of Trustees of Lake-Sumter Community College		Appointee: Johnson, Robert W.	11/21/91
Appointee: Winchester, Linda J.	05/31/94	Harbormaster for the Port of Fernandina	
Board of Trustees of Manatee Community College		Appointee: Kavanaugh, William H.	12/05/91
Appointees: Branic, Gladys	05/31/92	Harbormaster for the Port of Ft. Pierce	
Matthews, A. Lamar, Jr.	05/31/94	Appointee: Ergle, Walter W.	09/26/91
Moore, Robert L.	05/31/93	Harbormaster for the Port of Key West	
Perkins, Robert E.	05/31/92	Appointee: Sweeting, Ulric E.	02/08/92
Ridings, Dorothy S.	05/31/94	Secretary of Health and Rehabilitative Services	
Board of Trustees of Miami-Dade Community College		Appointee: Williams, Robert B.	Pleasure of Governor
Appointee: Sharpton, Darryl K.	05/31/94	Board of Hearing Aid Specialists	
Board of Trustees of North Florida Junior College		Appointees: Dettmer, Alton R.	07/30/94
Appointee: Casey, William J.	05/31/94	Doke, Nancy L.	07/30/94
Board of Trustees of Okaloosa-Walton Community College		Hoffmeyer, C. B., Jr.	07/30/94
Appointee: Donaldson, Allyn C., Jr.	05/31/94	Weber, Dora W.	07/30/94
Board of Trustees of St. Johns River Community College		Florida High Speed Rail Transportation Commission	
Appointee: Newell, Homer L.	05/31/94	Appointees: Slade, Tom	06/30/94
Board of Trustees of Seminole Community College		Teele, Arthur E., Jr.	06/30/94
Appointee: Forbes, Clarence L.	05/31/94	Citrus County Hospital Board	
Board of Trustees of South Florida Community College		Appointee: Jenkins, Randall	07/08/94
Appointees: Kirschner, Veronica W.	05/31/94	State Board of Independent Colleges and Universities	
Shackelford, Peggy E.	05/31/94	Appointees: Cone, Fred M., Jr.	09/30/92
Stidham, Dorothy C.	05/31/94	Gayles, Anne Richardson	09/30/93
Board of Trustees of Valencia Community College		Southeast Interstate Low-Level Radioactive Waste Management Commission	
Appointee: Hood, Charles M. III	05/31/94	Appointee: Hunter, Richard G.	06/30/92
Construction Industry Licensing Board		Investment Advisory Council	
Appointees: Falkner, James H.	09/30/94	Appointees: London, I. Edward	12/12/91
Lawson, Keith O.	09/30/94	Pelham, Thomas G.	12/12/93
Board of Correctional Education		Board of Professional Land Surveyors	
Appointee: Williams, Isaac W., Jr.	07/01/94	Appointee: Thompson, Dale	06/21/94
State of Florida Correctional Medical Authority		Governor's Mansion Commission	
Appointees: Floyd, Hugh J.	09/30/94	Appointee: Reed, Catherine S.	09/30/93
Nagin, Stephen	07/01/94	Marine Fisheries Commission	
Secretary of Corrections		Appointees: Brown, David C.	08/01/94
Appointee: Dugger, Richard L.	Pleasure of Governor	Temple, John W.	08/01/94
Board of Cosmetology		Board of Medicine	
Appointee: Ransom, Joan B.	01/01/94	Appointees: Ashkar, Fuad S.	08/01/94
Board of Trustees for the Florida School for the Deaf and the Blind		Slade, George F.	08/01/94
Appointee: Slater, Thomas Fitzpatrick	02/07/95	Vitale, George P.	08/01/91
Board of Dentistry		Wertheimer, David E.	08/01/94
Appointee: Kopco, Carolyn G.	10/01/94	Board of Nursing	
Electrical Contractors' Licensing Board		Appointees: Harrison, Virginia Budd	08/01/94
Appointees: Daniels, Susan J.	12/17/93	Ryals, Charolette	08/01/94
Lenhart, James C.	12/17/94	Stark, Jeanne	08/01/93
Smith, Richard L.	12/17/94	Board of Nursing Home Administrators	
Board of Professional Engineers		Appointees: Edwards, George J.	12/13/93
Appointees: Decker, Stephen O.	12/20/94	McKeon, Joseph F.	12/13/93
Martinez, Pedro O.	12/20/94	Board of Pharmacy	
Commission on Ethics		Appointees: Alvarez, J. Chris	08/01/94

<i>Office and Appointment</i>	<i>For Term Ending</i>
Natter, Martin R.	08/01/94
Board of Physical Therapy Practice Appointee: Socarras, Patricia D.	10/01/93
Board of Pilot Commissioners Appointees: Parker, William R. Peters, Billy J. Swindell, Robert C.	06/30/94 06/30/94 06/30/94
Postsecondary Education Planning Commission Appointee: Schuckman, Gregory A.	08/31/91
Prepaid Postsecondary Education Expense Board Appointee: Jones, Luther	06/30/92
Historic Broward County Preservation Board of Trustees Appointee: Williams, John L.	11/01/93
Board of Public Schools Appointee: Vijayanagar, R.	10/01/94
Florida Real Estate Commission Appointee: Vordermeier, Harry J., Jr.	11/16/94
West Florida Regional Planning Council, Region 1 Appointee: Carlisle, Ralph C.	Pleasure of Governor
North Central Florida Regional Planning Council, Region 3 Appointees: French, Anne Nettles, William M., Jr. Sowell, Sarah B. Tefertiller, K. R.	10/01/91 10/01/92 10/01/93 10/01/92
Northeast Florida Regional Planning Council, Region 4 Appointees: Bivens, Burney Moore, Terry A.	10/01/92 10/01/92
Withlacoochee Regional Planning Council, Region 5 Appointees: Dickson, Stacy L., Jr. Robinson, Sue B.	10/01/92 10/01/91
East Central Florida Regional Planning Council, Region 6 Appointees: Dale, Larry A. Glenn, Sandra S. Simmonds, Leslie G.	10/01/93 10/01/92 10/01/91
Tampa Bay Regional Planning Council, Region 8 Appointee: Clementi, Rosanne G.	10/01/91
Southwest Florida Regional Planning Council, Region 9 Appointees: Currin, Russell A., Jr. Howell, Leonard J.	10/01/93 10/01/92
Treasure Coast Regional Planning Council, Region 10 Appointee: Plymale, Sherry	10/01/93
South Florida Regional Planning Council, Region 11 Appointees: Huebner, Robert E. Weber, William A.	10/01/92 10/01/92
State Retirement Commission Appointee: Porter, Gilbert L.	12/31/93
Board of Trustees of the John and Mable Ringling Museum of Art Appointees: Holmes, Jacqueline B. Stottlemeyer, Charles E. Wilhelm, Jan	11/05/94 07/05/93 11/05/93
Board of Speech-Language Pathology and Audiology Appointees: Adams, Jack H. Craig, Robert J. Hahn, Theodore W. Long, George J. Moore, Phyllis C. Zeigler, John T.	09/30/93 09/30/92 09/30/94 09/30/93 09/30/94 09/30/94
Jacksonville Sports Development Authority	

<i>Office and Appointment</i>	<i>For Term Ending</i>
Appointee: Pitman, Donald D.	09/30/94
Florida Commission on Veterans' Affairs Appointee: Pound, Marjorie T.	11/16/94
Board of Veterinary Medicine Appointee: Gomez-Sanchez, Elise Peery	08/01/94
Governing Board of the St. Johns River Water Management District Appointee: McCullagh, Lenore Nielson	03/01/95
Governing Board of the Southwest Florida Water Manage- ment District Appointees: Casper, Joseph S. Martin, James E.	03/01/94 03/01/94
Alafia River Basin Board of the Southwest Florida Water Management District Appointee: Davis, James D.	03/01/92

**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 as amended HB 1413 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representatives Arnold and Chestnut—

**HB 1413**—A bill to be entitled An act relating to environmental programs; amending s. 259.101, F.S.; providing legislative findings and intent with regard to funding the implementation of the Florida Preservation 2000 Act; amending s. 201.02, F.S.; increasing the excise tax on deeds and other instruments relating to real property; amending s. 201.15, F.S.; revising the amounts authorized for transfer from the excise taxes on documents to the Land Acquisition Trust Fund; revising the distribution of excise taxes on documents; deleting the distribution to the State Infrastructure Trust Fund; reenacting ss. 380.501, 380.502, 380.503, 380.504, 380.505, 380.506, 380.513, 380.514, 380.515, and 320.08065, F.S., relating to the Florida Communities Trust Act, findings and intent, definitions, the Florida Communities Trust within the Department of Community Affairs, the membership, expenses, voting, and support services thereof, corporate existence, construction, and license plates; reenacting and amending s. 380.507, F.S.; requiring that certain land acquisition rules be consistent with s. 253.025; reenacting and amending s. 380.508, F.S.; deleting language regarding the coordination of state and federal activities affecting Florida's urban water fronts; deleting language regarding the cooperation and assistance of agencies represented on the advisory committee; reenacting and amending s. 380.509, F.S., to conform to the purposes of the act; reenacting and amending s. 380.510, F.S.; placing certain restrictions on the use of Preservation 2000 funds; requiring the Auditor General to conduct certain performance postaudits which he considers necessary; amending s. 380.511, F.S.; to conform to other changes made by the act; amending s. 380.512, F.S.; changing the time within which the Florida Communities Trust must submit its annual report; amending s. 380.06, F.S.; exempting from provisions governing developments of regional impact certain increases in the seating capacity of certain sports facilities under certain circumstances; providing for development and criteria of a traffic management plan by the appropriate local government; requiring consistency with certain provisions of the approved local comprehensive plan; providing procedures for applying for and issuing development orders and development permits; providing legislative intent regarding the effect of other legislation; providing an appropriation from the Land Acquisition Trust Fund to fund debt service on Preservation 2000 bonds and providing intent with respect thereto; providing for severability; amending s. 403.927, F.S.; defining the term "farm pond"; providing an effective date.

On motions by Senator Kirkpatrick, by unanimous consent **HB 1413** was taken up out of order and by two-thirds vote was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38      Nays—None

## RETURNING MESSAGES ON SENATE BILLS

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendment SB 430 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 430**—A bill to be entitled An act relating to weatherization of residences of low-income households; providing intent and definitions; providing duties of the Department of Community Affairs; providing requirements for weatherization; providing for benefits; providing an effective date.

**House Amendment 1**—On page 3, lines 16-22, strike all of said lines

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

**SB 430** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40      Nays—None

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1 and 2; has passed with additional amendments CS for CS for CS for SB's 1042, 142, 366 and 1070 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for CS for CS for SB's 1042, 142, 366 and 1070**—A bill to be entitled An act relating to to public officers, candidates for public office, and public employees; amending s. 112.312, F.S.; providing additional definitions and redefining the term "gift" for purposes of part III of ch. 112, F.S., and s. 8, Art. II of the State Constitution; amending s. 112.313, F.S.; clarifying a prohibition; including provisions regulating representation before certain agencies by legislators, statewide elected officers, and agency employees, and standards of conduct for legislators and employees; removing provisions relating to disclosure of certain specified interests; providing exemptions from the prohibition against a public officer or employee doing business with his own company or entering into a conflicting employment relationship; repealing s. 112.3141, F.S., relating to additional standards of conduct for public officers and employees; amending s. 112.3143, F.S.; revising provisions relating to voting conflicts and disclosure with respect thereto; amending s. 112.3145, F.S.; requiring certain officers, candidates, and employees who hold a specified relationship with business entities authorized to operate in this state to file a disclosure statement as part of their financial statements; amending ss. 112.3146, 112.3147, F.S.; conforming cross-references; amending s. 112.3148, F.S.; removing a prohibition on governmental entities and direct-support organizations making certain gifts to persons who must file disclosure of financial interests and procurement employees; providing for the valuation of gifts; conforming a cross-reference; amending s. 112.3149, F.S.; redefining "honorarium"; providing applicability; amending s. 112.317, F.S.; providing penalties for officers, employees, and candidates who violate s. 8, Art. II of the State Constitution; providing penalties for former public officers or former employees who violated provisions of part III of ch. 112, F.S., or s. 8, Art. II of the State Constitution; removing prohibition against certain disclosures of information; amending s. 112.320, F.S.; providing that the Commission on Ethics is the commission provided for in s. 8(f), Art. II of the State Constitution; amending s. 112.3215, F.S.; providing for registration by lobbyists of principals; increasing the lobbyist's registration fee; providing for semi-annual reports by lobbyists; providing for receipt and disposition of complaints against lobbyists; providing investigation procedures; amending s. 112.322, F.S.; providing authority of the commission with respect to breaches of the public trust; authorizing the commission to delegate to its investigators the authority to administer oaths; authorizing the commission to delegate its subpoena powers to its chairman; authorizing the commission to allow its employees to serve such subpoenas; providing authority for the commission to make rules; creating s. 112.3231, F.S.; providing time limitations for complaint filing; amending s. 112.324, F.S.; modifying procedures on complaints of violations of part III of ch. 112, F.S., or s. 8, Art. II of the State Constitution; providing procedures for complaints against former officers, former employees, and former candi-

dates; providing procedures for complaints against candidates; amending s. 876.05, F.S.; revising language with respect to the loyalty oath required of public employees; amending s. 350.0605, F.S.; providing restrictions on employment by former Public Service Commissioners for a period of 2 years; providing for prospective applicability of specified provisions; providing effective dates for lobbyist registration fees; providing an effective date.

**House Amendment 3**—On page 3, line 26, through page 60, line 23, strike everything after the enacting clause and insert:

Section 1. Section 11.045, Florida Statutes, as amended by section 1 of chapter 90-502, Laws of Florida, is amended to read:

11.045 Lobbyists; registration and reporting; exemptions; penalties.—

(1) As used in this section, unless the context otherwise requires:

(a) "Committee" means the committee of each house charged by the presiding officer with responsibility for ethical conduct of lobbyists.

(b) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist.

(2) Each house of the Legislature shall provide by rule, or may provide by a joint rule adopted by both houses, for the registration of lobbyists who lobby the Legislature. The rule may provide for the payment of a registration fee. The rule may provide for exemptions from registration or registration fees. The rule shall provide that:

~~(a) Except as provided in paragraph (f), and except for members of the Florida Legislature or duly authorized staff of the Legislature designated in writing by such members, all persons who seek to encourage the passage, defeat, or modification of any legislation in such house of the Legislature, or any committee thereof, shall, before engaging in such lobbying activity, register with the respective house of the Legislature.~~

~~(b) Every person required to register as a lobbyist shall register on identical forms prepared by the respective houses and shall state under oath his name and business address, the name and business address of each principal represented, and the general and specific areas of his legislative interest.~~

~~(a)(e) Registration~~ Separate registration is required for each principal represented.

~~(b)(d) Every registrant shall be required to state under oath the extent of any direct business association or partnership with any current member of the Legislature.~~

~~(c)(e) All registrations shall be open to the public.~~

~~(d)(f) Any person who is exempt from registration under the rule merely appears before a member or committee of the House of Representatives or Senate in his individual capacity for the purpose of self-representation without compensation or reimbursement to express support of or opposition to any legislation, and who shall so declare to the legislator or legislative committee with whom he discusses any proposed legislation, shall not be required to register as a lobbyist and shall not be considered a lobbyist for any purpose.~~

(3) Each house of the Legislature shall provide by rule:

(a) A procedure by which statements shall be filed semiannually by all registered lobbyists, which statements shall disclose all lobbying expenditures and the source of funds for such expenditures. The statement of session expenditures shall be filed by July 15 of each year and shall include expenditures for the period from January 1 through June 30. The statement of interim expenditures shall be filed by January 15 and shall include expenditures for the period from July 1 through December 31, including expenditures for any special sessions. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. A statement shall be filed even if there have been no expenditures during a reporting period.

(b) That lobbying expenditures shall not include personal expenses for lodging, meals, and travel.

(4) Each house of the Legislature shall provide by rule a procedure by which a lobbyist, when in doubt about the applicability and interpretation of this section in a particular context, may submit in writing the facts for an advisory opinion to the committee of the respective house and may appear in person before the committee. The rule shall provide a procedure by which:

(a) The committee shall render advisory opinions to any lobbyist who seeks advice as to whether the facts in a particular case would constitute a violation of this section.

(b) The committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions.

(c) All advisory opinions of the committee shall be numbered, dated, and open to public inspection.

(5) Each house of the Legislature shall keep all advisory opinions of the committees relating to lobbyists and lobbying activities, as well as a current list of registered lobbyists and their respective reports required under this section, all of which shall be open for public inspection.

(6) The committee of the respective house shall investigate any person engaged in legislative lobbying upon receipt of a sworn complaint alleging a violation of this section, s. 112.3148, or s. 112.3149 by such person. Such proceedings shall be conducted pursuant to the rules of the respective houses. If the committee finds that there has been a violation of this section, s. 112.3148, or s. 112.3149, it shall report its findings to the President of the Senate or the Speaker of the House of Representatives, as appropriate, together with a recommended penalty, to include a fine of not more than \$5,000, reprimand, censure, probation, or prohibition from lobbying for a period of time not to exceed 24 months. Upon the receipt of such report, the President of the Senate or the Speaker of the House of Representatives shall cause the committee report and recommendations to be brought before the respective house and a final determination shall be made by a majority of said house.

(7) Any person required to be registered pursuant to this section or pursuant to rules established in conformity with this section who knowingly fails to disclose any material fact required by this section or by rules established in conformity with this section commits a noncriminal infraction, punishable by a fine not to exceed \$5,000. Such penalty shall be in addition to any other penalty assessed by a house of the Legislature pursuant to subsection (6).

(8) *There is hereby created the Legislative Lobbyist Registration Trust Fund, to be used for the purpose of funding any office established for the purpose of funding the administration of the registration of lobbyist lobbying the Legislature, including the payment of salaries and other expenses. The trust fund is not subject to the service charge to General Revenue provisions of ch. 215. Fees collected pursuant to rules established in accordance with subsection (2) shall be deposited into the Legislative Lobbyist Registration Trust Fund.*

Section 2. All lobbyist registration fees collected on or after January 7, 1991, that have been deposited into the General Revenue Fund, to the extent that these funds are not expended or obligated on June 30, 1991, shall be transferred to the Legislative Lobbyist Trust Fund. There is hereby appropriated from the Trust Fund \$150,000 for the operations of lobbyist registration within the Joint Legislative Management Committee for 1991-92.

Section 3. Subsection (9) of section 112.312, Florida Statutes, as amended by chapter 90-502, Laws of Florida, is amended to read:

112.312 Definitions.—As used in this part and for purposes of full and public disclosure under the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

(9)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for his benefit or by any other means, for which equal or greater consideration is not given, including:

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.

6. Forgiveness of an indebtedness.

7. Transportation, lodging, or parking.

8. Food or beverage, other than that consumed at a single sitting or event.

9. Membership dues.

10. Entrance fees, admission fees, or tickets to events, performances, or facilities.

11. Plants, flowers, or floral arrangements.

12. Services provided by persons pursuant to a professional license or certificate.

13. Other personal services for which a fee is normally charged by the person providing the services.

14. Any other similar service or thing having an attributable value not already provided for in this section.

(b) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient's employment or business.

2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.

3. An honorarium or an expense related to an honorarium event paid to a person or his spouse.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.

5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

6. Food or beverage consumed at a single sitting or event.

7. The use of a public facility or public property, made available by a governmental agency, for a public purpose.

(c) For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

Section 4. Subsection (3) of section 112.313, Florida Statutes, as amended by chapter 90-502, Laws of Florida, is amended to read:

(3) DOING BUSINESS WITH ONE'S AGENCY.—No employee of an agency acting in his official capacity as a purchasing agent, or public officer acting in his official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his own agency from any business entity of which he or his spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to his own agency, if he is a state officer or employee, or to any political subdivision or any agency thereof, if he is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

(a) October 1, 1975.

(b) Qualification for elective office.

(c) Appointment to public office.

(d) Beginning public employment.

Section 5. Subsection (4) of section 112.3215, Florida Statutes, is amended to read:

112.3215 Executive branch lobbyists; registration and reporting; investigation by commission.—

(4) The annual lobbyist registration fee shall be \$20 for each principal represented \$10.

Section 6. Paragraph (b) of subsection (1) of section 112.3145, Florida Statutes, as amended by chapter 90-502, Laws of Florida, is amended to read:

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires, the term:

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, a judge of compensation claims, or a hearing officer.

2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the superintendent or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.

5. Business managers, purchasing agents having the power to make any purchase exceeding \$1,000, finance and accounting directors, personnel officers, or grants coordinators for any state agency.

6. Any person, *other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.*

7. Each employee of the Commission on Ethics.

Section 7. Subsections (5) and (6) of Section 112.3148, Florida Statutes, as amended by Chapter 90-502, Laws of Florida, are amended to read:

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and procurement employees.—

(5)(a) A political committee or a committee of continuous existence, as defined in s. 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual or procurement employee or any other person on his behalf; however, such person may give a gift having a value in excess of \$100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) *However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, other than a gift which the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter, for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the Secretary of State, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the Joint Legislative Management Committee. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, when a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.*

(6)(a) Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, *an airport authority*, or a school board may give, either directly or indirectly, a gift having a value in excess of \$100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct-support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.

(b) Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee may accept a gift having a value in excess of \$100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, *an airport authority*, or a school board if a public purpose can be shown for the gift; and a reporting individual or procurement employee who is an officer or employee of a governmental entity supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct-support organization.

(c) No later than March 1 of each year, each governmental entity or direct-support organization specifically authorized by law to support a governmental entity which has given a gift to a reporting individual or procurement employee under paragraph (a) shall provide the reporting individual or procurement employee with a statement of each gift having a value in excess of \$100 given to such reporting individual or procurement employee by the governmental entity or direct-support organization during the preceding calendar year. Such report shall contain a description of each gift, the date on which the gift was given, and the value of the total gifts given by the governmental entity or direct-support organization to the reporting individual or procurement employee during the calendar year for which the report is made. A governmental entity may provide a single report to the reporting individual or procurement employee of gifts provided by the governmental entity and any direct-support organization specifically authorized by law to support such governmental entity.

(d) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of \$100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct-support organization specifically authorized by law to support a governmental entity. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to such statement any report received by him in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the report of the reporting individual or procurement employee and the attached reports. The annual report filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee shall be filed with the Department of State.

Section 8. Notwithstanding the provisions of Chapter 90-502, Laws of Florida, a person who, but for the amendments to Section 112.3145(1)(b)6., Florida Statutes, as provided in Chapter 90-502, Laws of Florida, would not be required to file a statement of financial interests during calendar year 1991, shall not be required to file a statement of financial interests prior to July 1, 1992.

Section 9. This act shall take effect upon becoming law, except that the provisions of Section 112.3148(5)(b), as created in section 7 of this act shall take effect October 1, 1991 and shall apply to gifts given on or after October 1, 1991.

**House Amendment 4**—In title, on page 1, line 1, through page 3, line 22, strike everything before the enacting clause and insert: A bill to be entitled An act relating to ethics in government; amending s. 11.045, F.S.; providing authority for the Legislature to provide for registration of lobbyists by rule; authorizing the Legislature to charge a lobbyist registration fee; providing authority for the Legislature to provide for exemptions from registration or the payment of fees; establishing the Legislative Lobbyist Registration Trust Fund; providing for use of such trust fund; pro-

viding for transfer of certain funds into the trust fund; amending s. 112.312, F.S.; redefining gift to exclude items provided primarily associated with the donee's employment or business and the use of public property under certain circumstances; amending s. 112.313, F.S.; permitting legislators to rent district offices located on property wholly or partially owned by a legislator; amending s. 112.3145; increasing the registration fee for lobbyists lobbying executive agencies; amending s. 112.3145, F.S.; redefining specified state employee by exempting certain legislative assistants from definition; amending s. 112.3148, F.S.; providing that certain persons must report gifts with a value over \$25; providing exceptions; adding airport authorities to list of governmental entities that may provide gifts in excess of \$100; clarifying that certain persons need not file statements of financial interests prior to July 1, 1992; providing effective dates.

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

CS for CS for CS for SB's 1042, 142, 366 and 1070 passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40 Nays—None

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 1314 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 1314**—A bill to be entitled An act relating to highway signage; transferring, renumbering, and amending s. 338.065, F.S.; providing that the Department of Transportation may implement a program governing the erection of specified signs on certain limited access facilities or on the interstate highway system; providing guidelines for the program; authorizing the establishment of a schedule of fees for the cost of placing the signs; amending s. 335.035, F.S.; providing for repayment to the General Revenue Fund during fiscal year 1991-1992 of certain funds appropriated for interstate highway purposes; providing an appropriation for the Florida Education Finance Program; providing an effective date.

**House Amendment 1**—Strike everything after the enacting clause and insert:

#### Part I

Section 1. Sections 229.591 through 229.594, Florida Statutes, may be cited as "Blueprint 2000."

Section 2. Section 229.591, Florida Statutes, 1990 Supplement, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and education accountability ~~educational responsibility~~.

(1) **INTENT**.—The Legislature recognizes that the children and youth of the state are its future and its most precious resource. To provide these developing citizens with the sound education needed to grow to a satisfying and productive adulthood, the Legislature intends that, by the year 2000, Florida establish a system of school improvement and education accountability ~~responsibility~~ based on the performance of students and educational programs. The intent of the Legislature is to provide clear guidelines, or a "Blueprint 2000," for achieving this purpose and for returning the responsibility for education to those closest to the students, that is the schools, teachers, and parents. The Legislature recognizes, however, its ultimate responsibility and that of the Governor, the Commissioner of Education, and the State Board of Education and other state policymaking bodies in providing the strong leadership needed to forge a new concept of school improvement and in making adequate provisions for a uniform system of free public schools as required by s. 1, Art. IX of the State Constitution. It is further the intent of the Legislature to build upon the foundation established by the Educational Accountability Act of 1976 and to implement a program of education accountability and school improvement based upon the achievement of state goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the district school board as responsible for school and student performance, and the individual school as the unit for education accountability ~~The school improvement and responsibility system~~

~~shall use procedures and programs established locally to improve public schools and increase their responsibility for students' attaining identified outcomes.~~

(2) **REQUIREMENTS**.—Florida's system for school improvement and education accountability ~~educational responsibility~~ shall:

- (a) Establish state and local educational goals.
- (b) Increase the use of educational outcomes over educational processes in assessing educational programs.
- (c) Redirect state fiscal and human resources to assist school districts and schools to meet state and local goals for student success in school and in later life.
- (d) Provide methods for measuring, and public reporting of, state, school district, and individual school progress toward the education goals.
- (e) Recognize successful schools.
- (f) Ensure that unsuccessful schools are provided assistance and intervention such that improvement occurs, and further ensure appropriate consequences should schools fail to improve.

(3) **EDUCATION GOALS**.—The state as a whole shall work toward the following goals: ~~In developing the state system of public education, the State Board of Education shall establish statewide goals for educational achievements. Goals shall be established for at least the following educational issues:~~

- (a) Readiness to start school.—Communities and schools collaborate to prepare children and families for children's success in school.;
- (b) Graduation rate and readiness for postsecondary education and employment.—Students graduate and are prepared to enter the workforce and postsecondary education.;
- ~~(c) Readiness for postsecondary education or employment;~~
- ~~(c)(d)~~ Student performance.—Students successfully compete at the highest levels nationally and internationally and are prepared to make well-reasoned, thoughtful, and healthy lifelong decisions.;
- (d) Learning environment.—School boards provide a learning environment conducive to teaching and learning that includes sequential instruction in mathematics, science, reading, writing, and the social sciences and appropriate educational materials, equipment, and pupil-teacher ratio.
- (e) School safety and environment.—Communities provide an environment that is drug-free and protects students' health, safety, and civil rights.
- (f) Teachers and staff.—The schools, district, and state ensure professional teachers and staff.
- (g) Adult literacy.—Adult Floridians are literate and have the knowledge and skills needed to compete in a global economy and exercise the rights and responsibilities of citizenship.

Section 3. Section 229.592, Florida Statutes, 1990 Supplement, is amended to read:

229.592 Implementation of state system of school improvement and education accountability ~~educational responsibility~~.

(1) **DEVELOPMENT**.—It is the intent of the Legislature that every public school in the state shall have a school improvement plan, as required by s. 230.23(18), fully implemented and operational by the beginning of the 1993-1994 school year. In order to accomplish this, the Florida Commission on Education Reform and Accountability and the school districts and schools shall carry out the duties assigned to them by ss. 229.594 and 230.23(18), respectively. In addition, the following initial steps in program development shall be undertaken beginning June 1, 1991, and shall continue during the 1991-1992 school fiscal year:

- (a) Each school shall conduct an initial needs assessment including separately each school-within-a-school, magnet school, self-contained educational alternative center, or satellite center, and the results of the assessments shall be accompanied by a needs response plan and submitted to the Florida Commission on Education Reform and Accountability by November 1, 1991. The commissioner must provide a format for the

needs assessments to the school board by June 1, 1991, and the local school board shall coordinate each needs assessment. The assessments shall be based on data from the 1990-1991 school year and shall address at least the following:

1. The status of the school in relation to the general goals for education contained in s. 229.591;
2. The academic status of students attending the school as reflected by test scores, dropout and same grade retention rates, the availability of upper level courses in mathematics and science, the percentage of the school's enrollment and the number of completers by race and gender in upper-level mathematics and science courses, and the number of students entering postsecondary institutions;
3. Student school participation characteristics including: attendance rates, the number of expulsions and suspensions, and the number of instances of corporal punishment;
4. The economic status of the student body and area served by the school;
5. The demographic characteristics of the student body and the faculty and staff of the school;
6. The financial status of the school as reflected by per-student expenditures for instruction and administration, and other appropriate measures; and
7. Such other needs assessment indicators as may be determined by the individual school.

(b) The needs response plan for each school and the district shall generally describe proposed actions to reduce any needs identified by the needs assessment.

(c) The Commissioner of Education shall provide the school boards with the technical assistance necessary to conduct the school needs assessments.

(d) The Florida Commission on Education Reform and Accountability and the Department of Education shall review and analyze the needs assessment information received from the school boards and shall submit a summary report on the information to the Legislature by January 1, 1992, and shall provide, upon request, the needs assessment on any individual school. By November 1, 1991, the commission shall identify a core of performance standards addressing the state's most pressing educational problems for use in the analysis of the needs assessment information.

(2) **ESTABLISHMENT.**—Based upon the recommendations of the Florida Commission on Education Reform and Accountability, the Legislature may enact such laws as it considers necessary to establish and maintain a state system of school improvement and accountability. If, after considering the recommendations of the commission, the Legislature determines an adequate system of accountability to be in place to protect the public interest, the Legislature may repeal or revise laws, including fiscal policies, deemed to stand in the way of school improvement.

(3) **COMMISSIONER.**—The commissioner shall be responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.

(a)(1) Based on the recommendations of the Florida Commission on Education Reform and Accountability ~~Commission to Improve Schools and Simplify Education Reports~~, the commissioner shall develop and implement plans for the following programs and procedures:

1.(a) A system of data collection and analysis that will improve information about the educational success of individual students and schools. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this subparagraph shall be distributed to the appropriate school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in chapter 119.

2.(b) A program of school improvement that will analyze information to identify schools, educational programs, or educational activities in need of improvement.

3.(e) A method of delivering services to assist school districts and schools to improve.

4.(d) A method of coordinating with the state educational goals and school improvement plans any other state program that creates incentives for school improvement.

(b) The commissioner shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this subsection. There shall be an annual determination of whether adequate progress is being made toward implementing and maintaining a system of school improvement and education accountability based, in part, on feedback required pursuant to s. 230.23(18) and submitted to the Florida Commission on Education Reform and Accountability.

(c) The format for this feedback shall be developed by the commission and recommended to the State Board of Education by January 1, 1992. The State Board of Education shall adopt a format for the feedback report.

(d) The commission shall review each school board's feedback report and submit its findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commission and State Board of Education shall monitor the development and implementation of the corrective action plan.

(e) As cochairman of the Florida Commission on Education Reform and Accountability, the commissioner shall appear before the appropriate committees of the Legislature annually in October to report and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall reflect the recommendations of the Florida Commission on Education Reform and Accountability. Included in the report shall be a list of the schools for which school boards have developed assistance and intervention plans and written orders for final intervention pursuant to s. 230.23(18) and an analysis of the various strategies used by the school boards. In the fall of 1992 and 1993, the commissioner shall report in writing to the public on the current status of the state's education system.

(4)(2) **DEPARTMENT.**—

(a) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans ~~programs~~ to meet state goals.

(b) Upon request, the department shall provide technical assistance and training to any school, school advisory council, district, or school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to school districts in rural and sparsely populated areas of the state.

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the Educational Enhancement Trust Fund to any district in which a school does not have an approved school improvement plan, pursuant to s. 230.23(18), after one full school year of planning and development. The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan. The department shall release the funds upon approval of the plan. Notice shall be given to the public of the department's intervention and shall identify each school without a plan.

(d) The department shall coordinate external review teams whose members shall be determined by district school boards pursuant to s. 230.23(18) as part of an assistance and intervention plan should a school fail for 2 consecutive years to make adequate progress toward the goals of its school improvement plan.

(5) **STATE BOARD.**—The State Board of Education shall adopt rules necessary to implement a state system of school improvement and education accountability. By September 1, 1992, the state board shall adopt standards for indicating progress toward the state education goals pursuant to s. 229.591(3). Notwithstanding any provisions of

chapter 120 to the contrary, the state board shall review and approve, or approve with modifications, the written order of each school board for final intervention for schools that fail for 3 consecutive years to make adequate progress toward the goals of their school improvement plan.

(6) **EXCEPTIONS TO LAW.**—To facilitate innovative practices and to allow local selection of educational methods during the time period required for careful deliberation by the Legislature and the Florida Commission on Education Reform and Accountability, the following time-limited exceptions shall be permitted:

(a) In the General Appropriations Acts of 1991, 1992, and 1993, the Legislature may authorize exceptions to any laws pertaining to fiscal policies, including ss. 236.013 and 236.081, provided the intent is to give school districts increased flexibility and local control of education funds. If the General Appropriations Act does not contain a specific line-item appropriation or a specific listing within a line-item appropriation which provides funding for the programs established pursuant to the following statutes, the statute shall be held in abeyance for that fiscal year, and any approved plan for implementing said statute shall be null and void for said fiscal year: ss. 228.071; 228.085; 230.2215; 230.2305, 230.2312; 230.2313; 230.2314; 230.2316(11), (12), and (13); 230.2318, 230.2319(6), (7), (8), and (9); 231.087; 231.613; 232.257; 233.057; 233.067(5), (6), (7), and (8); 234.021; 236.02(3); 236.0835; 236.0873; 236.083; 236.088; 236.091; 236.092; 236.122; 236.1223; 236.1224; and 236.1228. In the event the extended day supplement required by s. 236.081(10) is not appropriated in full and is not contained in a specific line-item appropriation or a specific listing within a line-item appropriation in the General Appropriations Act of 1991, 1992, or 1993, those provisions of ss. 228.041(16) and 236.02(2)(a) that require a minimum of 1,050 hours of instruction for grades 9 through 12 shall be held in abeyance.

(b) Until July 1, 1994, the Legislature authorizes that the methods and requirements of the statutes listed in paragraph (a) for which a specific line-item appropriation or a specific listing within a line-item appropriation is contained and funded in the General Appropriations Act may be waived for any school board so requesting, provided the general statutory purpose of each section is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(c) Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules adopted to implement statutes listed in paragraph (a), provided that the intent of each rule is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection. Included in the written request shall be the performance standards to be used for ensuring maximum accountability.

(d) Each applicant for a waiver of statute or rule pursuant to this subsection shall be given written notice either personally or by mail that the commissioner intends to grant or deny, or has granted or denied, the requested waiver. The commissioner may also request additional information from the applicant regarding the waiver. Any request for a waiver which is not approved or denied, or for which a request for additional information is not issued, within 21 days after receipt of the written request shall be deemed approved. Any waiver for which a timely request for additional information has been issued shall be deemed to be approved if a denial is not issued within 21 days after the commissioner's receipt of the specifically requested additional information. On denial of a request for a waiver, the commissioner shall state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the Florida Commission on Education Reform and Accountability for use in determining which statutes and rules stand in the way of school improvement.

Section 4. Section 229.593, Florida Statutes, 1990 Supplement, is amended to read:

(Substantial rewording of section. See s. 229.593, F.S., 1990 Supp., for present text.)

229.593 Florida Commission on Education Reform and Accountability.—

(1) The Florida Commission on Education Reform and Accountability is created to provide a means by which the state may oversee the

establishment and implementation of a new system of school improvement and education accountability from preschool through grade 12. The commission shall be assigned to the Office of the Commissioner of Education for administrative and fiscal accountability purposes, but it shall otherwise function independently.

(2) The commission shall consist of the following members:

(a) The Commissioner of Education, who shall serve as a voting ex officio member and as cochairman.

(b) The Lieutenant Governor, who shall serve as a voting ex officio member and as cochairman.

(c) Four members appointed by the Governor. Such members shall include three representatives of the business community and a teacher.

(d) Six members appointed by the President of the Senate. Such members shall include three members of the Senate, including the chairmen of the Committee on Education and the subcommittee of the Committee on Appropriations which handles education issues and a member of the minority party, and a teacher, a parent of a child enrolled in a Florida public school, and a dean of a college of education within the State University System or within an accredited private postsecondary institution in this state.

(e) Six members appointed by the Speaker of the House of Representatives. Such members shall include three members of the House of Representatives, including the chairmen of the Committee on Public Schools and the subcommittee of the Committee on Appropriations which handles education issues and a member of the minority party, and a vocational educator, a parent of a child enrolled in a Florida public school, and a school board member.

(f) Five members appointed by the Commissioner of Education. Such members shall include a school superintendent, a school principal, a teacher, an expert in testing and measurement, and a parent of a child enrolled in a Florida public school.

(3) The commission shall be appointed no later than 30 days after the effective date of this act. Recognized statewide organizations representing each interest enumerated in this section shall submit no fewer than two nor more than three nominees to the appropriate public official. The public officials shall appoint members representative of the ethnic, racial, gender, and economic population of the state. In the absence of nominees, the designated appointing authority shall appoint persons who otherwise meet the qualifications for appointment to the commission. The term of each appointed private citizen member shall be for 4 years; however, initially, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education shall each appoint at least one member for a 4-year term, one member for a 3-year term, and two members for 2-year terms. A vacancy shall be filled for the remainder of the unexpired term by the person who had appointment jurisdiction of the vacated member. Members shall serve until their successors are duly appointed. There shall be no limitation on successive appointments to the commission. Provisions of s. 11.611(8)(b) to the contrary notwithstanding, private citizen members shall be appointed as provided in this section and shall not be subject to confirmation by the Senate. Members of the commission may be removed for cause by the appointing authority. Any member who, without cause, fails to attend three consecutive meetings may be removed by the appointing authority.

(4) As soon as practicable after all members are appointed, the Commissioner of Education shall call an organizational meeting of the commission. Subsequent meetings shall be held as often as the commission deems necessary to carry out its duties and responsibilities.

(5) The commission shall adopt internal organizational procedures or bylaws necessary for its efficient operation. The commission shall elect a vice chairman annually, who shall chair the commission in the absence of the chairman. The commission may appoint committees from its membership or may create such ad hoc advisory committees as it deems necessary. The commission shall clearly assign duties to each committee which shall be consistent with the statutory duties of the commission. At least one such committee shall be created to address the development of performance standards consistent with the state education goals. Any committee shall serve the commission in a strictly advisory capacity and shall have a commission member as chairman.

(6) Members of the commission shall serve without compensation but shall be entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061. Legislators shall be entitled to receive travel and per diem expenses as provided by the Joint Legislative Management Committee for meetings of legislative committees. When appropriate, commission members who are parents shall receive a stipend for child care costs incurred while attending commission meetings.

Section 5. Section 229.594, Florida Statutes, 1990 Supplement, is amended to read:

(Substantial rewording of section. See s. 229.594, F.S., 1990 Supp., for present text.)

229.594 Powers and duties of the commission.—

(1) The commission shall review and recommend procedures for a new system of school improvement and education accountability and recommend the repeal or modification of statutes, fiscal policies, and rules that stand in the way of school improvement. Specifically, the commission shall:

(a) Serve as an advisory body to oversee the development, establishment, implementation, and maintenance of a program of school improvement and education accountability based upon the achievement of state education goals. This responsibility shall include the following:

1. Holding no less than seven public hearings at sites representing all geographic regions of the state prior to November 1, 1991. At least two hearings shall be held in predominantly rural communities. Each year thereafter, the commission shall hold public hearings, as determined to be necessary, in various parts of the state. The purpose of these hearings shall be to receive public comment on the status of education and suggestions regarding the establishment and implementation of a system of school improvement and education accountability. When feasible, alternative methods such as teleconferencing shall be employed to increase public involvement.

2. Observing the development and implementation of school improvement plans pursuant to s. 230.23(18). Particular attention shall be paid to ensuring the involvement of teachers, parents, and community in the development and implementation of individually prepared school improvement plans.

3. Observing the development and implementation of assistance and intervention plans submitted by school boards pursuant to s. 230.23(18).

4. Reviewing the performance history and the school board's order for final intervention for any school that should fail to make adequate progress by the end of 3 years of assistance and intervention pursuant to s. 230.23(18), and recommending State Board of Education action.

5. Assisting a school board, school, and its advisory council, in the event a school improvement plan cannot be approved.

6. Involving the business community in the provision of needed training for school advisory councils, teachers, principals, district administrators, and school board members.

7. Annually recommending changes in statutes, rules, and policies needed to implement and maintain a system of school improvement and education accountability in the state.

(b) Review and, with assistance from the Department of Education, analyze results of school needs assessments submitted by district school boards and, by January 1, 1992, submit a report of its findings to the Legislature. The report shall include recommendations for changes in the school improvement and accountability required by s. 230.23(18) which are considered necessary as a result of the school needs assessments. The report shall also include a recommendation regarding the minimum number of credits, subjects, and courses that should be required by the state for regular and alternative high school diplomas; the number of hours of instruction required to receive a credit; the length of a high school day; and the number of periods per day for high schools. The commission shall also make a recommendation regarding a school board's accountability for the performance of high school graduates in postsecondary education, especially the board's responsibility for those graduates for whom the postsecondary institution must provide remedial instruction.

(c) Recommend to the Legislature and State Board of Education, as appropriate, the components of a system of school improvement and accountability. Initial recommendations shall be completed by June 1, 1992, must be reviewed and revised as necessary annually thereafter, and must include:

1. Performance standards for indicating state, school district, and school progress toward the state education goals and a definition of what shall be considered "adequate progress" toward meeting these performance standards.

2. Methods for measuring state, school district, and school progress toward the goals. These assessment methods must include the most effective and efficient procedures available from the current system of assessment and alternative and new assessment practices.

3. Methods for public reporting on the progress toward the goals by the state, school districts, and individual schools. Emphasis shall be placed on reporting individual school improvement and progress, and comparisons between schools shall be minimized. Methods for reporting the status of children and families and community services available in each school district to help children and families in need shall also be developed.

4. Changes in statutes, rules, and policies related to personnel required for implementation of school board assistance and intervention plans and the orders for final intervention for schools pursuant to s. 230.23(18).

5. Effective utilization of existing methods for recognizing schools and development of necessary additional methods to recognize schools that meet or make adequate progress toward the education goals. The commission shall also consider the development of incentives including financial incentives for schools that make exceptional progress toward the education goals.

6. Guidelines which may be adopted as rule and used by the State Board of Education and the school board in determining the final intervention for any school that should fail to improve after 3 years of assistance and intervention, including commission responsibility in recommending final intervention for said schools. The guidelines shall be stringent and shall ensure that the school is not permitted to continue serving students in a less than adequate manner.

If in the opinion of the commission an adequate system of accountability is in place to protect the public interest, the commission may recommend to the Legislature the repeal or revision of laws, including fiscal policies, and to the State Board of Education the repeal or revision of rules, which in the opinion of the commission stand in the way of school improvement. The commission may defer any or all recommendations for repeal or revision of laws and rules until such time as it determines an adequate system of accountability to be established and implemented.

(2) The commission shall:

(a) Appoint an executive director who shall serve under the direction, supervision, and control of the commission. The executive director shall be the chief administrative officer of the commission and shall be responsible for appointing all employees and staff members of the commission, who shall serve under his direction and control. All employees of the commission are exempt from the Career Service System.

(b) Use the talents, expertise, and resources within the state, and especially those of the public education system, to whatever extent practicable. The commission may call upon appropriate agencies of state government for staff assistance, clerical resources, materials, and other support services and coordinate and consult with existing agency and legislative staff, in order that minimum costs and maximum expertise may be achieved.

(c) Have the authority to make and enter into contracts or agreements with private individuals, corporations, organizations, and others, as the commission determines is necessary, expedient, or incidental to the performance of its duties or the execution of its powers.

(d) Have the authority to apply for and accept funds, grants, donations, expenses, in-kind services, or other valued goods or services from the government of the United States or any of its agencies, state government, local governments, or any other public or private source. Funds or services acquired or accepted under this paragraph shall be used to carry out the commission's assigned duties and responsibilities.

(e) Keep full, detailed, and accurate records pursuant to chapter 119.

(f) Prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and each Cabinet member a report and recommendations by October 1 of each year. The annual reports of the commission shall be made available to other appropriate governmental officials and to the public schools in this state.

Section 6. Subsection (5) of section 24.121, Florida Statutes, is amended to read:

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

(5)(a) Public educational programs and purposes funded by the Educational Enhancement Trust Fund may include, but are not limited to, endowment, scholarship, matching funds, direct grants, research and economic development related to education, salary enhancement, contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education, or any other educational program or purpose deemed desirable by the Legislature.

(b) Except as provided in paragraphs ~~paragraph~~ (c) and (d), the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(c) A portion of such net revenues, as if determined annually by the Legislature, shall be distributed to each school district based upon ~~weighted full-time equivalent student membership data~~, and shall be made available to each public school in the district for *enhancing school performance through development and implementation of a school improvement plan pursuant to s. 230.23(18)* ~~expenditure by a committee composed of instructional staff and parents of students at the school.~~

(d) Beginning July 1, 1993, no funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(18).

Section 7. Subsection (1) of section 120.68, Florida Statutes, 1990 Supplement, is amended to read:

120.68 Judicial review.—

(1) A party who is adversely affected by final agency action is entitled to judicial review. For purposes of this section, a district school board whose decision is reviewed under the provisions of s. 230.23(18) or s. 231.36 and whose final action is modified by a superior administrative decision shall be a party entitled to judicial review of the final action. A preliminary, procedural, or intermediate agency action or ruling, including any order of a hearing officer, is immediately reviewable if review of the final agency decision would not provide an adequate remedy.

Section 8. Subsection (37) is added to section 228.041, Florida Statutes, 1990 Supplement, to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(37) *PERFORMANCE STANDARD.*—The term “performance standard” means a measurable objective that specifies an outcome at the school level which fulfills or partially fulfills a goal.

Section 9. Subsection (3) of section 228.0617, Florida Statutes, is amended to read:

228.0617 School-age child care incentives program.—

(3) Each district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for planning a program, implementing a program in its first year, or enhancing an ongoing program to enable the program to serve at-risk children. The criteria used to identify children as “at risk” shall be the same criteria used to determine eligibility for free lunch. If a proposal is submitted, it shall be developed with the assistance of the district and school advisory councils ~~committees~~. To be considered for approval, each proposal shall include:

(a) The projected number of children to be served, including the number of at-risk children;

(b) A description of the administrative or organizational structure of the program, including a statement of who shall be responsible for program planning and various aspects of program operation;

(c) A description of program content, including assurances that all activities will be developmentally appropriate for the children to be served;

(d) Personnel qualifications and standards, including plans to provide for background checks, fingerprinting, and staff training;

(e) The planned staff-child ratio;

(f) A description of all school or community facilities which will be available to program participants;

(g) The days and hours of operation;

(h) Coordination with other community-based programs and social services;

(i) The extent to which federal funds, business-education partnerships, Title XX subsidized child day care, or other local and state funds will be used to support the program;

(j) The estimated program budget and fees;

(k) Provisions for food preparation and service;

(l) Written operating procedures for distribution to parents, including policies regarding hours, fees, illness, holidays, and refunds;

(m) A description of a program to employ as trainees students from college career work experience programs and students from secondary and postsecondary job preparatory vocational programs in order to train such students for employment as day care providers; and

(n) Such other information and provisions as shall be required by the commissioner.

Section 10. Subsection (14) of section 229.512, Florida Statutes, is amended to read:

229.512 Commissioner of Education, general powers and duties.—The Commissioner of Education is the chief educational officer of the state, and he has the following general powers and duties:

(14) *To implement a program of school improvement and education accountability as provided by statute and State Board of Education rule which is based upon the achievement of the state education goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the school board as responsible for school and student performance, and the individual school as the unit for education accountability; to arrange for the preparation, publication, and distribution of materials relating to the state system of public education which will supply information concerning needs, problems, plans, and possibilities; also to prepare and publish annually reports giving statistics and other useful information pertaining to the state system of public education; and to have printed copies of school laws, forms, instruments, instructions, and regulations of the State Board of Education and to provide for the distribution of the same.*

Section 11. Paragraph (e) of subsection (3) of section 229.551, Florida Statutes, 1990 Supplement, is amended to read:

229.551 Educational management.—

(3) As a part of the system of educational accountability, the department shall:

(e) Review the school advisory councils ~~committees~~ of each district as required by s. 229.58.

Section 12. Section 229.58, Florida Statutes, is amended to read:

229.58 District and school advisory councils ~~committees~~.—

(1) ESTABLISHMENT.—

(a) The district school board shall ~~may~~ establish an advisory council ~~committee broadly representative of the community served by the school~~ for each school in the district, and composed of teachers, students, parents, and other citizens *who are representative of the ethnic, racial, and economic community served by the school. Each council member shall be selected from a list of nominees submitted by the school.*

(b) ~~If The school board may does not establish advisory committees for each school, it shall establish a district advisory council committee broadly representative of the district and composed of teachers, students, parents, and other citizens or—The district school board may establish, in addition to the committees authorized at each school, a district advisory council committee which may be comprised of representatives of each school advisory council committee or such other members as the district board shall prescribe. Recognized schoolwide support groups which meet all criteria established by law or rule may function as district and school advisory councils committees.~~

(2) DUTIES.—Each advisory council committee shall perform such functions as are prescribed by regulations of the district school board; however, no advisory council committee shall have any of the powers and duties now reserved by law to the district school board. Each school advisory council committee, however, shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 230.23(18) of the annual report required by s. 229.575 and shall provide such assistance as the principal may request in preparing the school's annual budget and plan as required by s. 229.555(1).

Section 13. Subsection (1) of section 229.59, Florida Statutes, 1990 Supplement, is amended to read:

229.59 Educational improvement projects.—

(1) Pursuant to rules adopted by the State Board of Education, each district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for implementing an educational improvement project. Such proposals shall be developed with the assistance of district and school advisory councils committees and may address any or all of the following areas:

- (a) The improvement of school management;
- (b) The improvement of the district and school advisory councils committees;
- (c) School volunteers;
- (d) The professional development of teachers;
- (e) The restructuring of educational programs to meet the needs of diverse students; and
- (f) Global awareness.

Such projects may also address any other educational area which would be improved through the encouragement of closer working relationships among the school principal, the teachers, and the parents and other members of the community. Priority shall be given to proposals which provide for the inclusion of existing resources, such as district educational training funds, in the implementation of an educational improvement project.

Section 14. Subsection (4) of section 230.03, Florida Statutes, is amended to read:

230.03 Management, control, operation, administration, and supervision.—The district school system shall be managed, controlled, operated, administered, and supervised as follows:

(4) PRINCIPAL OR HEAD OF SCHOOL.—Responsibility for the administration of any school or schools at a given school center, and for the supervision of instruction therein, and for providing leadership in the development or revision and implementation of a school improvement plan required pursuant to s. 230.23(18) shall be delegated to the principal or head of the school or schools as hereinafter set forth and in accordance with rules established by the school board.

Section 15. Paragraph (d) of subsection (6) of section 230.23, Florida Statutes, 1990 Supplement, is amended, and subsection (18) is added to said section, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(6) CHILD WELFARE.—Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, and for proper attention to health, safety, and other matters relating to the welfare of children in the following fields, as prescribed in chapter 232.

(c) Code of student conduct.—Adopt a code of student conduct for elementary schools and a code of student conduct for secondary schools and distribute the appropriate code to all teachers, school personnel, students, and parents or guardians, at the beginning of every school year. A district may compile the code of student conduct for elementary schools and the code of student conduct for secondary schools in one publication and distribute the combined codes to all teachers, school personnel, students, and parents or guardians at the beginning of every school year. Each code of student conduct shall be developed by the school board; elementary or secondary school teachers and other school personnel, including school administrators; students; and parents or guardians. The code of student conduct for elementary schools shall parallel the code for secondary schools. Each code shall be organized and written in language which is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory councils committees, and parent and teacher associations. Each code shall be based on the rules governing student conduct and discipline adopted by the school board and be made available in the student handbook or similar publication. Each code shall include, but not be limited to:

1. Consistent policies and specific grounds for disciplinary action, including any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

2. Procedures to be followed for acts requiring discipline, including corporal punishment.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

4. Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, or weapons, or possession of electronic telephone pagers, by any student while such student is upon school property or in attendance at a school function is grounds for suspension, expulsion, or imposition of other disciplinary action.

(18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but not be limited to, the following:

(a) School improvement plans.—Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. The school improvement plan shall be developed and implemented with the full and active participation of the school principal, teachers, parents, and community members through school site restructuring programs, school-based management, or other school improvement activities. Such plan shall be designed to achieve the state education goals and student performance standards pursuant to ss. 229.591(3) and 229.592, shall be based on a needs assessment, and shall include school progress, goals, indicators of student progress, strategies, and evaluation procedures, including adequate measures of individual student performance. During the 1991-1992 school year, the school board shall conduct a needs assessment for each school as required by s. 229.592(1); shall hold public hearings to inform the public about the current status of the schools and the school improvement system and to elicit public comment and recommendations on local education objectives; shall initiate training of school advisory councils and school personnel to participate in the development and implementation of school improvement plans; and shall begin development of school goals and progress indicators. Each school shall develop its initial individual school improvement plan to be submitted for approval during the 1992-1993 school year and shall implement the initial plan as approved beginning with the 1993-1994 school year. New schools established subsequent to 1992-1993 shall be allowed 1 school year to develop a school improvement plan and shall implement the plan during the second school year. School boards shall:

1. Ensure involvement of instructional personnel and educational support employees in the development, implementation, and evaluation of a school improvement plan.

2. Ensure involvement of parents and the community in the development of plans and the evaluation of outcomes pursuant to s. 229.58.

3. Ensure provision of inservice training pursuant to ss. 24.121, 231.087, and 236.0811 to assist in the implementation of school improvement plans.

4. Develop procedures to waive school board policies not required by statute or rule, including those abated or waived pursuant to s. 229.592, when necessary to allow implementation of a school improvement plan.

5. Assist schools to identify and request waivers pursuant to s. 229.592.

6. Assist schools by requesting technical assistance from the Department of Education and other school districts and agencies when such assistance is not available in the district.

(b) *Approval process.*—Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a board does not approve a school improvement plan after exhausting this process, the Florida Commission on Education Reform and Accountability shall be notified of the need for assistance.

(c) *Assistance and intervention.*—Develop a plan of individualized assistance and intervention for each school that does not meet or make adequate progress, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan. Each assistance and intervention plan shall include up to 3 years of increasing levels of intervention for the purpose of assisting the school to meet the goals and standards. Each plan for assistance and intervention shall include, but shall not be limited to, a reconstitution of the school advisory council during the second year of the plan and an external review during the third year. The school board shall request that the Department of Education coordinate the review. Each plan for assistance and intervention shall be submitted to the Florida Commission on Education Reform and Accountability established pursuant to s. 229.593 for use in compiling the annual report required pursuant to s. 229.592.

(d) *Failure to improve.*—Notify the Florida Commission on Education Reform and Accountability and the State Board of Education in the event any school fails to make adequate progress toward meeting the goals and standards of a school improvement plan by the end of 3 consecutive years of district assistance and intervention; develop a written order for final intervention for said school according to guidelines developed pursuant to statute and State Board of Education rule; submit the order to the commission and state board for review; and carry out the order as approved or approved with modifications by administrative decision of the state board.

(e) *Public disclosure.*—Provide information regarding performance of students and educational programs as required pursuant to s. 229.555, and, beginning with the 1994-1995 school year, implement a new system of school reports as required by statute and State Board of Education rule.

(f) *School improvement funds.*—Provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c).

(g) *Feedback report.*—Develop a "feedback report" on the progress of implementing and maintaining a system of school improvement and education accountability established in s. 229.592(2). The report shall be submitted to the Florida Commission on Education Reform and Accountability by July 1, 1992, and annually thereafter. The report shall include, but not be limited to, information pertaining to the accuracy of data collection and analysis, the ability of the Department of Education to assist school boards in emphasizing reporting on individual school improvement and progress while minimizing comparisons between schools, the effectiveness of training and technical assistance provided by the Department of Education, and the effectiveness of the waiver process established in s. 229.592(5); and recommendation for improvement.

Section 16. Present subsection (23) of section 230.33, Florida Statutes, is renumbered as subsection (24), and a new subsection (23) is added to that section to read:

230.33 Duties and responsibilities of superintendent.—The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the school board. The recommendations, nominations, proposals, and reports required by law and rule to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.

(23) *SCHOOL IMPROVEMENT AND ACCOUNTABILITY.*—Recommend procedures for implementing and maintaining a system of school improvement and education accountability as provided by statute and State Board of Education rule.

Section 17. Section 231.085, Florida Statutes, is amended to read:

231.085 Duties of principals.—A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the board determines necessary. Each principal shall perform such duties as may be assigned by the superintendent pursuant to the rules of the school board. Such rules shall include, but not be limited to, rules relating to administrative responsibility, instructional leadership of the educational program of the school to which the principal is assigned, submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension. *Each principal shall provide leadership in the development or revision and implementation of a school improvement plan pursuant to s. 230.23(18).*

Section 18. Subsection (2) of section 233.0615, Florida Statutes, is amended to read:

233.0615 Law education program.—

(2) Each district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for implementing and conducting the law education program. Priority shall be given to proposals for implementing and conducting the program in the elementary grades. Each proposal shall be developed with the assistance of the district advisory councils ~~committees~~, school advisory councils ~~committees~~, and those agencies and organizations which are concerned with law education or with the criminal and juvenile justice systems of the state and shall include:

(a) Provisions for instruction in the rights and duties of citizens under the law and under the State and Federal Constitutions, with particular emphasis on the consequences to the individual and society of disobedience of the law;

(b) Provisions for inservice training programs in law education for teachers, administrators, and other personnel;

(c) Provisions for enlisting the involvement of governmental agencies and private organizations in order to ensure the use of all available resources in the implementation of the program;

(d) Information concerning the number of teachers and students to be involved, the estimated cost of the project, and the number of years for which it is to be funded;

(e) Provisions for evaluation of the program, and for its integration into the general curricula and financial program of the school district at the end of the funded term of years; and

(f) Such other information and provisions as shall be required by the commissioner.

Section 19. *By January 1, 1992, the Commissioner of Education shall report to the Legislature on the system of school improvement and education accountability. The report must:*

(1) *Estimate and describe short-term and long-range costs associated with the implementation of school improvement plans, including the costs for:*

- (a) *Personnel training;*
- (b) *Planning;*
- (c) *Reduction of class size;*
- (d) *Measurement and assessment;*
- (e) *Reporting; and*
- (f) *Technical assistance to schools;*

(2) *Describe the proposed role of the student assessment system set forth in section 229.57, Florida Statutes, in the system of school improvement and education accountability; and*

(3) *Describe the adequacy of the management information systems required by sections 229.555 and 229.557, Florida Statutes, to support the information collection, analysis, and reporting requirements of the system of school improvement and education accountability.*

Section 20. *Any person serving as a member of the Commission to Improve Schools and Simplify Education Reports on the effective date of this part shall be considered for appointment to the Florida Commission on Education Reform and Accountability.*

Section 21. *Sections 229.55, 229.861, 229.863, 229.865, and 229.867, Florida Statutes, and section 229.575, Florida Statutes, as amended by section 5 of chapter 90-99, section 19 of chapter 90-273, chapter 69 of chapter 90-288, and section 22 of chapter 90-302, Laws of Florida, are repealed.*

Section 22. *Sections 229.58, 229.593, and 229.594, Florida Statutes, are repealed effective October 1, 2000, and must be reviewed by the Legislature prior to that date pursuant to the Sundown Act, section 11.611, Florida Statutes.*

Section 23. *Notwithstanding the provisions of section 78 of the bill implementing the fiscal year 1991-1992 General Appropriations Act, the proviso language attached to Specific Appropriation 510 of the 1991 General Appropriations Act, relating to allocations to each school for the development of school improvement plans, shall remain in full force and effect.*

Section 24. *The Board of Regents shall develop a plan for establishing a College of Law under the auspices of Florida Agricultural and Mechanical University. The plan shall include a projected operating and capital budget, including anticipated student enrollment; a description of any programmatic and administrative relationship that the college should have with any other public or private college of law in the state; and an analysis of the effect that the creation of such a college might have on existing public and private colleges of law in this state. The plan shall be submitted to the President of the Senate and Speaker of the House of Representatives by January 1, 1992.*

Section 25. (1) Subsection (5) of section 320.072, Florida Statutes, 1990 Supplement, is amended to read:

320.072 Additional fees imposed on certain motor vehicle registration transactions.—

(5) A tax collector or other duly authorized agent of the department shall promptly remit all moneys collected pursuant to this section, less any refunds granted pursuant to subsection (4), to the department. The department shall deposit 30 percent of such moneys as they are received into the Law Enforcement Trust Fund of the Department of Highway Safety and Motor Vehicles. The remainder of the proceeds, after deducting the service charges charge imposed by s. 215.20, shall be deposited into the State Transportation Trust Fund.

(2) If at the legislative session at which this amendment is enacted, there is also enacted an amendment to s. 320.072(5), Florida Statutes, 1990 Supplement, relating to the distribution of the proceeds from the fee imposed pursuant to s. 320.072(1)(a), Florida Statutes, 1990 Supplement, where the amended language differs from that enacted by this section, it is the intent of the Legislature that this enactment shall control over the language contained therein.

Section 26. Effective July 1, 1991, subsection (2) of section 335.035, Florida Statutes, is amended to read:

335.035 Completion of interstate highway system.—

(2) The department shall repay to the General Revenue Fund any funds which are appropriated from that fund for interstate highway purposes less the amount subsequently reappropriated by the Legislature for the 1979 Special Appropriation Program. No general revenue funds appropriated for interstate highway purposes may be expended until an agreement has been signed with the Federal Government, providing for reimbursement of such funds on a 90-10 matching basis. Full repayment of the general revenue funds shall be made upon completion of the interstate highway system in this state, except that \$101.7 million of such repayment shall be paid to the General Revenue Fund in fiscal year 1991-1992.

Section 27. Effective June 1, 1991, paragraph (b) 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.—

(b) In the operation of the State Transportation Trust Fund, the department shall have on hand at the close of business, which closing shall not be later than the 10th calendar day of the month following the end of each quarter of the fiscal year, an available cash balance (which shall include cash on deposit with the treasury and short-term investments of the department) equivalent to not less than \$50 million, or 5 percent of the unpaid balance of all State Transportation Trust Fund obligations at the close of such quarter, whichever amount is less. In the event that this cash position is not maintained, no further contracts or other fund commitments shall be approved, entered into, awarded, or executed until the cash balance, as defined above, has been regained.

Section 28. *Temporary retirement incentive program.—*

(1) *As an incentive to encourage retirement among certain state officers and employees in order to minimize the impact of job cuts and layoffs which may be necessitated by the current economic crisis, the Department of Administration shall establish a temporary retirement incentive program for active state officers and employees in regularly established positions in the Florida Retirement System, Teachers' Retirement System, and State and County Officers' and Employees' Retirement System, with 25 or more years of creditable service, hereinafter referred to as "officers and employees" or "members." The provisions and benefits of the program shall be administered by the Division of Retirement in accordance with the provisions of chapter 121, chapter 122, or chapter 238, Florida Statutes, as applicable:*

(a) *Except as may be specifically otherwise provided herein, all terms used throughout this subsection shall be construed according to the definitions and usages applicable under chapter 121, chapter 122, or chapter 238, Florida Statutes, as appropriate, and all age and creditable service limitations shall be construed as of the member's designated effective retirement date.*

(b) *Participation in the temporary retirement incentive program shall be voluntary at the officer or employee's option. No manager, supervisor, or other representative of the employer shall, directly or indirectly, in any way suggest, advise, or exert undue pressure by use of official authority or influence, or use the threat of loss or promise of reward to coerce or encourage, an officer or employee to retire under the provisions of this subsection. However, the provision of educational materials or factual information concerning the temporary retirement incentive program shall not be construed as a violation of this paragraph.*

(c) *An employee who wishes to participate in the temporary retirement incentive program shall complete and file an application for retirement with the Division of Retirement prior to October 1, 1991, designating an effective retirement date of March 1, April 1, or May 1, 1992.*

(d) *The state shall purchase an annuity within the Florida Retirement System Trust Fund to supplement the retirement benefit otherwise payable to those eligible officers and employees who elect to retire under the program. Such annuity shall be paid monthly, in an amount to be determined as follows:*

1. *For a member who is age 55 or older, but under age 62, with 25 or more years of creditable service, but less than 30 years of creditable service, the annuity shall provide a monthly payment equal to the difference between the normal retirement benefit based on the member's age and creditable service as of the member's designated effective retire-*

ment date, reduced for early retirement, and such retirement benefit unreduced for early retirement. However, any state officer or employee who is age 55, but less than normal retirement age, and a member of the Teachers' Retirement System or the State and County Officers' and Employees' Retirement System may qualify for an annuity under this subparagraph with 30 or more years of creditable service.

2. For a member with 30 or more years of creditable service, or who is age 62 or older with 25 or more years of creditable service, the annuity shall provide a monthly payment equal to the difference between the member's normal retirement benefit as of the designated retirement date and such retirement benefit increased by 5 percent. However, any state officer or employee with 25 or more years of creditable service who is a member of the Teachers' Retirement System or the State and County Officers' and Employees' Retirement System and has reached normal retirement age under that system may qualify for an annuity under this subparagraph.

All such retirement annuities shall comply with Section 14 of Article X of the State Constitution.

(e) In addition to any supplemental benefit provided under subparagraph 1. or subparagraph 2. of paragraph (d), any officer or employee who participates in the temporary retirement incentive program established under this subsection shall be paid a retirement bonus in the amount of \$2,500, to be disbursed by the Division of Retirement upon confirmation that the member has retired.

(2)(a) Beginning on July 1, 1992, and continuing in the form of an annual payment to be made in ten installments through July 1, 2001, the Legislature shall appropriate from the General Revenue Fund to the Florida Retirement System Trust Fund an amount necessary to fund the benefits provided by the temporary retirement incentive program under paragraph (d) of subsection (1). The Division of Retirement shall calculate the present value of said benefits, and the annual payments required to amortize the present value over 10 years commencing July 1, 1992, and shall certify such amounts to the Legislature for appropriation during the 1992 Regular Session.

(b) Effective July 1, 1992, the Legislature shall appropriate from the General Revenue Fund to the Florida Retirement System Trust Fund an amount necessary to fund, in lump sum, the retirement bonuses provided by the temporary retirement incentive program under paragraph (e) of subsection (1).

(3) This section shall take effect upon becoming a law; the provisions of subsection (1), relating to the temporary retirement incentive program, shall expire on May 31, 1992, and the provisions of subsection (2), relating to funding of the program, shall expire on July 31, 2002.

Section 29. Effective July 1, 1991, paragraph (a) of subsection (3) of section 121.055, Florida Statutes, 1990 Supplement, is amended, and subsection (7) is added to that section, to read:

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

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

Rates of Contribution

Table with 3 columns: Rate Changes, Members, Employers. Rows show contribution rates from 1987 to 1993, with some rates crossed out and replaced with new ones.

(7) On and after January 1, 1992, if the employment of a member of the Senior Management Class is terminated subsequent to the completion by the member of 20 years of creditable service, the monthly bene-

fits payable to the member shall be calculated in accordance with s. 121.091(1), but based on average monthly compensation and creditable service as of the date of termination. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which termination precedes the normal retirement date or the date on which the member would have attained 30 years of creditable service had his employment not been terminated and had he continued his employment, whichever computation provides a greater benefit.

Section 30. Except for subsections (1), (3), and (4) of section 110.201, Florida Statutes, parts II, III, and V of chapter 110, Florida Statutes, shall stand repealed on July 1, 1992, and shall be reviewed by the Legislature prior to that date.

Section 31. Except as otherwise provided herein, this part shall take effect upon becoming a law.

PART II

Section 32. The moneys contained herein are appropriated from the named funds for the 1991-92 Fiscal Year to be used to pay the salaries and other expenditures of state government which are in addition to those moneys appropriated in the 1991 General Appropriations Act.

ADMINISTERED FUNDS

Table with 2 columns: Fund Name, Amount. Rows include LUMP SUM SALARY INCREASES FROM GENERAL REVENUE FUND (43,000,000) and FROM TRUST FUNDS (32,000,000).

Funds are provided in Specific Appropriation 1 for salary adjustments for state employees. For employees represented by collective bargaining units, the distribution of the funds contained in Specific Appropriation 1 is contingent upon collective bargaining pursuant to s. 447.309, F.S. Funds are provided for a three percent (3%) competitive pay adjustment with a guaranteed minimum increase of \$600 effective January 1, 1992 for Career Service and comparable employee groups not covered by the collective bargaining process. Funds are also provided for adjustments for certified state attorney investigators, as defined under s. 943.10, F.S.; nurses; children, youth and family counselors, and protective investigators.

Table with 2 columns: Fund Name, Amount. Rows include AID TO LOCAL GOVERNMENTS GRANTS AND AIDS - FLORIDA EDUCATION FINANCE PROGRAM FROM GENERAL REVENUE (56,000,000).

The funds provided for in Specific Appropriation 2 shall be allocated to each school district for 1991-1992 using the distribution provided for in Specific Appropriation 510 of the 1991 General Appropriations Act.

1. SALARIES—EXEMPT FROM CAREER SERVICE A. EXEMPT FROM CAREER SERVICE

(1) Elected officers and full-time members of boards and commissions shall be paid at the annual rate shown below. However, these salaries may be reduced on a voluntary basis:

Table with 3 columns: Position, 1/1/91 Salary, 1/1/92 Salary. Rows list various state positions like Governor, Lieutenant Governor, Secretary of State, etc., with their respective salaries for 1991 and 1992.

## Public Defenders:

Circuits with 1,000,000 population or less.....	80,937	80,937
Circuits over 1,000,000.....	87,023	87,023

All population figures relating to the state attorneys' and public defenders' salaries shall be based on the most recent population estimates prepared pursuant to the provisions of s. 186.901, F.S. These population estimates shall become effective July 1, 1991 and shall not be adjusted subsequently.

None of the officers whose salaries have been fixed in this section shall receive any supplemental salary or benefits from any county or municipality.

## 2. BENEFITS

## A. HEALTH, LIFE AND DISABILITY INSURANCE

Funds are provided to fund the state's share of increased State Group Health Self-Insurance Program premiums. Additionally, funds are provided in each agency's budget to continue paying the current state share of the State Group Health Self-Insurance premiums, approved Health Maintenance Organizations, and life and disability insurance premiums.

Beginning July 1, 1991, the following changes in the State's contributions to the State Group Health Insurance Program shall be in effect for an August premium:

(1) A \$16.90 increase in the premium for subscribers enrolled in the State Group Health Insurance Plan under Individual Coverage; from \$97.80 to \$114.70 per month.

(2) A \$43.34 increase in the premium for subscribers enrolled in the State Group Health Insurance Plan under Family Coverage; from \$184.20 to \$227.54 per month.

(3) All other subscriber premiums shall be adjusted accordingly.

Beginning January 1, 1992, the following changes in employee contributions to the State Group Health Program shall be in effect for a February premium.

(1) A \$1.90 increase in the premium for subscribers enrolled in the State Group Health Insurance Plan under Individual Coverage; from \$23.76 to \$25.66 per month.

(2) A \$6.84 increase in the premium for subscribers enrolled in the State Group Health Insurance Plan under Family Coverage; from \$85.46 to \$92.30 per month.

(3) A \$1.90 increase for Individual Coverage premium and a \$6.84 increase for Family Coverage premium shall be effective for all other subscribers, except for retirees covered under Medicare, and adjusted accordingly. Additionally, the maximum limit for out-of-pocket expenses for the insured shall be increased by \$1,000 per person with a maximum increase of \$2,000 per family.

(4) An increase in premiums for retirees covered under Medicare shall be determined in compliance with s. 112.0801, Florida Statutes.

Further, the following additional changes to the benefits of the State Group Health Self-Insurance Plan shall be effective June 1, 1991.

(1) Under the Prescription Drug Program, co-payments shall be established as follows:

- (a) \$11.00 co-payment for brand-name drugs with card;
- (b) \$5.00 co-payment for generic drugs with card;
- (c) \$5.00 co-payment for generic mail order drugs;
- (d) \$11.00 co-payment for brand name mail order drugs.

There shall be a 30-day supply on prescription card purchases; there shall be a 90-day supply for mail order or mail order prescription drug purchases.

(2) The current pharmacy dispensing fee shall remain in effect. Additionally, participating pharmacies are required to utilize a point of sale device or on-line computer system to verify a participant's coverage. The state shall not be responsible or liable for the prescriptions of a person whose eligibility has not been verified by the State's contracted administrator or the Division of State Employee Insurance.

(3) Effective January 1, 1991, there shall be a \$10 per visit fee for Preferred Provider Care and a \$20 per visit fee for Non-preferred Provider Care physician office visits with no calendar year deductible for either. The co-payment and fee schedules in effect May 1, 1991 shall remain the same.

(4) There shall be a \$100 per-admission fee for Preferred Provider Care Hospital Inpatient services and a \$250 per-admission fee for Non-preferred Provider Care Hospital Inpatient services with no calendar year deductible for either.

(5) There shall be a \$100 per calendar year physical examination benefit for employees covered under the State Group Health Self-Insurance Plan.

The State Group Health Self-Insurance Plan Benefits in effect on June 1, 1991, as provided by this Act, shall not be amended without appropriate legislative review in accordance with s. 110.123(5), F.S.

Section 33. For Fiscal Year 1991-92, there is hereby appropriated a reduction of \$5,000,000 from the \$20,000,000 General Revenue Fund appropriation in Specific Appropriation 1A of the 1991 General Appropriations Act for productivity enhancement.

Section 34. For Fiscal Year 1991-92, there is hereby appropriated \$5,000,000 from trust funds for productivity enhancement which shall be in addition to the \$10,014,853 trust fund appropriation in Specific Appropriation 1A of the 1991 General Appropriations Act.

Section 35. For Fiscal Year 1991-92, there is hereby appropriated a reduction of \$17,000,000 from the \$51,099,000 General Revenue appropriation in Specific Appropriation 5 of the 1991 General Appropriations Act.

Section 36. Funds provided to individual community colleges in Specific Appropriations 546A and 547 in the Conference Committee Report on SB 2300 may provide a three percent (3%) employee salary increase or a three percent (3%) increase in personal service contracts in fiscal year 1991-92. This provision shall supersede the proviso statement associated with Specific Appropriations 546A and 547 in the 1991 General Appropriations Act.

Section 37. This part shall take effect July 1, 1991.

Section 38. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

**House Amendment 2**—Strike the title and insert: A bill to be entitled An act relating to state government and funding related thereto; providing a title; amending s. 229.591, F.S.; revising provisions relating to comprehensive revision of Florida's system of school improvement and responsibility; providing intent for a system of school improvement and education accountability; providing requirements and education goals; amending s. 229.592, F.S.; providing for implementation of the system of improvement and accountability; providing deadlines; requiring needs assessments to be conducted and analyzed; requiring a report to the Legislature; providing duties of the Florida Commission on Education Reform and Accountability, the Commissioner of Education, the Department of Education, and the State Board of Education; providing for exceptions to the law; amending ss. 229.593 and 229.594, F.S.; deleting the Commission to Improve Schools and Simplify Education Reports and providing for the Florida Commission on Education Reform and Accountability; providing powers and duties of the commission; amending s. 24.121, F.S.; revising provisions relating to use and distribution of revenues from the sale of lottery tickets; amending s. 120.68, F.S.; providing for judicial review of certain actions; amending s. 228.041, F.S.; providing for definition of the term "performance standard"; amending ss. 228.0617, 229.551, 229.59, and 233.0615, F.S.; conforming language; amending s. 229.512, F.S.; providing an additional duty of the commissioner; amending s. 229.58, F.S.; changing district and school advisory committees to councils and revising certain requirements thereof; amending s. 230.03, F.S.; providing duties of school principals; amending s. 230.23, F.S.; providing duties of school boards for implementation of a system of school improvement and education accountability; providing contents of such system; amending s. 230.33, F.S.; providing related duties of superintendents; amending s. 231.085, F.S.; providing duties of principals; requiring the commissioner to report to the Legislature on the system of school improvement and education accountability; providing

for consideration for appointment to the Florida Commission on Education Reform and Accountability; repealing ss. 229.55 and 229.575, F.S., relating to educational accountability and reporting procedures; repealing ss. 229.861, 229.863, 229.865, 229.867, F.S., relating to Board of Public Schools; providing for future review and repeal of ss. 229.58, 229.593, 229.594, F.S.; providing legislative intent with respect to an appropriation of funds allocated to district public schools; requiring the Board of Regents to develop a plan to consider establishing a College of Law under the auspices of Florida Agricultural and Mechanical University; providing the contents of such plan; requiring submission of such plan to the Legislature; amending s. 320.072, F.S., relating to the deposit of certain fees into the State Transportation Trust Fund; providing legislative intent; amending s. 335.035, F.S.; providing for specified repayment of funds for interstate highway purposes in fiscal year 1991-1992; amending s. 339.135, F.S., relating to the cash balance of the State Transportation Trust Fund; establishing a temporary retirement incentive program; providing for administration; providing for construction; requiring that participation must be voluntary; prohibiting coercion; providing eligibility criteria and procedure; providing for purchase of an annuity to fund supplemental benefits; providing for calculation of benefits; providing for compliance with s. 14, Art. X of the State Constitution; providing for funding; providing special effective and expiration dates for the retirement incentive program; amending s. 121.055, F.S.; increasing the contribution rate required with respect to members of the Senior Management Service Class of the Florida Retirement System; providing for the calculation of the monthly benefit of a member of that class whose employment is terminated after the member has completed 20 years of creditable service; providing for the review and future repeal of parts II, III, and V of chapter 110, F.S., except for s. 110.201(1), (3), and (4), F.S., concerning the Career Service System, the Senior Management Service System, and the Selected Exempt Service System; making supplemental appropriations to the 1991-1992 General Appropriations Act; providing additional moneys for the annual period beginning July 1, 1991, and ending on June 30, 1992, to pay salaries and benefits, and for other specified purposes of the various agencies of state government, and which are in addition to those moneys appropriated in the Conference Committee Report on SB 2300; amending Section 1A of the Conference Committee Report on SB 2300; providing effective dates.

Senators Gardner and Johnson offered the following amendments which were moved by Senator Gardner and adopted:

**Senate Amendment 1 to House Amendment 1**—On page 1, line 14, strike everything after “and insert:” and insert:

Section 1. Notwithstanding any other provision of law, for the period July 1, 1992, through June 30, 1994, the proceeds of the \$100 fee collected pursuant to section 320.072(1), Florida Statutes, after deducting the service charge imposed by section 215.20, Florida Statutes, shall be deposited into the State Transportation Trust Fund. This section shall control over any other provision of law enacted in the 1991 regular session of the Legislature concerning the distribution of moneys collected pursuant to section 320.072(1), Florida Statutes.

Section 2. Subsection (2) of section 335.035, Florida Statutes, is amended to read:

335.035 Completion of interstate highway system.—

(2) The department shall repay to the General Revenue Fund any funds which are appropriated from that fund for interstate highway purposes less the amount subsequently reappropriated by the Legislature for the 1979 Special Appropriation Program. No general revenue funds appropriated for interstate highway purposes may be expended until an agreement has been signed with the Federal Government, providing for reimbursement of such funds on a 90-10 matching basis. Full repayment of the general revenue funds shall be made upon completion of the interstate highway system in this state, *except that \$109.5 million of such repayment shall be paid to the General Revenue Fund by June 1, 1992.*

Section 3. Paragraph (b) 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.—

(b) In the operation of the State Transportation Trust Fund, the department shall have on hand at the close of business, which closing

shall not be later than the 10th calendar day of the month following the end of each quarter of the fiscal year, an available cash balance (which shall include cash on deposit with the treasury and short-term investments of the department) equivalent to not less than \$50 million, or 5 percent of the unpaid balance of all State Transportation Trust Fund obligations at the close of such quarter, *whichever amount is less.* In the event that this cash position is not maintained, no further contracts or other fund commitments shall be approved, entered into, awarded, or executed until the cash balance, as defined above, has been regained.

Section 4. The Board of Regents shall study the feasibility of establishing a college of law under the auspices of Florida Agricultural and Mechanical University. The study shall include a projected operating and capital budget, including anticipated student enrollment; a description of any programmatic and administrative relationship that the college should have with any other public or private college of law in the state; and an analysis of the effect that the creation of such a college might have on existing public and private colleges of law in this state. The study shall be submitted to the President of the Senate and the Speaker of the House of Representatives by January 1, 1992.

Section 5. There is hereby appropriated \$43 million from the General Revenue Fund and \$32 million from trust funds to provide a 3-percent salary increase for state employees. These funds shall be distributed and appropriate adjustments in the insurance premiums and deductibles made as provided in the proposed conference committee report prior to excluding salary increases and as provided in the legislative intent document prepared in accordance with chapter 216, Florida Statutes. Furthermore, notwithstanding chapter 216, Florida Statutes, the Governor shall transfer \$17 million in General Revenue from the Health Insurance Deficiency Appropriation in line item 5 of the General Appropriation Act and \$2.5 million from General Revenue Funds included in line item 1A. The sum of \$5 million is appropriated from trust funds to Administered Funds for productivity enhancements. Trust fund adjustments and appropriate insurance premium adjustments shall also be made to implement this section. Notwithstanding the provisions contained in Specific Appropriation 547 of the General Appropriations Act for fiscal year 1991-1992, the community colleges may provide salary increases if any other employee receives pay raises under the provisions of this section.

Section 6. The sum of \$90 million is hereby appropriated from the General Revenue Fund in fiscal year 1991-1992 for the Florida Education Finance Program. These funds shall be allocated to each school district for the 1991-1992 fiscal year using the distribution provided for in Specific Appropriation 510 of the 1991 General Appropriations Act.

Section 7. Section 78 of Senate Bill 2302, enacted in the 1991 regular session of the Legislature, is amended to read:

Section 78. Notwithstanding any provision to the contrary in the 1991 General Appropriations Act, from the funds provided in Specific Appropriation 510 of the 1991 General Appropriations Act, school boards *shall* ~~may~~ allocate to each school *not less than \$4 and not more than up to a maximum of \$9.50* per unweighted full-time equivalent student to be used at the discretion of the staff and parents of the school to develop and implement the school's improvement plan. *School boards that can demonstrate that they are currently expending at least \$4 per unweighted full-time equivalent student on the planning process required by current law and this act may use such expenditures to satisfy the requirements of this section.* The school's improvement plan shall be based on the needs of the students at that school and shall be consistent with any existing statewide and districtwide school improvement programs. This section shall prevail over any conflicting provision of Specific Appropriation 510 of the 1991 General Appropriations Act.

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

Section 9. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

**Senate Amendment 1 to House Amendment 2**—In title, on page 1, line 14, strike everything after “and insert:” and insert: A bill to be entitled An act relating to fiscal affairs of the state; providing that certain funds collected from fees imposed on certain motor vehicle registrations are to be deposited in the State Transportation Fund for a specified period; amending s. 335.035, F.S.; advancing the date by which certain

funds appropriated from the General Revenue Fund for completion of the interstate highway system are to be repaid; amending s. 339.135, F.S.; reducing the cash balance that must be maintained by the Department of Transportation in the State Transportation Trust Fund in order to facilitate the repayment of funds appropriated by this act; requiring the Board of Regents to study the feasibility of establishing a college of law under the auspices of Florida Agricultural and Mechanical University; providing appropriations for salaries and other benefits for state officers and employees and for productivity enhancement and providing for transfer of funds for such purposes; providing for salary increases for employees of community colleges; appropriating funds for the Florida Education Finance Program; amending s. 78 of Senate Bill 2302, enacted in the 1991 Regular Session of the Legislature; providing for allocation of funds to school districts for school improvement plans; providing severability; providing an effective date.

On motions by Senator Gardner, the Senate concurred in **House Amendments 1 and 2** as amended and the House was requested to concur in the Senate amendments to the House amendments.

**SB 1314** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—40      Nays—None

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1342 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 1342**—A bill to be entitled An act relating to pari-mutuels; amending s. 550.012, F.S.; authorizing the Pari-mutuel Commission to grant additional days to certain permitholders; changing dates for issuance of requests for additional days; amending s. 550.03, F.S.; allowing permitholders to elect to distribute certain amounts as proceeds on charity days; removing a limitation on the use of proceeds from charity days; amending s. 550.09, F.S.; imposing an additional tax on guest tracks that impose a surcharge on certain winning tickets; amending s. 550.262, F.S.; requiring the permitholders conducting certain thoroughbred races to pay a specific sum, as breeders' and stallion awards, on all pari-mutuel pools conducted during such races; providing a requirement for the uniform rate and procedure plan of the Florida Thoroughbred Breeders' Association; amending s. 550.263, F.S.; providing that uncashed tickets and breakage tax on live racing conducted by thoroughbred permitholders shall be retained by such permitholder; providing legislative intent with respect to the exemptions set forth in ss. 550.2635(6) and 550.26355, F.S.; amending s. 550.356, F.S.; authorizing certain horse tracks that have made an election authorized for capital improvements to retain additional commission; amending s. 550.51, F.S.; authorizing a permitholder to operate 7 days per week; authorizing the Pari-mutuel Commission to approve additional evening performances; amending s. 550.52, F.S.; providing for notification that a permitholder does not intend to operate any racing days; providing for a payment to cover part of the loss to the state; amending s. 550.61, F.S.; prohibiting a permitholder that elects to broadcast its signal from entering into an exclusive agreement with a permitholder eligible to conduct intertrack wagering; authorizing additional racing days to certain quarter horse permitholders; providing that provisions relating to the suspension or revocation of a quarter horse permit are inapplicable under certain conditions; placing restrictions on intertrack wagering; amending s. 550.62, F.S.; changing percentages that horseracing host tracks must pay as purses to certain permitholders; amending s. 550.63, F.S.; changing the percentage that guest tracks are paid on intertrack wagering on certain horse races, greyhound races, and jai alai games; providing for distributing certain proceeds retained by a thoroughbred host track; creating s. 550.633, F.S.; providing for a surcharge on certain winning tickets; creating s. 550.635, F.S.; providing for an additional percentage that may be paid by a harness track race permitholder to any guest track that receives broadcasts and accepts wagers on races from the host track; amending s. 550.64, F.S.; providing applicability of related laws; creating s. 551.1535, F.S., establishing the Jai Alai Tournament of Champions Meet; providing for the repeal of ss. 550.2635(2), (3), (4), (5), 550.2636(2), (3), (4), (9), 550.1635(2), (3), (4), (5), 551.1535(3), (4), (5), (7), F.S.; allowing permitholders to take certain tax credits accrued under the repealed provisions; providing for an audit and for the repayment of certain overpayments; providing an effective date.

**House Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Section 550.012, Florida Statutes, 1990 Supplement, is amended to read:

550.012 Additional operating days.—

(1) The Legislature finds that a degree of flexibility in the process of authorizing days of operation for pari-mutuel permitholders will further the public interest by allowing for rational determinations of the number of authorized days that take into account competitive, economic, and fiscal factors. The purpose of this section is to authorize the Florida Pari-mutuel Commission, subject to the guidelines contained in this section, to provide recommendations to the Legislature for additional days of operation in such a flexible and rational manner.

(2) In addition to its other powers and duties, the commission may hear the request of any permitholder licensed pursuant to this chapter or chapter 551 for up to 105 days of operation, or any facility authorized to conduct intertrack wagering pursuant to s. 550.61(8) for additional days or additional days to conduct intertrack wagering, in addition to those authorized by law, provided that such requests must be submitted to the commission by ~~September~~ ~~October~~ 15 of each year. In considering such requests, the commission shall conduct public hearings. The commission shall submit a report of its findings with recommendations to the Legislature no later than 60 days prior to the convening of the regular legislative session by ~~February~~ 1 of the following year. In determining whether to recommend the granting of such additional operating days, the commission shall consider:

(a) The impact of the requested additional days on the handle, attendance, and income of permitholders within a 50-mile radius of the requesting permitholder;

(b) The similarities and dissimilarities of competing permitholders within a 50-mile radius of the requesting permitholder;

(c) The impact of the requested additional days on state revenues generated by the pari-mutuel industry; and

(d) The impact on the division as it relates to the division's operating budget and manpower resources.

(3) Any permitholder seeking additional operating days shall submit a request for such days to the commission by ~~September~~ ~~October~~ 15 of each year. The request shall contain the following information:

(a) The number of additional days and performances requested;

(b) Projected increase in handle and attendance as a result of such extra days and performances;

(c) Projected increase in state taxes and revenues as a result of such extra days and performances; and

(d) Any other pertinent information as required by division rule.

(4) The division shall review all requests for additional operating days and shall make recommendations to the commission regarding such days. The division may contract with accountants, economists, attorneys, and other persons as may be required to determine the required economic and fiscal impacts of the requested additional days. To ensure that the requests for additional operating days are reviewed in a timely manner by the division, it is exempt from the provisions of s. 287.057 with regard to contracts awarded to review or determine the economic and fiscal impacts of the requested additional days. However, in awarding such contracts, the division shall consider the cost and the ability and resources of the individual or firm to perform the review or study in a competent and timely manner.

(5)(a) Each request for additional operating days shall be accompanied by an application fee to be deposited into the Pari-mutuel Wagering Trust Fund.

(b) The division is authorized to charge the permitholder any anticipated costs incurred by the division in determining whether to grant or deny applications by a permitholder for additional operating days.

(c) The division may, by rule, determine the manner of payment of its anticipated costs and the procedure for filing applications in conjunction with payments of said costs.

(d) The division shall furnish to the applicant an itemized statement of actual costs incurred during the investigation.

(e) In the event there are unused funds at the conclusion of such investigation, such funds shall be returned to the applicant within 60 days thereafter.

(f) In the event actual costs of investigation exceed anticipated costs, the division shall assess the applicant those moneys necessary to recover all actual costs.

(6) The commission shall consider and make final recommendations to the Legislature on each request for additional operating days no later than 60 days prior to the regular legislative session of the following year February 1 of each year.

(7) The division shall adopt rules to implement the provisions of this section.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 550.0121, Florida Statutes, 1990 Supplement, are amended to read:

550.0121 Certain permitholders allowed to operate specified additional days; performance per operational season.—

(2) The listed permitholders may operate the following number of performances:

(a) Greyhounds: The permit located in Hillsborough County presently held by Associated Outdoor Clubs, Inc., shall have an operational season during which it may conduct as many as 157 105 evening performances, plus as many as 79 54 matinee performances; the permit located in St. Johns County, presently held by Bayard Raceways, Inc., shall have an operational season during which it may conduct as many as 120 105 evening performances, plus as many as 59 54 matinee performances; the permit located in Monroe County, presently held by Berenson's Key West Greyhound Track, shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; the permit located in Dade County, presently held by Biscayne Kennel Club, Inc., shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Lee County, presently held by Bonita-Fort Myers Corporation, shall have an operational season during which it may conduct as many as 308 evening performances, plus as many as 157 matinee performances; the permit located in Palm Beach County, presently held by Investment Corporation of Palm Beach, shall have an operational season during which it may conduct as many as 254 210 evening performances, plus as many as 151 108 matinee performances; the permit located in Broward County, presently held by Investment Corporation of South Florida, shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Duval County, presently held by Jacksonville Kennel Club, Inc., shall have an operational season during which it may conduct as many as 120 105 evening performances, plus as many as 59 54 matinee performances; the permit located in Jefferson County, presently held by Jefferson County Kennel Club, Inc., shall have an operational season during which it may conduct as many as 295 100 evening performances, plus as many as 79 matinee performances; the permit located in Clay County, presently held by Orange Park Kennel Club, Inc., shall have an operational season during which it may conduct as many as 120 105 evening performances, plus as many as 59 54 matinee performances; the permit located in Escambia County, presently held by Pensacola Greyhound Track, Inc., shall have an operational season during which it may conduct as many as 312 evening performances, plus as many as 158 matinee performances; the permit located in Pinellas County, presently held by St. Petersburg Kennel Club, Inc., shall have an operational season during which it may conduct as many as 155 105 evening performances, plus as many as 57 54 matinee performances; the permit located in Seminole County, presently held by Sanford-Orlando Kennel Club, Inc., shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; the permit located in Sarasota County, presently held by Sarasota Kennel Club, Inc., shall have an operational season during which it may conduct as many as 155 105 evening performances, plus as many as 78 54 matinee performances; the permit located in Seminole County, presently held by Seminole Racing, Inc., shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; the permit located in Volusia County, presently held by Seminole Racing, Inc., shall have an operational season during which it

may conduct as many as 312 evening performances, plus as many as 152 matinee performances; the permit located in Washington County, presently held by Washington County Kennel Club, Inc., shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; the permit located in Dade County, presently held by West Flagler Associates, Ltd., shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Gadsden County, presently held by Golden Crown Corporation, shall have an operational season during which it may conduct as many as 260 evening performances, plus as many as 133 matinee performances; the permit located in Brevard County, presently held by Sports Palace, Inc., shall have an operational season during which it may conduct as many as 312 evening performances, plus as many as 156 matinee performances;

(b) Jai Alai: The permit located in Broward County, presently held by Dania Jai Alai Division, shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Broward County, presently held by Summersport Enterprises, Ltd., shall have an operational season during which it may conduct as many as 159 total performances, of which as many as 54 may be matinee performances, however, no matinee performance may be operated on a day when a thoroughbred horse track within 50 miles of such permitholder's fronton is conducting a performance *except that such permitholder shall be authorized to conduct at least one matinee per week if such thoroughbred horse track operates seven days a week*; the permit located in Seminole County, presently held by Florida Jai Alai, Inc., shall have an operational season during which it may conduct as many as 210 evening performances, plus as many as 108 matinee performances; the permit located in St. Lucie County, presently held by Fort Pierce Jai Alai, shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; ~~the permit located in Gadsden County, presently held by Golden Crown Corporation, shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances;~~ the permit located in Dade County, presently held by Miami Jai Alai, shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances; the permit located in Marion County, presently held by Ocala Jai Alai, shall have an operational season during which it may conduct as many as 155 evening performances, plus as many as 79 matinee performances; ~~the permit located in Brevard County, presently held by Sports Palace, Inc., shall have an operational season during which it may conduct as many as 260 evening performances, plus as many as 133 matinee performances;~~ the permit located in Hillsborough County, presently held by Tampa Jai Alai, shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances, furthermore, during the period from May 4 8 through September 27 3, *an additional season is authorized during which it may conduct as many as 105 additional evening performances, plus as many as 54 additional matinee performances, however, none of these additional performances shall conflict with any days of operation currently authorized for any permitholder located within a 35-mile radius of this facility*; the permit located in Palm Beach County, presently held by The Fronton, Inc., shall have an operational season during which it may conduct as many as 210 evening performances, plus as many as 108 matinee performances; the permit located in Volusia County, presently held by Volusia Jai Alai, Inc., shall have an operational season during which it may conduct as many as 260 evening performances, plus as many as 133 matinee performances; the permit located in Dade County, presently held by Summer Jai Alai, shall have an operational season during which it may conduct as many as 105 evening performances, plus as many as 54 matinee performances;

Such performances do not include the charity and scholarship performances authorized in s. 550.03. No more than one greyhound permitholder in a county may conduct performances on any day. No more than one jai alai permitholder in a county may conduct performances on any day. A greyhound permitholder or jai alai permitholder conducting an afternoon matinee performance shall not be required to conduct an evening performance but such matinee performance shall be considered a racing day. Notwithstanding the provisions in s. 550.51 or any other provisions in this chapter or chapter 551, a greyhound or jai alai permitholder in any county where there are two greyhound permitholders and one jai alai permitholder shall be entitled to conduct an extra evening performance for any day on which it conducts a matinee performance and does not conduct an evening performance.

Section 3. Subsections (2) and (5) of section 550.03, Florida Statutes, 1990 Supplement, are amended to read:

550.03 Charity racing days.—

(2) The proceeds of charity performances shall be paid to qualified beneficiaries selected by the permitholders from an authorized list of charities on file with the division. Eligible charities include any charity which provides evidence of compliance with the provisions of chapter 496 and evidence of possession of a valid exemption from federal taxation issued by the Internal Revenue Service. In addition, the authorized list shall include the Racing Scholarship Trust Fund, the Historic Preservation Trust Fund, major state and private institutions of higher learning, and Florida community colleges. ~~In any racing season, a permitholder may not conduct more than three of the authorized charity days for the benefit of charities other than the Racing Scholarship Trust Fund, major state or private institutions of higher learning, and Florida community colleges.~~

(5) ~~In determining profit, the permitholder may elect to distribute as proceeds only the amount equal to the state tax that would otherwise be paid to the state if the charity day was conducted as a regular or matinee performance. In determining profit, the permitholder shall deduct from the revenues the prorated share of operating expenses based upon the number of racing performances conducted during the permitholder's fiscal year. The expenses shall include all expenses reported in the uniform reporting system which are deductible by the permitholder for state or federal income tax purposes, except that no deduction will be allowed for officer and director compensation, interest on capital debt, legal fees, real estate taxes, bad debts, contributions or donations, or overhead expenses charged by a parent organization that are not directly related to the charity racing performance conducted. In no event may the amount paid to the charity be less than the taxes that would otherwise have been paid to the state if the charity racing performance had been conducted as a regular racing performance. The division shall by rule prescribe the form and content of the reports necessary to assure the proper distribution of the proceeds of charity days to the authorized charities.~~

Section 4. Section 550.04, Florida Statutes, is amended to read:

550.04 Racing meetings authorized; restrictions.—Any person desiring to operate a racetrack in this state may, subject to the provisions of this chapter, hold and conduct one or more racing meetings at such track each year. For purposes of computation of tax on handle as specified in ss. 550.09(3)(d) and 551.06(3) the term "preceding racing season," in counties lying wholly east of the St. Johns River, south of an east-west line from Matanzas Inlet to said river, and north of latitude 28°35', or, beginning on January 1, 1990, counties with a dogracing permitholder whose racetrack is within 75 miles of a dogracing track in any other state, provided such permitholder utilized all authorized performances during the preceding calendar year except when *otherwise authorized* by the Florida Pari-mutuel Commission ~~determines that the permitholder has been prevented from doing so by a natural disaster or circumstances beyond his control~~, shall be deemed to consist of the first 105 evening performances conducted during the preceding calendar year, plus all matinees conducted through the date of the 105th evening performance. No minors except jockey apprentices, exercise boys, and grooms shall be permitted to attend said races or to be employed in any manner by the track except as provided by this chapter. ~~No dogracing shall be permitted on Sunday; however,~~ Nothing in this chapter shall be construed to prohibit the use of any dogracing plant or facility for the conducting of "hound dog derbies" or "mutt derbies" from being used on *any day* ~~one Sunday~~ during each racing season by any charitable, civic, or nonprofit organization for the purpose of conducting "hound dog derbies" or "mutt derbies" where only dogs other than those usually used in dogracing (greyhounds) are permitted to race and where adults and minors may participate as dog owners or spectators; but during such racing events betting and gambling and the sale or use of alcoholic beverages shall be strictly and absolutely prohibited.

Section 5. Section 550.083, Florida Statutes, is amended to read:

550.083 Dogracing; periods of operation generally; exceptions.—Owners of valid outstanding permits for dogracing in this state may hold race meetings at any time they choose during the "racing season" for the aggregate number of racing days fixed and permitted by law and subject to the approval of the Florida Pari-mutuel Commission, ~~except that no racing shall be conducted on Sunday.~~ The words "racing season" as used herein mean that period of time extending from September 5 of each year through September 4 of the following year, commencing with September 5, 1973.

Section 6. Subsection (1) of section 550.0831, Florida Statutes, is amended to read:

550.0831 Dogracing; racing periods.—

(1) Any pari-mutuel permitholder conducting dogracing in 1977 and thereafter in a county having only one such racetrack may conduct dograce meets or meetings upon the days and dates of such permitholder's choice, ~~except that racing shall not be conducted on Sunday,~~ not to exceed the total of 105 racing days in each racing year plus charity and scholarship days.

Section 7. Subsection (3) of section 550.09, Florida Statutes, 1990 Supplement, is amended to read:

550.09 Payment of daily license fee and taxes.—

(3) TAX ON HANDLE.—Each permitholder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as "handle," on races conducted by the permitholder. The tax shall be imposed daily and shall be based on the total contributions to all pari-mutuel pools conducted during the daily performance. In the event that a permitholder is authorized by the Florida Pari-mutuel Commission to conduct and does conduct more than one performance daily, the tax shall be imposed on each performance separately. A "performance" is defined as a series of races conducted consecutively under a single admission charge.

(a)1. The tax on handle for thoroughbred horse racing, harness horse racing, and quarter horse racing shall be 3.3 percent of the handle.

2. The tax shall be paid on handle in excess of \$300,000 for each performance per day, except as provided in paragraphs (b) and (c).

(b) Except as provided in paragraph (c), the tax on handle for thoroughbred horse racing conducted by a permitholder from January 8 through March 6 shall be 3.3 percent of the handle in excess of \$175,000 for each performance per day.

(c) The tax on handle for any horse track where the average daily handle on June 4, 1980, is less than \$400,000 shall be 3.3 percent of the handle in excess of \$500,000 for each performance per day.

(d)1. The tax on handle for dogracing shall be 7.6 percent of the handle.

2. The tax shall be paid on handle in excess of \$25,000 for each performance per day. However, when the handle for the preceding racing season is less than \$30 million and \$15 million or more, then the tax shall be paid on the handle in excess of \$40,000 for each performance per day, and when the handle for the preceding racing season is less than \$15 million, then the tax shall be paid on the handle in excess of \$50,000 for each performance per day. *In determining the handle levels set herein, intertrack handle shall not be considered in the handle levels for the host or guest tracks.*

(e)1.a. The tax on handle for intertrack wagering shall be 3 percent of the handle if the host track is a horse track, 6 percent if the host track is a dog track, and 6 percent if the host track is a jai alai fronton, and shall be deposited into the General Revenue Fund.

b. Any guest track that imposes a surcharge on each winning ticket cashed pursuant to s. 550.633 shall pay an additional tax equal to 5 percent of the surcharge so imposed. Any taxes so imposed shall be deposited into the General Revenue Fund.

2.a. As used in this paragraph:

(I) "Effective tax rate on handle" means the total for each fiscal year of all taxes from live racing paid by the permitholder to the state expressed as a percentage of handle for regular live performances. For the purpose of this definition, the taxes shall include only the tax on breaks, and the tax on handle plus any surtax on handle.

(II) "Total state tax revenue from pari-mutuel wagering" means any revenues collected pursuant to this chapter or chapter 551 which are deposited into or transferred into the General Revenue Fund.

(III) "Fiscal year" means the state fiscal year.

b. The portion of the total state tax revenues from pari-mutuel wagering that is in excess of the total state tax revenues from pari-mutuel wagering in fiscal year 1989-1990 shall be earned each fiscal year, begin-

ning in fiscal year 1990-1991, as a credit against taxes in the following fiscal year to reduce the effective tax rate on handle for each dogracing and jai alai permitholder as provided in sub-subparagraph c. The credit against taxes earned in any fiscal year after 1990-1991 shall be considered as revenue to the General Revenue Fund for the purposes of calculating the tax credit for the following year.

c. The tax credit for each dogracing permitholder or jai alai permitholder shall be based on the handle from live racing on regular performances in the preceding fiscal year and shall be computed as follows: total handle from live racing at each track or fronton divided by the total handle from live racing at all dog tracks and frontons multiplied by the total tax credit as established in sub-subparagraph b. Each state fiscal year, each dogracing permitholder and each jai alai permitholder shall be authorized to deduct any tax credits earned in the previous fiscal year from any tax due to the General Revenue Fund from live pari-mutuel wagering. In no event shall the tax credit reduce the effective tax rate on handle for the preceding fiscal year below 5.6 percent for any dogracing permitholder or 5.1 percent for any jai alai permitholder. The entire tax credit shall be used each year until the effective tax rate on handle is 5.6 percent for each dogracing and 5.1 percent for each jai alai permitholder. If the effective tax rate on handle of an individual dogracing permitholder is less than 5.6 percent, or an individual jai alai permitholder is less than 5.1 percent, no credit shall be authorized for such permitholder in the following year.

d. At the conclusion of each fiscal year, the division shall determine and report to each permitholder the earned tax credit authorized for the following fiscal year.

Section 8. Subsection (4) of section 550.10, Florida Statutes, 1990 Supplement, is amended to read:

550.10 Occupational licenses of racetrack employees; fees; denial, suspension, and revocation of license; penalties and fines.—

(4) In order to promote the orderly presentation of pari-mutuel meets authorized in this chapter, the division may issue a temporary occupational license. The division shall promulgate rules to implement this subsection with due regard for the special circumstances of the participants in the Breeders' Cup and Breeders' Crown horseracing meets, and the Greyhound Race of Champions Meet and for these meets only may establish license fees lower than the annual license fees set forth in this section. However, no temporary occupational license shall be valid for more than 30 days, and no more than one temporary license shall be issued for any person in any year.

Section 9. Subsections (5), (6), (7), and (8) of section 550.1635, Florida Statutes, 1990 Supplement, are amended to read:

550.1635 Greyhound racing; race of champions.—

(5) Notwithstanding anything herein to the contrary, any Florida permitholder who is to conduct the Greyhound Race of Champions Meet for 1991 shall not be required to apply for the license for said meet if it is to be run during its regular racing meet for which it has a license, and shall be entitled to the credit of \$150,000 provided in subsection (4) without having to make application, so long as appropriate documentation to substantiate said expenditures thereunder is provided to the commission within 30 days following said Greyhound Race of Champions Meet.

(6) *The permitholder shall be entitled to the credit of \$150,000 provided in subsection (4) without having to make application, so long as appropriate documentation to substantiate said expenditures thereunder is provided to the commission within 30 days following said Greyhound Race of Champions Meet.*

(7)(6) No Greyhound Race of Champions Meet shall exceed 4 days in any calendar year.

(8)(7) The provisions of this section shall prevail over any conflicting provisions of this chapter and notwithstanding any other provision of this chapter including s. 550.63(2), intertrack wagering may be conducted pursuant to this section without combining pari-mutuel pools.

Section 10. Subsection (3) of section 550.262, Florida Statutes, 1990 Supplement, is amended to read:

550.262 Horseracing; minimum purse requirement, Florida breeders' and owners' awards.—

(3) Each horseracing permitholder conducting any a thoroughbred race under the provisions of this chapter, including any intertrack race taken pursuant to ss. 550.61-550.63 or any interstate simulcast taken pursuant to s. 550.35(2)(b) shall pay a sum equal to 0.75 percent the breaks on all pari-mutuel pools conducted during any such that race for the payment of breeders' and stallion awards as authorized in this section. This provision also applies to all Breeder's Cup races conducted outside this state taken pursuant to s. 550.35(2)(b). The Florida Thoroughbred Breeders' Association is authorized to receive these payments from the permitholders and make payments of awards earned. The Florida Thoroughbred Breeders' Association has the right to withhold up to 10 percent of the permitholder's payments under this section and under s. 550.263 as a fee for administering the payments of awards and for general promotion of the industry. The permitholder shall remit these payments to the Florida Thoroughbred Breeders' Association by the fifth day of each calendar month for such sums accruing during the preceding calendar month and shall report such payments to the Division of Pari-mutuel Wagering as prescribed by the division. With the exception of the 10-percent fee for administering the payments, the moneys paid by the permitholders shall be maintained in a separate, interest-bearing account, and such payments together with any interest earned shall be used exclusively for the payment of breeders' awards and stallion awards in accordance with the following provisions:

(a) The breeder of each Florida-bred thoroughbred horse winning a thoroughbred horserace shall be entitled to an award of up to, but not to exceed, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

(b) The owner or owners of the sire of a Florida-bred thoroughbred horse which wins a stakes race shall be entitled to a stallion award of up to, but not to exceed, 20 percent of the announced gross purse, including nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race.

(c) In order for a breeder of a Florida-bred thoroughbred horse to be eligible to receive a breeder's award, the horse winning the race must have been registered as a Florida-bred horse with the Florida Thoroughbred Breeders' Association, and the Jockey Club certificate for the winning horse must show that the winner has been duly registered as a Florida-bred horse as evidenced by the seal and proper serial number of the Florida Thoroughbred Breeders' Association registry. The Florida Thoroughbred Breeders' Association shall be permitted to charge the registrant a reasonable fee for this verification and registration.

(d) In order for an owner of the sire of a thoroughbred horse winning a stakes race to be eligible to receive a stallion award, the stallion must have been registered with the Florida Thoroughbred Breeders' Association, and the breeding of the registered Florida-bred horse must have occurred in this state. The stallion must be standing permanently in this state or, if the stallion is dead, must have stood permanently in this state for a period of not less than 1 year immediately prior to its death. The removal of a stallion from this state for any reason, other than exclusively for prescribed medical treatment, shall render the owner or owners of the stallion ineligible to receive a stallion award under any circumstances for offspring sired prior to removal; however, if a removed stallion is returned to this state, all offspring sired subsequent to the return shall make the owner or owners of the stallion eligible for the stallion award but only for those offspring sired subsequent to such return to this state. The Florida Thoroughbred Breeders' Association shall maintain complete records showing the date the stallion arrived in this state for the first time, whether or not the stallion remained in the state permanently, the location of the stallion, and whether the stallion is still standing in this state and complete records showing awards earned, received, and distributed. The association may charge the owner, owners, or breeder a reasonable fee for this service.

(e) A permitholder conducting a thoroughbred horse race under the provisions of this chapter shall, within 30 days after the end of the race meet during which the race is conducted, certify to the Florida Thoroughbred Breeders' Association such information relating to the thoroughbred horses winning a stakes or other horserace at the meet as may be required to determine the eligibility for payment of breeders' awards and stallion awards.

(f) The Florida Thoroughbred Breeders' Association shall maintain complete records showing the starters and winners in all races conducted at thoroughbred tracks in this state; shall maintain complete records showing awards earned, received, and distributed; and may charge the owner, owners, or breeder a reasonable fee for this service.

(g) The Florida Thoroughbred Breeders' Association shall annually establish a uniform rate and procedure for the payment of breeders' and stallion awards and shall make breeders' and stallion award payments in strict compliance with the established uniform rate and procedure plan. The plan may set a cap on winnings and may limit, exclude, or defer payments to certain classes of races, such as the Florida stallion stakes races, in order to assure that there are adequate revenues to meet the proposed uniform rate. *Such plan shall include proposals for the general promotion of the industry.* Priority shall be placed upon imposing such restrictions in lieu of allowing the uniform rate to be less than 15 percent of the total purse payment. The uniform rate and procedure plan shall be approved by the Florida Pari-mutuel Commission before implementation. In the absence of an approved plan and procedure, the authorized rate for breeders' and stallion awards shall be 15 percent of the announced gross purse for each race. Such purse shall include nomination fees, eligibility fees, starting fees, supplementary fees, and moneys added by the sponsor of the race. In the event that the funds in the account for payment of breeders' and stallion awards are not sufficient to meet all earned breeders' and stallion awards, those breeders and stallion owners not receiving payments shall have first call on any subsequent receipts in that or any subsequent year.

(h) The Florida Thoroughbred Breeders' Association shall keep accurate records showing receipts and disbursements of such payments and shall annually file a full and complete report to the Division of Pari-mutuel Wagering reflecting such receipts and disbursements and the sums withheld for administration. The Division of Pari-mutuel Wagering may audit the records and accounts of the Florida Thoroughbred Breeders' Association to determine that payments have been made to eligible breeders and stallion owners in accordance with the provisions of this section.

(i) In the event that the Florida Pari-mutuel Commission finds that the Florida Thoroughbred Breeders' Association has not complied with any provision of this section, the commission may order the association to cease and desist from receiving funds and administering funds received under this section ~~and under s. 550.263~~. In the event that the commission enters such an order, the permit holder shall make the payments authorized in this section ~~and s. 550.263~~ to the Division of Pari-mutuel Wagering for deposit into the Pari-mutuel Wagering Trust Fund; and any funds in the Florida Thoroughbred Breeders' Association account shall be immediately paid to the Division of Pari-mutuel Wagering for deposit to the Pari-mutuel Wagering Trust Fund. The Florida Pari-mutuel Commission shall authorize payment from these funds to any breeder or stallion owner entitled to an award which had not been previously paid by the Florida Thoroughbred Breeders' Association in accordance with the applicable rate.

Section 11. Section 550.263, Florida Statutes, is amended to read:

550.263 Horseracing; distribution of abandoned interest in or contributions to pari-mutuel pools.—

(1) *Except as provided in subsection (3), all moneys or other property represented by any unclaimed, uncashed, or abandoned pari-mutuel ticket which has remained in the custody of or under the control of any horseracing permit holder authorized to conduct pari-mutuel pools in this state for a period of 1 year from the date the pari-mutuel ticket was issued, when the rightful owner or owners thereof have made no claim or demand for such money or other property within that period, is hereby declared to have escheated to or to escheat to, and to have become the property of, the state.*

(2) All moneys or other property which has escheated to and become the property of the state as provided herein and which is held by a permit holder authorized to conduct pari-mutuel pools in this state shall be paid annually by the permit holder to the recipient designated in this subsection within 60 days after the close of the race meeting of the permit holder. Section 550.164 notwithstanding, such moneys shall be paid by the permit holder as follows:

~~(a) Funds from any thoroughbred races shall be paid to the Florida Thoroughbred Breeders' Association and shall be used for the payment of breeders' awards and stallion awards as provided for in s. 550.262.~~

(a)(b) Funds from any harness horse races shall be paid to the Florida Standardbred Breeders and Owners Association and shall be used for the payment of breeders' awards, stallion awards, stallion stakes, additional purses, and prizes for, and for the general promotion of owning and breeding of, Florida-bred standardbred horses, as provided for in s. 550.262.

~~(b)(e) Except as provided in paragraphs (c) (d) and (d) (e), funds from quarter horse races shall be paid to the Florida Quarter Horse Breeders and Owners Association and shall be allocated solely for supplementing and augmenting purses and prizes and for the general promotion of owning and breeding of racing quarter horses in this state, as provided for in s. 550.262.~~

(c)(d) Funds for Appaloosa races conducted under a quarter horse racing permit shall be deposited into the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Appaloosa Racing Promotion Fund" and shall be used for the payment of breeders' awards and stallion awards as provided for in s. 550.266.

(d)(e) Funds for Arabian horse races conducted under a quarter horse racing permit shall be deposited into the Florida Quarter Horse Racing Promotion Trust Fund in a special account to be known as the "Florida Arabian Horse Racing Promotion Fund" and shall be used for the payment of breeders' awards and stallion awards as provided for in s. 550.267.

(3) *Uncashed tickets and breaks on live racing conducted by thoroughbred permit holders shall be retained by the permit holder conducting the live race.*

Section 12. Legislative intent.—It is the intent of the Legislature that the exemptions set forth in ss. 550.2635(6) and 550.26355 apply only to races during the Breeders' Cup Meet for which the purses are paid or supplied directly by the Breeders' Cup Limited. Breeders' awards requirements of ss. 550.262 and 550.62(2)(a) are applicable to all other races conducted during the Breeders' Cup Meet.

Section 13. Subsection (1) of section 550.291, Florida Statutes, is amended to read:

550.291 Racing and jai alai, periods of operation; limitation.—

(1) The Florida Pari-mutuel Commission may annually allocate to the owners of valid outstanding permits under and by virtue of which greyhound racing is now conducted in this state, not less than 90 days of racing, and not more than the number of racing days allocated or permitted to jai alai permittees, plus scholarship days and charity days allowed by law, ~~Sundays excepted and excluded~~. Provided, however, the commission shall not allocate, for any one greyhound or jai alai permittee, less than 90 days or more than 105 days of racing, plus scholarship days and charity days, ~~Sundays excepted and excluded~~.

Section 14. Subsection (1) of section 550.34, Florida Statutes, is amended to read:

550.34 Dogracing at North Florida tracks.—

(1) Any dogracing track holding a valid outstanding permit for dogracing in the state and located north of latitude 30° may hold race meetings at any time during the calendar year; provided no permit shall be issued for racing ~~on Sunday or~~ at any one location in excess of the aggregate of 105 days in any one calendar year.

Section 15. Subsection (2) of section 550.356, Florida Statutes, 1990 Supplement, is amended to read:

550.356 Broadcasts to and from out-of-state locations; commingling of pari-mutuel pools authorized.—

(2) During its race meet, any Florida horse track may receive broadcasts of horseraces conducted at other horse tracks located outside of this state and may accept wagers on such races. The following provisions shall be applicable to the acceptance of wagers on races broadcast under this section:

(a) All broadcasts must comply with the provisions of the Interstate Horseracing Act of 1978, 92 Stat. 1811, 15 U.S.C. s. 3001 et seq. All Florida horse tracks shall have standing to enforce the provisions of this subsection in the courts of this state.

(b) Wagers accepted at the Florida horse track may be, but are not required to be, included in the pari-mutuel pools of the out-of-state horse track which broadcasts the race. Notwithstanding any contrary provisions of this chapter, if the Florida horse track elects to include wagers accepted on such races in the pari-mutuel pools of the out-of-state horse track which broadcasts the race, then, from the amount wagered by patrons at the Florida horse track and included in the pari-mutuel pools of the out-of-state horse track, the Florida horse track, as the commis-

sion, shall deduct a percentage equal to the percentage deducted from the amount wagered at the out-of-state racetrack as the commission authorized by the laws of the jurisdiction exercising regulatory authority over the out-of-state horse track.

(c) All forms of pari-mutuel wagering shall be allowed on races broadcast under this section, and all money wagered by the patrons at the Florida horse track on such races shall be subject to taxation under s. 550.09. The provisions of s. 550.262 are not applicable to wagers on races broadcast under this section. If the Florida horse track, which accepts wagers on races broadcast under this section, has made the election authorized for capital improvements by ~~s. 550.16(2)(i)~~, then, with regard to such wagers only, any additional commission generated thereby shall be retained by the Florida horse track as commission. Similarly, the commission shall be increased by breaks and uncashed tickets for wagers on races broadcast under this section, notwithstanding any contrary provision of this chapter.

(d) No Florida horse track shall be required to make payment to horse owners or any horsemen's association in excess of 50 percent of the net proceeds retained by the Florida horse track on account of wagering on the out-of-state broadcast under this section. For the purposes of this subsection, net proceeds shall mean the amount remaining after payment of taxes under s. 550.09, payment for broadcast rights to the out-of-state horse track, and payment of expenses reasonably related to the promotion and transmission of the broadcast, the transmission and exchange of wagering information, and, if applicable, the commingling of pari-mutuel pools.

(e) The division shall be authorized to promulgate such rules as are necessary to facilitate the commingling of pari-mutuel pools and to regulate the distribution of net proceeds between the Florida horse track and horsemen's associations.

(f) Greyhound tracks and jai alai frontons shall have the same privileges as provided in this section to horse tracks, as applicable, subject to the rules promulgated in paragraph (e).

Section 16. Section 550.51, Florida Statutes, 1990 Supplement, is amended to read:

550.51 Sunday horseracing, harness racing, greyhound racing, and jai alai operation.—

(1) Notwithstanding any other provision of law, a horseracing, harness racing, greyhound racing, or jai alai permitholder may operate on Sundays during its season subject to the limitations of this section. This subsection shall not require a jai alai player to perform on more than 6 consecutive days of any given week. ~~A permitholder that operates on Sunday shall select another day of the week on which it will not operate, so that no permitholder operates for more than 6 days in any week.~~ No thoroughbred horse racetrack, greyhound racetrack, or jai alai fronton may commence operation on a Sunday earlier than 12:00 noon, and no harness racetrack may commence racing on a Sunday earlier than 7:00 p.m. ~~This section shall not be construed to affect the number of authorized racing days of any horseracing, harness racing, greyhound racing, or jai alai permitholder.~~ No dog track or jai alai fronton shall be permitted to conduct consecutive afternoon matinee performances on Saturday and Sunday, if such dog track or jai alai fronton is located within 25 miles of a thoroughbred or harness horse racetrack that which is licensed to conduct racing and pays taxes under the provisions of s. 550.09(3)(a) or (b).

(2) Notwithstanding the number of performances enumerated in section 550.0121, each dog racing, jai alai, or harness horse racing permitholder operating 6 evening performances in a single week is hereby authorized to conduct one additional evening performance during that week during the 1991-92 operational season upon approval by the Florida Pari-mutuel Commission. In no event shall the total number of additional evening performances for each permitholder exceed one additional evening performance in any week it otherwise operates six other evening performances authorized in s. 550.0121. Any permitholder seeking additional operating evening performances shall submit a request to the commission for such additional evening performances no later than July 31, 1991, and the commission shall hear and render a decision within 60 days of such request. Prior to approving any additional evening performances pursuant to this subsection, the commission shall consider the criteria provided in s. 550.012(2). For a permitholder to continue operation of these performances, after the 1991-92 operational season, the permitholder shall request approval by the commission pursuant to s. 550.012 and be authorized pursuant to s. 550.0121.

Section 17. Subsection (7) of section 550.52, Florida Statutes, 1990 Supplement, is amended to read:

550.52 Florida thoroughbred racing; certain permits; operating days.—

(7) For the racing season commencing June 1, 1991 ~~1990~~, and ending May 31, 1992 ~~1991~~, the following provisions shall apply:

(a) The March 31 date for final amendment as provided in (2) shall be extended to *June 1, 1991* ~~July 31, 1990~~.

(b) *On or before June 1, 1991* ~~Up to July 31, 1990~~, if all permitholders entitled to receive dates under this section except for permitholders under (4) of this section *may file an a-joint amendment for racing days and dates with the division.* The division shall issue a license to each of such permitholders for the days or dates requested *pursuant to this section in such joint amendment.* If no ~~joint~~ amendment is filed by *June 1, 1991* ~~July 31, 1990~~, no amendment to racing days and dates shall be made by the division.

(c) Any permitholder may, by *June 1, 1991* ~~July 31, 1990~~, and no later, request and be granted a cancellation for all of the racing days or dates which were awarded for any time between June 1, 1991 ~~1990~~, and May 31, 1992 ~~1991~~.

(d) In the event a permitholder shall exercise the privilege granted in (c), such permitholder shall not be subject to any penalty, disability or loss of franchise rights, and for the racing season commencing June 1, 1991, such permitholder shall be entitled to the rights and privileges available to other permitholders which received days or dates under this section which conducted a full schedule of live races.

(e) This subsection shall stand repealed August 1, 1991 ~~1990~~, but the provisions of (d) shall survive this repeal.

Section 18. Subsections (3) and (8) of section 550.61, Florida Statutes, 1990 Supplement, are amended, and subsection (10) is added to that section, to read:

550.61 Intertrack wagering.—

(3) *If a permitholder elects to broadcast its signal to any permitholder in this state, any permitholder that is eligible to conduct intertrack wagering under the provisions of ss. 550.60-550.63 is entitled to receive the broadcast and conduct intertrack wagering under this section provided however, that the host track may require a guest track within 25 miles of another permitholder to receive in any week at least 60 percent of the live races that the host track is making available on the days that the guest track is otherwise operating live races or games. A host track may require a guest track not operating live races or games and within 25 miles of another permitholder to accept within any week at least 60 percent of the live races that the host track is making available. A person may not restrain or attempt to restrain any permitholder that is otherwise authorized to conduct intertrack wagering from receiving the signal of any other permitholder or sending its signal to any permitholder. A permitholder may elect to send its signal to any permitholder, and such permitholder may then take wagers under this section.*

(8)(a) *Upon application to the division, on or before January 4 of each year, any quarter horse permitholder that has conducted at least 15 days of thoroughbred horse sales at a permanent sales facility for at least 3 consecutive years, and conducted at least one day of thoroughbred racing pursuant to s. 550.50, with a purse structure of at least \$250,000 per year for 2 consecutive years prior to such application, shall be issued a license to conduct intertrack wagering for thoroughbred racing for up to 21 days in connection with thoroughbred sales, and an additional 100 days to conduct intertrack wagering at such permanent sales facility between November 1 and May 8 of the following year, subject to conditions set forth in this subsection, provided that no more than one such license shall be issued.*

(b) *If more than one permitholder applies, the Florida Pari-mutuel Commission shall determine which permitholder shall be granted the license. In making its determination, the commission shall consider the length of time the permitholder has been conducting thoroughbred horse sales in this state, the length of time the applicant has had a permanent location in this state, and the volume of sales of thoroughbred horses in this state, giving the greater weight to the applicant that meets these criteria.*

(c) *The applicant must comply with the provisions of ss. 550.12 and 550.181.*

(d) *The applicant, prior to conducting intertrack wagering, must be licensed as a concessionaire pursuant to ss. 550.10. The license shall be valid from February 15 of the year granted and shall expire February 15 of the following year. However, upon application following the effective date of this subsection, the license shall be issued for the remainder of this year through and including February 15, 1992.*

(e) *Intertrack wagering under this subsection may not be conducted within 50 miles of any greyhound race track that has conducted a full schedule of live racing prior to June 1, 1990.*

(f) *For each year such quarter horse permitholder must obtain the license set forth in paragraph (d), any provisions relating to suspension or revocation of a quarter horse permit for failure to conduct live quarter horse racing shall not be applicable.*

(g) *Intertrack wagering under this subsection may only be conducted on thoroughbred horseracing, and intertrack wagering under this subsection may not be conducted on evening performances. Upon application to the division, intertrack wagering shall be permitted at a permanent location for a maximum of 21 days at thoroughbred sales approved by the Florida Thoroughbred Breeders' Association, Inc., provided such sale is conducted no closer than 50 miles of any greyhound race track which has conducted a full schedule of live racing prior to June 1, 1990. The applicant shall be licensed as a concessionaire pursuant to s. 550.10 and shall be considered a guest track for purposes of intertrack wagering and the provisions of this subsection. All receipts due the guest track shall, after deducting the expenses of conducting intertrack wagering, be paid to the Florida Thoroughbred Breeders' Association, Inc., to be used for additional breeders' awards.*

(10) *A greyhound permitholder conducting intertrack wagering as a host track shall pay 70 percent of the amount set forth in s. 550.162(2) for greyhound purses on intertrack wagers.*

Section 19. Section 550.62, Florida Statutes, 1990 Supplement, is amended to read:

550.62 Intertrack wagering; purses; breeder's awards.—If a host track is a horse track:

(1) *A host track racing under either a thoroughbred or quarter horse permit shall pay an amount equal to 6.125 7 percent of all wagers placed pursuant to the provisions of s. 550.61, as purses during its current race meet. A host track racing under a harness permit shall pay an amount equal to 7 percent of all wagers placed pursuant to the provisions of s. 550.61, as purses during its current race meet. In the event a host track underpays or overpays purses required by this section and s. 550.262, the provisions of s. 550.262 shall apply to the overpayment or underpayment.*

(2) ~~An amount equal to 1 percent Of all wagers placed pursuant to the provisions of s. 550.61 shall be paid:~~

(a) *If the host track is a thoroughbred track, an amount equal to 0.75 percent shall be paid to the Florida Thoroughbred Breeders' Association, Inc., for the payment of breeder's awards;*

(b) *If the host track is a harness track, an amount equal to 1 percent shall be paid to the Florida Standardbred Breeders and Owners Association, Inc., for the payment of breeder's awards, stallion awards, stallion stakes, additional purses, and prizes for, and the general promotion of owning and breeding Florida-bred standardbred horses; or*

(c) *If the host track is a quarter horse track, an amount equal to 1 percent shall be paid to the Florida Quarter Horse Breeders and Owners Association, Inc., for the payment of breeder's awards and general promotion.*

(3) *The payment to a breeder's organization shall be combined with any other amounts received by the respective breeder's and owner's associations as so designated. Each breeder's and owner's association receiving these funds shall be allowed to withhold the same percentage as set forth in s. 550.262 to be used for administering the payment of awards and for the general promotion of their respective industries. In the event the total combined amount received for thoroughbred breeder's awards exceeds 15 percent of the purse required to be paid under subsection (1), the breeder's and owner's association, as so designated, notwithstanding any other provision of law, shall submit a plan to the commission for*

approval that would utilize the excess funds in promoting the breeding industry by increasing the purse structure for Florida-breds. Preference shall be given to the track generating such excess.

Section 20. Subsections (1), (2), and (9) of section 550.63, Florida Statutes, 1990 Supplement, are amended to read:

550.63 Intertrack wagering; guest track payments; accounting rules.—

(1) *All guest tracks which are eligible to receive broadcasts and accept wagers on horse races from a host track racing under either a thoroughbred or quarter horse permit shall be entitled to payment of 7 5 percent of the total contributions to the pari-mutuel pool on wagers accepted at the guest track. All guest tracks that are eligible to receive broadcasts and accept wagers on greyhound races or jai alai games from a host track other than a thoroughbred or harness permitholder shall be entitled to payments of 5 percent of the total contributions to the daily pari-mutuel pool on wagers accepted at the guest track. All guest tracks that are eligible to receive broadcasts and accept wagers on horse races from a host track racing under a harness horse permit shall be entitled to a payment of 5 percent of the total contributions to the daily pari-mutuel pool on wagers accepted at the guest track. However, if a guest track is a horserace permitholder which accepts intertrack wagers during its current race meet, then one-half of the payment provided in this subsection and s. 550.635 shall be paid as purses during its current race meet.*

(a) *However, when the host track is a thoroughbred permitholder, and the guest track is also a thoroughbred permitholder and accepts intertrack wagers on thoroughbred races during its current race meet, one-third of the payment provided in this subsection shall be paid as purses during its current race meet. In addition, an amount equal to 2 percent of the intertrack handle at the thoroughbred guest track shall be remitted by the host track to the guest thoroughbred track, which amount shall be deducted from the purses required to be paid by the host track. Such amount shall be paid by the guest thoroughbred track as purses during its current race meet.*

(b) *If thoroughbred intertrack wagering is taken at any guest track, including a thoroughbred guest track, which is located within 25 miles of any thoroughbred permitholder that is not conducting live racing, the host track shall pay to such thoroughbred permitholder an amount equal to 2 percent of the intertrack handle at all such guest tracks, including the guest thoroughbred track, which amount shall be deducted from the purses otherwise required to be paid by the host track. Such amount shall be used by the thoroughbred permitholder to pay purses during its next race meet. Paragraphs (a) and (b) shall stand repealed December 31, 1991. ~~If the guest track is a greyhound permitholder which accepts intertrack wagers during its current race meet, then one-fifth of the payment provided in this subsection shall be paid as purses during its current race meet.~~*

(2) *For the purposes of calculation of odds and payoffs and distribution of the pari-mutuel pools, all intertrack wagers shall be combined with the pari-mutuel pools at the host track. Notwithstanding this subsection or subsection (4), a greyhound pari-mutuel permitholder may conduct intertrack wagering without combining pari-mutuel pools on not more than three races in any week, not to exceed 20 races in a year. All other provisions concerning pari-mutuel take out and payments, including state tax payments, apply as if the pool had been combined.*

(9) *A host track which has contracted with an out-of-state horse track to broadcast live races conducted at such out-of-state horse track pursuant to s. 550.35(3) may broadcast such out-of-state races to any guest track and accept wagers thereon in the same manner as is provided in s. 550.35. Notwithstanding the provisions of ss. 550.62(1), 550.62(2)(a), and 550.63(1), the proceeds that are retained by a thoroughbred host track from the take-out on a race broadcast under this subsection shall be distributed as follows:*

(a) *Of the total intertrack handle on the broadcast 0.75 percent shall be deducted from the proceeds and paid to the Florida Thoroughbred Breeders' Association, to be used as set forth in s. 550.62(2)(a);*

(b) *One-third of the remainder of such proceeds shall be paid to the guest track;*

(c) *One-third of the remainder of such proceeds shall be retained by the host track; and*

(d) *One-third of the remainder shall be paid by the host track as purses at the host track.*

Section 21. Section 550.633, Florida Statutes, is created to read:

550.633 Surcharge.—Any guest track that accepts intertrack wagers may collect and retain a surcharge on any intertrack pool in an amount not to exceed 3 percent of each winning pari-mutuel ticket cashed.

Section 22. Section 550.635, Florida Statutes, is created to read:

550.635 Intertrack wagering; purses when host track is harness race-track.—A harness race permitholder host track may pay any guest track that receives broadcasts and accepts wagers on races from the host track an additional percentage of the total contribution to the pari-mutuel pool on wagers accepted at that guest track as a supplement to the payment authorized in s. 550.63. A harness race permitholder host track that supplements payments to a guest track may reduce the account available for payment of purses during its current race meet by 50 percent of the supplemental amount paid to the guest track, but the total reduction shall not exceed an amount which is more than 1 percent of the intertrack wagers placed on races which are part of the regular ontrack program of the host track during its current race meet pursuant to s. 550.61.

Section 23. Section 550.64, Florida Statutes, 1990 Supplement, is amended to read:

550.64 Applicability of related laws.—All provisions of this chapter or chapter 551 shall be applicable to ss. 550.60-550.63 where consistent with this act; however, the provisions of ss. 550.031, 550.04, 550.05, 550.06, 550.08, 550.09(1) and (2), 550.16 as it relates to capital improvements, 550.17, 550.18, 550.262(2)(a) and (c), (3), (4), and (5), as to payment of breaks; s. 550.263, as to the payment of escheats; and s. 550.2634, shall not be applicable to the provisions of ss. 550.60-550.63.

Section 24. Section 550.68, Florida Statutes, is created to read:

550.68 Florida Pari-mutuel Commission; study of Hialeah Park; appropriation; duties and responsibilities; taxation.—

(1)(a) There is hereby appropriated the sum of \$100,000 from the Pari-mutuel Wagering Trust Fund to the Florida Pari-mutuel Commission. Such funds shall be expended solely and exclusively for a review, analysis, and report back to the Senate, House of Representatives, and the Governor in regard to the feasibility of state ownership of the property known as the Hialeah Park located in Hialeah, Florida. The analysis, review, and report shall include a report as to:

1. The structural condition of the racing facility, including the grandstand and barn areas, which shall include an analysis of the state and condition of the foundation, main support beams, and termite incursion.
2. The mechanical systems, including the primary water supply system, sanitary sewage system, electrical system, and air conditioning system.
3. The fire prevention and fire control systems.
4. The condition of the roofing materials.
5. The parking lot surfaces and subsurfaces, and condition of the landscaping surrounding the area.
6. An environmental audit of the real estate.
7. An estimate of expenditures required to make such ordinary and necessary repairs to the facilities located at Hialeah Park to ensure that the facilities are in a commercially feasible condition to conduct thoroughbred racing.
8. An analysis as to other public uses to which the property may be utilized.
9. A financial analysis as to the cost of operating a racing meet for no more than 21 racing days each year, including year round maintenance expenses, exclusive of those expenses enumerated in subparagraph 7.
10. Such other necessary information as will be required to complete the analysis, review, and report to the Senate, House of Representatives, and the Governor.

(b) The commission shall also obtain an appraisal of the facilities known as Hialeah Park in accordance with the provisions of s. 550.12, and provided the appraisers shall have no ex parte communications with any party holding a pari-mutuel permit until the conclusion of the appraisal at which time the appraisal shall become a public record. Such appraisals, when completed, shall be a public record and available for an inspection by all parties.

(c) None of the funds appropriated pursuant to (a) shall be expended by the commission or the Division of Pari-mutuel Wagering for any salaries, travel, or other expenses of employees of the division; however, nothing contained herein shall be interpreted to prevent the commission from contracting with individuals to oversee, on behalf of the commission, the means to properly carry out the duties and responsibilities set out in this section.

(d) The analysis, review, and report, including the appraisal as set forth in paragraph (b), shall be completed by October 2, 1991, and shall be received in at least two public hearings. A final recommendation of the commission shall be filed with the Speaker of the House, President of the Senate, and Governor by January 2, 1992. Such recommendation shall contain at least a recommendation as to whether the state should purchase Hialeah Park; and if so:

1. What part of the property is determined to be necessary and essential for the conduct of a 21-day race meeting;
2. The projected capital cost of purchase of the property determined in 2.; and
3. A recommendation as to a method of paying the projected capital cost.

(2) In the conduct of the duties and responsibilities set out herein, the commission and all employees, agents, and others shall be subject to the provisions of chapter 119, provided that the confidentiality of the appraisals and communications with such appraisers shall be governed by paragraph (b) of subsection (1) and provided the appraisers shall have no ex parte communications with any party holding a pari-mutuel permit until the conclusion of the appraisal at which time the appraisal shall become a public record.

(3) Each thoroughbred permitholder, except for the permitholder designated pursuant to the provisions of s. 550.52(4), which is licensed on the effective date of this act to conduct racing at any time between June 1 of 1991 and May 31, 1992, shall pay as additional taxes the amount of \$1,000 per racing day, not to exceed \$25,000 from any permitholder. Such payment shall be made payable to the division by July 31, 1991, and shall be deposited into the Pari-mutuel Wagering Trust Fund. This subsection shall expire on December 31, 1991.

Section 25. Subsection (3) of section 551.06, Florida Statutes, is amended to read:

551.06 Daily license fee; admission tax; taxes on handle and breaks; surtax.—

(3)(a) Each permitholder shall pay a tax on contributions to pari-mutuel pools, the aggregate of which is hereinafter referred to as "handle," on games conducted by the permitholder. The tax shall be imposed daily and shall be based on the total contributions to all pari-mutuel pools conducted during the daily performance. In the event that a permitholder is authorized by the Florida Pari-mutuel Commission to conduct more than one performance daily, the tax shall be imposed on each performance separately. A "performance" is defined as a series of games conducted consecutively under a single admission charge. The tax on handle for jai alai shall be 7.1 percent of the handle.

(b) The tax shall be paid on handle in excess of \$25,000 per performance per day. However, when the handle for the preceding racing season is less than \$30 million and \$15 million or more, then the tax shall be paid on the handle in excess of \$40,000 for each performance per day, and when the handle for the preceding racing season is less than \$15 million, then the tax shall be paid on the handle in excess of \$50,000 for each performance per day.

Section 26. Section 551.1535, Florida Statutes, is created to read:

551.1535 Jai Alai Tournament of Champions Meet.—

(1) Notwithstanding any provision of this chapter or chapter 550, there is hereby created a special jai alai meet which shall be designated as the "Jai Alai Tournament of Champions Meet" and which shall be hosted by the Florida jai alai permitholders selected by the National Association of Jai Alai Frontons, Inc., to conduct such meet. The meet shall consist of three qualifying performances and a final performance, each of which is to be conducted on different days. Upon the selection of the Florida permitholders for the meet, and upon application by the selected permitholders, the Division of Pari-mutuel Wagering shall issue

a license to each of the selected permitholders to operate the meet. The meet may be conducted during a season in which the permitholders selected to conduct the meet are not otherwise authorized to conduct a meet. If the permitholders conduct this meet during their regular seasons, all performances at this meet shall apply towards any minimum number of performance requirements that may exist.

(2) Qualifying performances and the final performance of the tournament shall be held at different locations throughout the state and the permitholders selected shall be under different ownership to the extent possible.

(3) Notwithstanding any provision of s. 551.06, each of the permitholders licensed to conduct performances comprising the Jai Alai Tournament of Champions Meet shall pay no taxes on the live handle or the handle under s. 551.06 for any performance conducted by such permitholder as part of the Jai Alai Tournament of Champions Meet. The provisions of this subsection shall apply to a maximum of four performances.

(4) The Jai Alai Tournament of Champions Meet permitholders shall also receive a credit against the taxes, otherwise due and payable under s. 551.06, generated during said permitholders' next ensuing regular meet. This credit shall be in the aggregate amount of \$150,000, shall be prorated equally between the permitholders, and shall be utilized by the permitholders solely to supplement awards for the performance conducted during the Jai Alai Tournament of Champions Meet.

(5) In addition to the credit authorized in subsection (4), the Jai Alai Tournament of Champions Meet permitholders shall receive a credit against the taxes, otherwise due and payable under s. 551.06, generated during said permitholders' next ensuing regular meet, in an amount not to exceed the aggregate amount of \$150,000, which shall be prorated equally between the permitholders, and shall be utilized by the permitholders for such capital improvements and extraordinary expenses, including marketing expenses, as may be necessary for the operation of the meet. The determination of the amount to be credited shall be made by the commission upon application of said permitholders.

(6) Notwithstanding anything herein to the contrary, any Florida permitholder who is to conduct a performance which is a part of the Jai Alai Tournament of Champions Meet for 1992 shall not be required to apply for the license for said meet if it is to be run during the regular season for which such permitholder has a license.

(7) The permitholder shall be entitled to said permitholder's pro rata share of the \$150,000 tax credit provided in subsection (5) without having to make application, so long as appropriate documentation to substantiate said expenditures thereunder is provided to the commission within 30 days following said Jai Alai Tournament of Champions Meet.

(8) No Jai Alai Tournament of Champions Meet shall exceed 4 days in any calendar year and no more than one performance shall be conducted on any 1 day of the meet.

(9) The provisions of this section shall prevail over any conflicting provisions of this chapter or chapter 550.

Section 27. Subsection (6) of section 550.52, Florida Statutes, subsections (2), (3), (4), and (5) of section 550.2635, Florida Statutes, subsections (2), (3), (4), and (9) of section 550.2636, Florida Statutes, as amended or created by chapter 89-371, Laws of Florida, subsections (2), (3), (4), and (6) of section 550.1635, Florida Statutes, as created by chapter 90-352, Laws of Florida, and subsections (3), (4), (5), and (7) of section 551.1535, Florida Statutes, as created by this act, are repealed on July 1, 1992. Any tax credits accrued prior to July 1, 1992, or any tax credits applicable to meets conducted prior to December 1, 1992, for which the contract for such meet was executed by the parties as of July 1, 1992, as a result of these sections shall be taken during the permitholder's next ensuing regular meet, even if that meet takes place after July 1, 1992. The permitholder shall take the credit subject to a final audit by the Division of Pari-mutuel Wagering of the Department of Business Regulation, and any overpayment shall be refunded to the division within 10 days after the permitholder receives notice of the overpayment.

Section 28. Sections 550.60, 550.61, 550.62, 550.63, 550.633, 550.09(3)(e), 550.26355, 550.33(11), 550.631, 550.632, 550.635, and 550.64, Florida Statutes, relating to intertrack wagering, are repealed on July 1, 1992. Prior to July 1, 1992, the Legislature shall review pari-mutuel off-track wagering concepts and recommend a method of implementing a state owned and operated off-track wagering system in Florida.

Section 29. Section 26 of chapter 88-346, Laws of Florida, is amended to read:

Section 26. Subsection (4) of section 20.16, Florida Statutes, is repealed on July 1, 1992 ~~October 1, 1998, and shall be reviewed by the Legislature prior to that date pursuant to section 11.611, Florida Statutes.~~

Section 30. Sections 550.011, 550.012, 550.0121, 550.02, 550.021, 550.023, 550.03, 550.031, 550.04, 550.05, 550.055, 550.06, 550.061, 550.065, 550.066, 550.067, 550.068, 550.07, 550.074, 550.075, 550.076, 550.08, 550.081, 550.082, 550.083, 550.0831, 550.0841, 550.09(3)(a)2., (b), (c), and (d)2., 550.096, 550.10, 550.115, 550.12, 550.15, 550.16(2)(a)-(k), 550.162(1)-(5), 550.1635, 550.164(1), 550.17, 550.18, 550.181, 550.19, 550.21, 550.215, 550.22, 550.23, 550.2406, 550.242, 550.25, 550.2616, 550.262, 550.263(2), 550.266, 550.267, 550.2634, 550.2635, 550.2636, 550.28, 550.29, 550.291, 550.32, 550.33(1)-(10), 550.335, 550.34, 550.35, 550.351, 550.355, 550.356, 550.36, 550.37(1)-(4) and (6)-(11), 550.371, 550.39(1), 550.47, 550.48, 550.50, 550.51, 550.52, 550.525, 550.65, 551.01, 551.02, 551.03, 551.031, 551.04, 551.06(3)(b), 551.061, 551.08, 551.09(2)(a)-(d), 551.11, 551.12, 551.15, 551.152, 551.153, 551.1535, 551.155, 551.16, 551.17, and 551.19, Florida Statutes, are repealed on July 1, 1992.

Section 31. There is hereby appropriated for Fiscal Year 1991-1992 the sum of \$434,185 and five positions from the Pari-mutuel Wagering Trust Fund to the Department of Business Regulation for the purpose of administering the provisions of this act.

Section 32. If any provision of this act or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

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

**House Amendment 1 to House Amendment 1**—On page 44, line 29, after 550.263(2) insert: *and (3)*

**House Amendment 3 to House Amendment 1**—On page 45, line 19, insert:

Section 33. Paragraph (b) of subsection (2) and subsection (5) of section 849.085, Florida Statutes, are amended to read:

849.085 Certain penny-ante games not crimes; restrictions.—

(2) As used in this section:

(b) "Dwelling" means residential premises owned or rented by a participant in a penny-ante game and occupied by such participant or the common elements or recreational areas of a condominium or *mobile home park* of which a participant in a penny-ante game is a unit owner, or the facilities of an organization which is tax exempt under section 501(c)(7) of the Internal Revenue Code. The term "dwelling" also includes a college dormitory room or the common recreational area of a college dormitory or a publicly-owned community center owned by a municipality or county.

(5) The conduct of any penny-ante game within the common elements or recreation area of a condominium or *mobile home park* or the conduct of any penny-ante game within the dwelling of an eligible organization as defined in subsection (2) or within a publicly-owned community center owned by a municipality or county creates no civil liability for damages arising from the penny-ante game on the part of a condominium association, *mobile home owner's association*, dwelling owner, or municipality or county or on the part of a unit owner who was not a participant in the game.

(Renumber subsequent section.)

**House Amendment 4 to House Amendment 1**—On page 35, line 11, strike "*Paragraphs (a) and*" and insert: *Paragraph*

**House Amendment 2**—In title, on page 5, line 2, strike all of said line and insert: severability; amending s. 849.085, F.S.; redefining the term "dwelling" to include mobile home parks, facilities owned by certain tax exempt organizations, college dorms, and publicly-owned community centers to permit penny-ante games in such locations; limiting liability; providing an effective date.

**House Amendment 3**—Strike the entire title and insert: A bill to be entitled An act relating to pari-mutuels; amending s. 550.012, F.S.; authorizing the Pari-mutuel Commission to grant additional days to certain permitholders; changing dates for issuance of requests for additional days; amending s. 550.0121, F.S.; increasing the number of performances authorized to be conducted by certain permitholders; providing for seasons for certain additional greyhound permittees; eliminating reference to certain jai alai permittees; amending s. 550.03, F.S.; allowing permitholders to elect to distribute certain amounts as proceeds on charity days; removing a limitation on the use of proceeds from charity days; amending s. 550.04, F.S.; revising language with respect to racing meetings; amending ss. 550.083, 550.0831, 550.291, and 550.34, F.S.; eliminating a prohibition against permitholders operating on Sunday; amending s. 550.09, F.S.; clarifying language relating to intertrack handle; imposing an additional tax on guest tracks that impose a surcharge on certain winning tickets; amending s. 550.10, F.S.; providing additional licensing provisions to the Greyhound Race of Champions Meet; amending s. 550.1635, F.S.; authorizing intertrack wagering with respect to the race of champions; amending s. 550.262, F.S.; requiring the permitholders conducting certain thoroughbred races to pay a specific sum, as breeders' and stallion awards, on all pari-mutuel pools conducted during such races; providing a requirement for the uniform rate and procedure plan of the Florida Thoroughbred Breeders' Association; amending s. 550.263, F.S.; providing that uncashed tickets and breakage tax on live racing conducted by thoroughbred permitholders shall be retained by such permitholder; providing legislative intent with respect to the exemptions set forth in ss. 550.2635(6) and 550.26355, F.S.; amending s. 550.356, F.S.; authorizing certain horse tracks that have made an election authorized for capital improvements to retain additional commission; amending s. 550.51, F.S.; authorizing a permitholder to operate 7 days per week; authorizing the Pari-mutuel Commission to approve additional evening performances; amending s. 550.52, F.S.; providing criteria for the allocation of racing dates; amending s. 550.61, F.S.; prohibiting a permitholder that elects to broadcast its signal from entering into an exclusive agreement with a permitholder eligible to conduct intertrack wagering; authorizing additional racing days to certain quarter horse permitholders; providing that provisions relating to the suspension or revocation of a quarter horse permit are inapplicable under certain conditions; placing restrictions on intertrack wagering; amending s. 550.62, F.S.; changing percentages that horseracing host tracks must pay as purses to certain permitholders; amending s. 550.63, F.S.; changing the percentage that guest tracks are paid on intertrack wagering on certain horse races, greyhound races, and jai alai games; providing for a permitholder to conduct intertrack wagering without combining pari-mutuel pools; providing for distributing certain proceeds retained by a thoroughbred host track; creating s. 550.633, F.S.; providing for a surcharge on certain winning tickets; creating s. 550.635, F.S.; providing for an additional percentage that may be paid by a harness track race permitholder to any guest track that receives broadcasts and accepts wagers on races from the host track; amending s. 550.64, F.S.; providing applicability of related laws; creating s. 550.68, F.S.; providing for a study and recommendations by the Pari-mutuel Commission; amending s. 551.06, F.S.; revising language relating to tax on handle; creating s. 551.1535, F.S., establishing the Jai Alai Tournament of Champions Meet; repealing s. 550.52(6), F.S., to delete a prohibition with respect to certain tax credits for thoroughbred permitholders; repealing s. 550.2635(2), (3), (4), and (5), F.S., relating to the Breeders' Cup Meet; repealing s. 550.2636(2), (3), (4), and (9), F.S., relating to the Breeders' Crown Meet; repealing s. 550.1635(2), (3), (4), and (6), F.S., relating to the Greyhound Race of Champions Meet; repealing s. 551.1535(3), (4), (5), and (7), F.S., relating to the Jai Alai Tournament of Champions Meet; allowing permitholders to take certain tax credits accrued under the repealed provisions; providing for an audit and for the repayment of certain overpayments; providing for the repeal of ss. 550.60, 550.61, 550.62, 550.63, 550.09(3)(e), 550.26355, 550.33(11), 550.631, 550.632, 550.633, 550.635, and 550.64, F.S., relating to intertrack wagering; amending section 26 of chapter 88-346, Laws of Florida; providing for the repeal of s. 20.16(4); providing for the repeal of specified provisions in chapters 550 and 551, F.S., relating to pari-mutuel wagering and jai alai; providing an appropriation; providing for severability; providing an effective date.

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

**CS for SB 1342** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37      Nays—1

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments CS for SB 1732 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 1732**—A bill to be entitled An act relating to corporations; amending s. 607.0120, F.S.; revising filing requirements; amending s. 607.0123, F.S.; revising language with respect to the effective time and date of certain documents; amending s. 607.0124, F.S.; revising language with respect to correcting a filed document; amending s. 607.0202, F.S.; deleting certain required information in the articles of incorporation; amending s. 607.0301, F.S.; revising language with respect to the purposes and application of the Florida Business Corporation Act; amending s. 607.0401, F.S.; revising language with respect to the corporate name; amending s. 607.0501, F.S.; eliminating a required report filed by a registered agent; amending s. 607.0502, F.S.; revising language with respect to the resignation of a registered agent; amending s. 607.0601, F.S.; revising language with respect to authorized shares; amending s. 607.0603, F.S.; revising language with respect to outstanding shares; amending s. 607.0620, F.S.; revising language with respect to subscribers who default; amending s. 607.0703, F.S.; revising language with respect to court-ordered meetings; amending s. 607.0704, F.S.; revising language with respect to actions by shareholders without a meeting; amending s. 607.0720, F.S.; revising language with respect to shareholders' list for meeting; amending s. 607.0725, F.S.; providing additional requirements with respect to quorum and voting requirements; repealing s. 607.0727, F.S., relating to shareholder quorum and voting and greater or lesser voting requirements; amending s. 607.0730, F.S.; revising language with respect to voting trusts; amending s. 607.0731, F.S.; revising language with respect to shareholders' agreements; amending s. 607.0804, F.S.; revising language with respect to the election of directors by certain voting groups; amending s. 607.0806, F.S.; revising language with respect to staggered terms for directors; repealing s. 607.0831(6), F.S.; deleting a provision relating to the liability of directors which provided for application to nonprofit corporations; amending s. 607.08401, F.S.; revising language with respect to required officers; amending s. 607.0842, F.S.; providing criteria for the removal of an officer or agent elected by the shareholders; amending s. 607.0901, F.S.; revising language with respect to affiliated transactions; amending s. 607.0902, F.S.; revising language with respect to control-share transactions; amending s. 607.1002, F.S.; providing that the board of directors may adopt an amendment to the articles of incorporation, without shareholder action, to change the par value for a class or series of shares; amending s. 607.1006, F.S.; revising language with respect to articles of amendment; repealing s. 607.1103(7)(c), F.S.; deleting language which provides that action by the shareholders of a surviving corporation is not required with respect to action on a plan under certain circumstances; amending s. 607.1104, F.S.; revising language with respect to the merger of a subsidiary corporation; amending s. 607.1320, F.S.; revising language with respect to the procedure for exercise of dissenters' rights; amending s. 607.1406, F.S.; revising language with respect to claims against a dissolved corporation; amending s. 607.1430, F.S.; revising language with respect to grounds for judicial dissolution; providing specific grounds for judicial dissolution; amending s. 607.1433, F.S.; revising language with respect to judgment of dissolution; amending s. 607.1506, F.S.; revising language with respect to the use of a fictitious name; amending s. 607.1507, F.S.; requiring a filed written statement by certain registered agents; amending s. 607.1508, F.S.; revising language with respect to a registered agent's change of address; amending s. 607.1509, F.S.; revising language with respect to the termination of an agency appointment; amending s. 617.01201, F.S.; providing that certain documents filed by corporations not for profit must be legible; amending s. 617.0122, F.S.; prescribing fee for filing documents and issuing certificates; providing an exemption from corporate filing fees; amending s. 617.0123, F.S.; revising language with respect to the effective date of a document; amending s. 617.0124, F.S.; revising language with respect to correcting filed documents; amending s. 617.0202, F.S.; providing additional required information to be set forth in the articles of incorporation; amending s. 617.0401, F.S.; revising language with respect to the corporate name; amending s. 617.0501, F.S.; revising language with respect to a registered agent; amending s. 617.0502, F.S.; revising language with respect to the resignation of a registered agent; creating s. 617.0503, F.S.; providing for duties of registered agents; amending s. 617.0601, F.S.; revising language with respect to corporation members; amending s. 617.0701, F.S.; revising language with respect to members' meetings; amending s. 617.0721, F.S.; providing for voting by members;

creating s. 617.0730, F.S.; providing for required provisions with respect to members of the corporation; amending s. 617.0808, F.S.; revising language with respect to removal of directors; amending s. 617.0833, F.S., relating to loans to directors or officers; amending s. 617.1001, F.S.; providing for amendments to the articles of incorporation; amending s. 617.1002, F.S.; revising language with respect to the procedure for amendments to the articles of incorporation; amending s. 617.1007, F.S.; revising language with respect to restated articles of incorporation; amending s. 617.1401, F.S.; providing that articles of dissolution must be executed in a certain manner; amending s. 617.1433, F.S.; providing for judgment of dissolution; amending s. 617.1504, F.S.; providing an additional set of circumstances requiring an amended certificate of authority; amending s. 617.1506, F.S.; revising language with respect to the corporate name of a foreign corporation; amending s. 617.1507, F.S.; revising language with respect to the registered office and registered agent of a foreign corporation; amending s. 617.1508, F.S.; revising language with respect to change of address of a registered agent; amending s. 617.1509, F.S.; providing for the termination of agency appointments for foreign corporations; amending s. 617.1601, F.S.; revising language with respect to corporate records; creating s. 617.1602, F.S.; providing for inspection of records by members; creating s. 617.1603, F.S.; providing for the scope of the inspection right; creating s. 617.1604, F.S.; providing for court-ordered inspection; creating s. 617.1605, F.S.; providing for financial reports for members; amending s. 617.1622, F.S.; providing for additional information in an annual report; amending s. 617.1623, F.S.; revising language with respect to corporate information available to the public; amending s. 617.1908, F.S.; providing for the applicability of the Business Corporation Act; creating s. 617.2102, F.S.; providing for fines and penalties against members; creating s. 617.2103, F.S.; providing exemptions for certain corporations; amending s. 620.103, F.S.; revising language with respect to the name of a limited partnership; providing for applicability of s. 607.147, F.S.; revising ch. 608, F.S.; amending s. 608.401, F.S.; providing a short title; amending s. 608.402, F.S.; providing definitions; amending s. 608.404, F.S.; specifying the powers of limited liability companies; amending s. 608.405, F.S.; providing for formation of limited liability companies; amending s. 608.406, F.S.; providing requirements for names of limited liability companies; creating s. 608.4061, F.S.; providing for reservation of the name of a foreign limited liability company; creating s. 608.4062, F.S.; providing for registration of the name of a foreign limited liability company; amending s. 608.407, F.S.; specifying content of articles of organization; amending s. 608.408, F.S.; providing for execution of certificates or statements; creating s. 608.4081, F.S.; providing filing requirements; creating s. 608.4082, F.S.; providing duties of the Department of State; amending s. 608.409, F.S.; specifying effect of issuance of certificate of organization; creating s. 608.4101, F.S.; requiring maintenance of certain records; amending s. 608.411, F.S.; providing for amendment to articles of organization; creating s. 608.412, F.S.; requiring filing of supplemental affidavit of capital contributions in specified circumstances; amending s. 608.415, F.S.; requiring limited liability companies to maintain registered office and registered agent; amending s. 608.416, F.S.; providing for change of registered office and change or resignation of registered agent; amending s. 608.4211, F.S.; specifying allowable contributions to capital and liability therefor; amending s. 608.422, F.S.; providing for management; creating s. 608.4225, F.S.; providing general standards for managers or managing members; amending s. 608.423, F.S.; providing for adoption of regulations; creating s. 608.4231, F.S.; providing for voting by members and managers; creating s. 608.4232, F.S.; providing for additional members; amending s. 608.424, F.S.; limiting ability to contract debt; amending s. 608.425, F.S.; providing for ownership of company property; amending s. 608.426, F.S.; providing circumstances for distribution of property; creating s. 608.4261, F.S.; providing for sharing of profits and losses; amending s. 608.427, F.S.; providing for withdrawal or reduction of members' contributions to capital; creating s. 608.428, F.S.; specifying liability upon return of contribution; amending s. 608.432, F.S.; providing for transfer of members' interests; creating s. 608.433, F.S.; providing circumstances under which an assignee may become a member; creating s. 608.434, F.S.; specifying powers of the estate of a deceased or incompetent member; amending s. 608.436, F.S.; specifying liability of members and managers to creditors; creating s. 608.4362, F.S.; specifying liability of managers and managing members; creating s. 608.4363, F.S.; providing for indemnification; amending s. 608.441, F.S.; providing for dissolution; creating s. 608.4411, F.S.; providing for revocation of dissolution; creating s. 608.4421, F.S.; providing for disposition of claims against dissolved company; creating s. 608.4431, F.S.; specifying effect of dissolution; amending s. 608.444, F.S.; providing for distribution of assets upon dissolution; amending s. 608.445, F.S.; specifying content of articles of dissolution; amending s. 608.446, F.S.; providing for filing of articles of

dissolution; amending s. 608.448, F.S.; specifying grounds for administrative dissolution; creating s. 608.4481, F.S.; providing procedures for and effects of administrative dissolution; creating s. 608.4482, F.S.; providing for reinstatement; creating s. 608.4483, F.S.; providing for appeal from denial of reinstatement; amending s. 608.449, F.S.; providing grounds for judicial dissolution; creating s. 608.4491, F.S.; providing procedure for judicial dissolution; creating s. 608.4492, F.S.; providing for receivership or custodianship; creating s. 608.4493, F.S.; providing for decree of dissolution; creating s. 608.4494, F.S.; requiring deposit of assets of dissolved company with the Department of Banking and Finance; creating s. 608.4511, F.S.; requiring filing of annual reports with the Department of State; amending s. 608.452, F.S.; specifying fees of the Department of State; amending s. 608.455, F.S.; providing for waiver of certain required notices; amending s. 608.471, F.S.; providing for treatment of distributions; creating s. 608.501, F.S.; requiring a foreign limited liability company to obtain a certificate of authority prior to transacting business; creating s. 608.502, F.S.; specifying consequences of transacting business without authority; creating s. 608.503, F.S.; providing for application for certificate of authority; creating s. 608.504, F.S.; providing for amendment of certificate of authority; creating s. 608.505, F.S.; specifying effect of certificate of authority; creating s. 608.506, F.S.; providing requirements for name of foreign limited liability company; creating s. 608.507, F.S.; requiring registered office and registered agent; creating s. 608.508, F.S.; providing for change of registered office and registered agent; creating s. 608.509, F.S.; providing for resignation of registered agent; creating s. 608.5101, F.S.; providing for service of process; creating s. 608.511, F.S.; providing for withdrawal of foreign limited liability company; creating s. 608.512, F.S.; specifying grounds for revocation of authority to transact business; creating s. 608.513, F.S.; specifying procedure for and effect of revocation of authority; creating s. 608.5135, F.S.; providing for revocation and reinstatement of certificates of authority; creating s. 608.514, F.S.; providing for appeal from revocation; repealing ss. 608.435, 608.442, 608.443, 608.453, F.S., relating to liabilities of members, filing of statement of intent to dissolve, effect of statement of intent to dissolve, and miscellaneous charges; providing an effective date.

**House Amendment 1**—On page 79, lines 11 and 12, strike all of said lines and insert:

Section 75. Effective upon this act becoming a law, section 607.06401, Florida Statutes, is amended to read:

607.06401 Distributions to shareholders.—

(1) A board of directors may authorize and the corporation may make distributions to its shareholders subject to restriction by the articles of incorporation and the limitations in subsection (3).

(2) If the board of directors does not fix the record date for determining shareholders entitled to a distribution (other than one involving a purchase, redemption, or other acquisition of the corporation's shares), it is the date the board of directors authorizes the distribution.

(3) No distribution may be made if, after giving it effect:

(a) The corporation would not be able to pay its debts as they become due in the usual course of business; or

(b) The corporation's total assets would be less than the sum of its total liabilities plus (unless the articles of incorporation permit otherwise) the amount that would be needed, if the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of shareholders whose preferential rights are superior to those receiving the distribution.

(4) The board of directors may base a determination that a distribution is not prohibited under subsection (3) either on financial statements prepared on the basis of accounting practices and principles that are reasonable in the circumstances or on a fair valuation or other method that is reasonable in the circumstances. In the case of any distribution based upon such a valuation, each such distribution shall be identified as a distribution based upon a current valuation of assets, and the amount per share paid on the basis of such valuation shall be disclosed to the shareholders concurrent with their receipt of the distribution.

(5)(a) For purposes of subsections (3) and (4), (unless the articles of incorporation provide otherwise) in calculating total assets of a corporation, the current fair value of shares, which have preferential rights upon dissolution and do not have a specified maturity, which shares are issued by a financial depository institution as defined in s. 665.012 and

held as an asset by the corporation making the distribution, shall be the liquidation preference amount payable on such shares upon dissolution; provided that immediately following such distribution, the net book value, as determined in accordance with generally accepted accounting principles, of the financial depository institution, plus that of the distributing corporation, shall equal or exceed the total net book value of such entities immediately prior to such distribution.

(b) This subsection shall stand repealed effective June 30, 1992.

(6) (5) If the articles of incorporation of a corporation engaged in the business of exploiting natural resources or other wasting assets so provide, distributions may be paid in cash out of depletion or similar reserves; and each such distribution shall be identified as a distribution based upon such reserves, and the amount per share paid on the basis of such reserves shall be disclosed to the shareholders concurrent with their receipt of the distribution.

(7)(6) Except as provided in subsection (9) (8), the effect of a distribution under subsection (3) is measured:

(a) In the case of distribution by purchase, redemption, or other acquisition of the corporation's shares, as of the earlier of:

1. The date money or other property is transferred or debt incurred by the corporation, or

2. The date the shareholder ceases to be a shareholder with respect to the acquired shares;

(b) In the case of any other distribution of indebtedness, as of the date the indebtedness is distributed;

(c) In all other cases, as of:

1. The date the distribution is authorized if the payment occurs within 120 days after the date of authorization, or

2. The date the payment is made if it occurs more than 120 days after the date of authorization.

(8)(7) A corporation's indebtedness to a shareholder incurred by reason of a distribution made in accordance with this section is at parity with the corporation's indebtedness to its general, unsecured creditors except to the extent subordinated by agreement.

(9)(8) Indebtedness of a corporation, including indebtedness issued as a distribution, is not considered a liability for purposes of determinations under subsection (3) if its terms provide that payment of principal and interest are made only if and to the extent that payment of a distribution to shareholders could then be made under this section. If the indebtedness is issued as a distribution, each payment of principal or interest is treated as a distribution, the effect of which is measured on the date the payment is actually made.

(Renumber subsequent sections.)

**House Amendment 2**—In title, on page 6, line 10, after the semicolon (;) insert: amending s. 607.06401, F.S.; revising language with respect to distribution to shareholders;

Senator Dudley moved to concur in the House amendments. The motion failed and the Senate refused to concur in the House amendments. The vote was:

Yeas—14      Nays—22

The action of the Senate was certified to the House.

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 1 and 2; has passed with additional amendments, CS for SB 2280 and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for SB 2280**—A bill to be entitled An act relating to financial institutions; amending s. 655.001, F.S.; expanding the scope of the section to specify the purposes and application of the financial institutions codes rather than of ch. 655, F.S.; amending s. 655.005, F.S.; altering and adding definitions applicable to ch. 655, F.S.; amending s. 655.012, F.S., relating to general supervisory powers of the Department of Banking and Finance, to conform; creating s. 655.013, F.S.; providing for the act's

effect on existing financial institutions; creating s. 655.015, F.S.; providing for construction of the act and standards to be observed by the department; transferring, renumbering, and amending s. 655.021, F.S., relating to administrative enforcement guidelines; transferring, renumbering, and amending s. 655.025, F.S., concerning department investigations, subpoenas, hearings, and witnesses; transferring, renumbering, and amending s. 655.029, F.S.; requiring hearings and proceedings to be public except under certain circumstances; creating s. 655.0322, F.S.; prescribing prohibited acts and practices; providing criminal penalties; amending s. 655.033, F.S.; revising the grounds upon which and the parties against which the department may issue a cease and desist order; amending s. 655.034, F.S., relating to injunctions; inserting the term "members" to conform; amending s. 655.037, F.S., relating to removal of officers, directors, and others by the department; revising the list of persons that may be so removed and revising the grounds upon which such persons may be removed; revising the procedure therefor; creating s. 655.0385, F.S.; providing for the disapproval of directors and executive officers of a financial institution by the department; creating s. 655.0386, F.S.; restricting conduct of and transactions by financial institution-affiliated parties; creating s. 655.0391, F.S.; providing for retention of supervision of financial institutions by the department; creating s. 655.0392, F.S.; allowing a financial institution to rent space from a governmental entity under certain circumstances; authorizing a governmental entity to rent such space at a certain rate; deleting provisions for disposition of fines; amending s. 655.041, F.S.; expanding the department's authority to impose administrative fines; amending s. 655.044, F.S.; revising recordkeeping requirements; providing for recovery of certain costs; amending s. 655.045, F.S.; revising the examination authority of the department; amending s. 655.047, F.S.; clarifying the application period of assessments; allowing proration of assessments but prohibiting refunds of portions of assessments; deleting provisions for disposition of assessments; amending s. 655.049, F.S.; clarifying the types of fees that are required to be deposited into the Financial Institutions' Regulatory Trust Fund; amending s. 655.053, F.S.; revising the annual report requirements; amending s. 655.057, F.S.; revising the restrictions on public access to certain records; amending s. 655.059, F.S.; providing certain law enforcement agencies access to a financial institution's books and records; amending s. 655.061, F.S., relating to competitive equality with federally organized or chartered financial institutions; providing for the section to take precedence over other state statutes; amending s. 655.41, F.S., relating to cross-industry conversions, mergers, consolidations, and acquisitions; replacing the term "financial institution" with the term "financial entity" with reference thereto; amending s. 655.411, F.S.; revising conversion-of-charter requirements; amending s. 655.412, F.S.; revising merger and consolidation requirements; amending s. 655.414, F.S.; revising the conditions and limitations upon which a financial entity may acquire all or substantially all the assets or liabilities of another financial entity; amending s. 655.416, F.S.; providing for the valuation of assets after an acquisition; amending s. 655.417, F.S.; conforming provisions relating to the effect of merger, consolidation, conversion, or acquisition; amending s. 655.418, F.S.; conforming provisions relating to cessation of nonconforming activities; amending s. 655.419, F.S.; clarifying the applicability of provisions for merger, consolidation, conversion, or acquisition of assets; amending s. 655.50, F.S.; revising the provisions of, and the penalties for violation of, the Florida Control of Money Laundering in Financial Institutions Act; providing for confidentiality of reports and records thereunder; extending the act's penalties to cover violations of ch. 896, F.S., or similar state or federal statutes; amending s. 655.51, F.S.; allowing state and federal regulatory agencies access to certain employment information; amending s. 655.55, F.S., relating to the law applicable to deposits in and contracts related to extensions of credit by financial institutions; replacing the term "financial institution" with the term "deposit or lending institution" and defining that term; creating s. 655.56, F.S.; providing for the collection of fines, interest, or premiums on loans made by financial institutions; creating s. 655.60, F.S.; providing for appraisals of financial institutions, subsidiaries, or service corporations by the department; creating s. 655.762, F.S.; regulating the sale of assets by a financial institution; creating s. 655.769, F.S.; providing definitions related to deposits in deposit or lending institutions; creating s. 655.77, F.S.; providing for deposits by minors; creating s. 655.78, F.S.; providing for deposit accounts in two or more names; creating s. 655.79, F.S.; establishing a presumption as to vesting on death when deposits and accounts are in two or more names; creating s. 655.80, F.S.; defining and establishing requirements for convenience accounts; creating s. 655.81, F.S.; providing for deposits in trust; creating s. 655.83, F.S.; providing for adverse claims to deposit or fiduciary accounts; creating s. 655.84, F.S.; establishing a presumption as to correctness concerning statements of account; creating

s. 655.85, F.S.; providing for settlement of checks; creating s. 655.86, F.S.; regulating the issuance of postdated checks; creating s. 655.89, F.S.; defining "legal holidays," "business days," and "transactions"; creating s. 655.90, F.S.; providing for the closing of deposit or lending institutions during emergencies and other special days; creating s. 655.91, F.S.; providing recordkeeping requirements for such institutions; creating s. 655.921, F.S.; providing for transaction of business by out-of-state financial institutions; creating s. 655.922, F.S.; prohibiting banking by unauthorized persons; providing penalties; creating s. 655.93, F.S.; providing definitions related to the leasing of safe-deposit boxes; creating s. 655.931, F.S.; authorizing financial institutions to engage in the safe-deposit business; creating s. 655.932, F.S.; authorizing the leasing of a safe-deposit box to a minor; creating s. 655.933, F.S.; providing for access to safe-deposit boxes by fiduciaries; creating s. 655.934, F.S.; specifying the effect of the death or incapacity of the lessee of a safe-deposit box; creating s. 655.935, F.S.; establishing safe-deposit search procedures on the death of the lessee; creating s. 655.936, F.S.; providing for the delivery of safe-deposit box contents or other property to a personal representative; creating s. 655.937, F.S.; providing for access to a safe-deposit box leased in two or more names; creating s. 655.938, F.S.; providing for adverse claims to the contents of a safe-deposit box; creating s. 655.939, F.S.; limiting the right of access to a safe-deposit box for failure to comply with security procedures; creating s. 655.94, F.S.; providing special remedies for the nonpayment of rent for a safe-deposit box; amending s. 657.002, F.S.; providing definitions; amending s. 657.004, F.S.; providing technical changes to cross-references; amending s. 657.005, F.S.; providing credit union organizational procedures and forms; creating s. 657.0061, F.S.; requiring the submission of bylaw amendments to the Department of Banking and Finance; amending s. 657.008, F.S.; authorizing armored car services and deleting the requirement that all records be kept at the principal place of business as described within the bylaws; amending s. 657.021, F.S.; defining the duties and powers of the board of directors; amending s. 657.023, F.S.; clarifying certain language; amending s. 657.026, F.S.; authorizing audit committees and defining the duties and responsibilities of these committees; amending s. 657.0265, F.S.; prescribing the liability of audit committee members; amending s. 657.027, F.S.; clarifying certain language; amending s. 657.028, F.S.; prohibiting certain persons from serving as an officer, director, or committee member; amending s. 657.031, F.S.; clarifying language and deleting language requiring notice to the department concerning certain authorized activities; creating s. 657.0315, F.S.; prohibiting credit unions from entering into certain contracts; limiting the enforceability of these contracts; amending s. 657.033, F.S.; clarifying the definition of dormant accounts; amending s. 657.038, F.S.; deleting reference to a 18-percent usury cap and defining the term "related interest"; amending s. 657.039, F.S.; prescribing conditions for credit union loans to its directors, officers, and employees; defining the term "related interests"; amending s. 657.042, F.S.; increasing the allowable percentage of certain types of investments and clarifying the authority to invest in mutual funds; amending s. 657.043, F.S.; replacing the term "gross earnings" with the term "all income for the period"; modifying the definition of "risk assets" and increasing the amount of reserve amounts; amending s. 657.053, F.S.; revising the amounts of the semiannual assessments collected from credit unions; amending s. 657.055, F.S.; mandating the type and length of time certain records must be maintained; amending s. 657.062, F.S.; providing procedures for assumption of control of an insolvent credit union; amending s. 657.063, F.S.; authorizing the department to appoint a liquidator; limiting the enforceability of certain contracts; modifying procedures for involuntary liquidation; amending s. 657.064, F.S.; altering the procedures for undertaking a voluntary liquidation; amending s. 657.065, F.S.; prescribing voting requirements and procedures of a credit union merger; amending s. 657.068, F.S.; removing certain limitations on membership in a central credit union; providing for the conversion to federal share insurance through the National Credit Union Administration or the liquidation or merger of all member credit unions and the dissolution of the Florida Credit Union Guaranty Corporation; amending s. 657.251, F.S.; providing a purpose; amending s. 657.253, F.S.; defining member credit union; amending s. 657.257, F.S.; providing for the conversion of member credit unions to federal share insurance and deleting certain procedural requirements for such conversion; amending s. 657.258, F.S.; providing standards in pledging or advancing funds or entering into agreements with the National Credit Union Administration or providing assistance to member credit unions to qualify for federal share insurance; providing for a determination date for liquidating distributions; amending s. 657.259, F.S.; providing that the plan of operation provide for dissolution of the corporation; amending s. 657.260, F.S.; providing authority to the department to require the corporation to take any required action; amending s.

657.262, F.S.; permitting the department to charge the corporation the actual cost of examination of certain member credit unions when examination is requested; amending s. 657.263, F.S.; permitting the department to charge the corporation the actual cost of its annual examination; providing for disposition of the records of the corporation; creating s. 657.269, F.S.; providing for the orderly dissolution of the Florida Credit Union Guaranty Corporation; providing for retroactive application; amending s. 658.12, F.S.; providing definitions; amending s. 658.165, F.S.; correcting a cross-reference and inserting the term "financial institutions codes"; amending s. 658.20, F.S.; providing for prior approval of certain directors and executive officers of a failing bank or trust company; providing a filing fee for approval; amending s. 658.21, F.S.; altering the approval criteria of an application; amending s. 658.22, F.S.; requiring orders approving applications to organize a state bank be sent to the "Federal Home Loan Bank of Atlanta"; amending s. 658.23, F.S.; requiring prior Department of Banking and Finance authorization for a change in the articles of incorporation; amending ss. 658.24, 658.25, F.S.; substituting the term "bank" for "banking corporation"; amending s. 658.26, F.S.; altering the locations where banks and trust companies may transact business; amending s. 658.27, F.S.; altering the definition of control over a bank or trust company; amending s. 658.28, F.S.; providing an exception to the requirement that the department be given prior notice of any acquisition of voting securities; amending s. 658.29, F.S.; altering certain prohibitions concerning ownership and control of a bank or trust company; amending s. 658.30, F.S.; incorporating changes concerning the application of the Florida Business Corporation Act; amending s. 658.32, F.S.; allowing the department to approve an annual meeting date which is not within the first 4 months of a given year; amending s. 658.33, F.S.; inserting the term "financial institutions codes"; requiring director's oath of office to be filed within 30 days of election; amending s. 658.34, F.S.; requiring shares of common stock to be issued with a minimum par value and to be paid for in cash; amending s. 658.36, F.S.; requiring department approval for banks and trust companies to reduce outstanding common stock; amending s. 658.37, F.S.; clarifying that a stock split does not constitute a dividend; amending s. 658.38, F.S.; clarifying that a state bank must have and maintain Federal Deposit Insurance; amending s. 658.39, F.S.; restricting the right of stockholders to examine certain records; amending s. 658.40, F.S.; deleting the term "conversion"; amending s. 658.42, F.S.; providing a technical clarification; amending s. 658.43, F.S.; modifying the department's authority to issue emergency rules concerning a failing institution; amending s. 658.44, F.S., relating to approval by stockholders; revising cross-references; amending s. 658.45, F.S.; providing a technical clarification; amending s. 658.48, F.S.; altering the loan and credit authority of a state bank; amending s. 658.50, F.S., relating to loans or extensions of credit; removing interest rate limitations on credit cards or overdraft financing arrangements; improving clarity; amending s. 658.53, F.S.; altering limits of indebtedness; amending s. 658.60, F.S.; deleting the term "reserves"; amending s. 658.65, F.S.; altering the provisions related to remote financial service units; amending s. 658.67, F.S.; altering the investment powers of a bank and trust company; amending s. 658.68, F.S.; altering the liquidity requirements of a state bank; amending s. 658.73, F.S.; increasing examination fees and assessments; amending s. 658.79, F.S.; allowing the department to take possession of an imminently insolvent state bank or trust company; deleting the conditions for determining insolvency; amending ss. 658.80, 658.82, 658.83, F.S.; providing a technical clarification; amending s. 658.84, F.S.; prohibiting the enforcement of certain judicial actions; amending s. 660.25, F.S.; redefining the term "commercial department"; providing for the use of terms defined in other chapters of the Florida Statutes; creating s. 660.265, F.S.; requiring certain financial institutions to pay the costs of examination by the Department of Banking and Finance; amending s. 660.27, F.S.; deleting references to state mutual associations with respect to deposits of securities with the Treasurer; clarifying the term "bank" to include state banks and national banks; amending s. 660.33, F.S.; prescribing when an association is "affiliated" or a "successor"; correcting a cross-reference; amending s. 660.37, F.S.; deleting references to the Federal Savings and Loan Insurance Corporation; permitting the deposit of fiduciary funds in amounts exceeding insurance in specified circumstances; amending s. 660.41, F.S.; revising powers of corporations other than banks, associations, and trust companies with respect to fiduciary functions; amending s. 660.44, F.S.; authorizing a bank, association, or trust company to charge reasonable management expenses for managing common trust funds; amending s. 663.01, F.S.; providing definitions; amending s. 663.02, F.S.; expanding the applicability of domestic bank powers to international banking corporations; deleting reference to a clarification concerning branching authority of bank holding companies located outside the state; amending s. 663.03, F.S.; providing that ch. 607, F.S., regulating

corporations applies to international banking corporations unless it conflicts with the banking code; amending s. 663.04, F.S.; prescribing conditions under which a license may be issued to an international banking corporation to operate an international bank agency or an international branch; deleting application fee; amending s. 663.05, F.S.; modifying the application requirements for an international banking corporation to maintain an office in this state; creating s. 663.055, F.S.; prescribing certain capital requirements as a condition of licensing; providing alternative requirements for licensing; amending s. 663.06, F.S.; expanding the permissible activities of an international banking corporation and allowing the department to prescribe by rule the procedures for surrendering a license; creating s. 663.061, F.S.; defining the permissible activities of international bank agencies; creating s. 663.062, F.S.; defining the permissible activities of an international representative office; amending s. 663.063, F.S.; altering the purposes and powers of an international administrative office; creating s. 663.064, F.S.; defining the permissible activities of an international branch; creating s. 663.065, F.S.; defining the permissible activities of a state investment company; creating s. 663.066, F.S.; authorizing, under certain conditions, the acquisition of state banks by international banking corporations; amending s. 663.07, F.S.; modifying the asset maintenance requirements of an international bank agency and international branch; amending s. 663.083, F.S.; adding the term "international branch" and deleting language allowing capital debentures and notes to be treated as capital in computing capital limitations; amending s. 663.09, F.S.; providing for the consolidation of reports under certain circumstances; requiring loan documentation to be in the English language; amending s. 663.10, F.S.; modifying the provisions related to license conversion; amending s. 663.11, F.S.; replacing the term "international bank agency" with the term "office"; amending s. 663.12, F.S.; providing for filing fees, semiannual assessments, and examination fees; amending s. 663.13, F.S., relating to rulemaking respecting international banking corporations; conforming a cross-reference; amending s. 663.302, F.S., relating to the applicability of state banking laws to international development banks, to conform cross-references in that section to renumbering by this act; amending s. 663.309, F.S., relating to prohibited activities; deleting an obsolete cross-reference; amending s. 663.319, F.S., relating to rulemaking respecting regional development banks; conforming a cross-reference; amending s. 665.012, F.S.; altering and deleting certain definitions; creating s. 665.013, F.S.; outlining the applicability of ch. 658, F.S., to ch. 665, F.S.; amending s. 665.021, F.S.; deleting exclusiveness-of-name provisions; amending s. 665.0315, F.S.; correcting a cross-reference and incorporating a nonrefundable filing fee; amending s. 665.033, F.S.; inserting reference to the financial institutions codes and permitting denial of an application due to the existence of a state-imposed order; increasing the fee for converting from a federal mutual to a state capital stock association and authorizing examination fees for conversions; revising a cross-reference; amending s. 665.034, F.S.; changing certain requirements concerning acquisition of assets of, or control over, an association; amending s. 665.0501, F.S.; altering the general powers of an association organized under ch. 665, F.S.; amending s. 665.0711, F.S.; limiting the association's power to invest in loans; amending s. 665.074, F.S.; deleting the requirement that a settlement statement be furnished to each borrower; amending s. 665.1001, F.S.; clarifying the definition of a "foreign association"; deleting reference to the term "savings"; deleting a requirement relating to references to insurance or guaranty of accounts in advertising, solicitations, or representations; amending s. 665.1011, F.S.; deleting the term "savings and loan"; amending s. 665.102, F.S.; inserting the term, "financial institutions codes"; repealing s. 655.081, F.S., relating to disclosure of practices with respect to availability of funds; repealing s. 655.413, F.S., relating to acquisition of stock by a financial institution in another financial institution; reviving and readopting ss. 655.001, 655.005, 655.012, 655.016, 655.021, 655.025, 655.029, 655.033, 655.034, 655.037, 655.041, 655.043, 655.044, 655.045, 655.049, 655.053, 655.057, 655.059, 655.061, 655.071, 655.41, 655.411, 655.412, 655.414, 655.416, 655.417, 655.418, 655.419, 655.50, 655.51, and 655.55, F.S., as renumbered and amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 655.001-655.94, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; repealing ch. 88-113, Laws of Florida, relating to a contingent amendment to s. 655.061, F.S.; reviving and readopting ss. 657.001, 657.002, 657.003, 657.004, 657.005, 657.008, 657.021, 657.022, 657.023, 657.024, 657.026, 657.027, 657.028, 657.029, 657.031, 657.032, 657.033, 657.0335, 657.034, 657.035, 657.036, 657.037, 657.038, 657.039, 657.041, 657.042, 657.043, 657.051, 657.053, 657.055, 657.062, 657.063, 657.064, 657.065, 657.066, 657.068, 657.25, 657.251, 657.252, 657.253, 657.254, 657.256, 657.257, 657.258, 657.259, 657.260, 657.261, 657.262,

657.263, 657.264, 657.265, 657.266, 657.267, and 657.268, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 657.001-657.068, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; terminating ss. 657.25-657.269, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; repealing ss. 658.1101, 658.13, 658.14, 658.15, 658.46, 658.47, 658.54, 658.55, 658.56, 658.57, 658.58, 658.59, 658.61, 658.62, 658.63, 658.64, 658.66, 658.69, 658.70, 658.71, 658.72, 658.74, 658.75, 658.76, 658.77, 658.78, 658.85, 658.86, 658.87, 658.88, 658.89, 658.91, 658.92, 658.93, 658.97, 658.98, 658.99, F.S., relating to the regulation of banks and trust companies; reviving and readopting ss. 658.12, 658.16, 658.19, 658.20, 658.21, 658.22, 658.23, 658.235, 658.24, 658.25, 658.26, 658.27, 658.28, 658.29, 658.295, 658.30, 658.32, 658.33, 658.34, 658.35, 658.36, 658.37, 658.38, 658.39, 658.40, 658.41, 658.42, 658.43, 658.44, 658.45, 658.48, 658.49, 658.491, 658.50, 658.51, 658.53, 658.60, 658.65, 658.67, 658.68, 658.73, 658.79, 658.80, 658.81, 658.82, 658.83, 658.84, 658.90, 658.94, 658.95, and 658.96, F.S., notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 658.12-658.96, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; repealing s. 660.32, F.S., relating to the place of transacting trust business and trust company branches; reviving and readopting ss. 660.25, 660.26, 660.27, 660.28, 660.29, 660.30, 660.31, 660.33, 660.34, 660.35, 660.36, 660.37, 660.38, 660.39, 660.40, 660.41, 660.42, 660.43, 660.44, 660.45, 660.46, 660.47, and 660.48, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 660.25-660.48, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; repealing ss. 661.45-661.55, F.S., relating to regulating the safe-deposit business, in accordance with the Regulatory Sunset Act; repealing ss. 662.01-662.08, F.S., relating to bank service corporations, in accordance with the Regulatory Sunset Act; reviving and readopting ss. 663.01, 663.02, 663.03, 663.04, 663.05, 663.06, 663.07, 663.08, 663.09, 663.10, 663.11, 663.12, 663.13, 663.14, 663.301, 663.302, 663.303, 663.304, 663.305, 663.306, 663.307, 663.308, 663.309, 663.310, 663.311, 663.312, 663.313, 663.314, 663.315, 663.316, 663.317, 663.318, and 663.319, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 663.01-663.319, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; repealing ss. 664.01-664.12, F.S.; relating to industrial savings banks, in accordance with the Regulatory Sunset Act; repealing ss. 665.011, 665.0201, 665.022, 665.023, 665.024, 665.025, 665.027, 665.028, 665.0301, 665.0311, 665.0335, 665.038, 665.0401, 665.044, 665.045, 665.047, 665.048, 665.0601, 665.0611, 665.062, 665.063, 665.064, 665.065, 665.066, 665.067, 665.068, 665.069, 665.0701, 665.0731, 665.076, 665.077, 665.0801, 665.082, 665.083, 665.093, 665.096, 665.097, 665.099, 665.1021, 665.103, 665.104, F.S., relating to the regulation of savings associations; reviving and readopting ss. 665.012, 665.0211, 665.0315, 665.033, 665.034, 665.0345, 665.0501, 665.0711, 665.074, 665.075, 665.1001, 665.1011, and 665.102, F.S., as amended by this act, notwithstanding their scheduled termination October 1, 1991, pursuant to the Regulatory Sunset Act and other laws; terminating ss. 665.012-665.102, F.S., effective October 1, 1992, and providing for legislative review of such sections before that date; amending s. 154.238, F.S., relating to the authority of a health facilities authority to deal with a bank that employs a member of the authority, to conform terminology to that used in this act; amending s. 159.414, F.S., relating to the authority of a board of a local agency, under the Florida Industrial Development Financing Act, to deal with a bank that employs a board member, to conform terminology to that used in this act; amending s. 159.494, F.S., relating to the authority of an industrial development authority to deal with a bank that employs a member of the authority; amending s. 240.488, F.S., relating to the investment of funds of a county education loan authority, to conform terminology to that used in this act; amending s. 288.753, F.S., relating to examination of the Florida Export Finance Corporation by the Department of Banking and Finance, to conform terminology to that used in this act; amending s. 289.121, F.S., relating to examination of the Florida Industrial Development Corporation, to conform terminology to that used in this act; amending s. 420.141, F.S., relating to examination of the Housing Development Corporation of Florida, to conform terminology to that used in this act; amending s. 538.03, F.S., relating to definitions applicable to secondhand dealers, to conform a cross-reference made obsolete by this act; amending s. 560.201, F.S., relating to the record of sales of money orders, to revise a cross-reference to a provision repealed by this act; amending s. 607.0501, F.S., relating to registered offices and agents of corporations,

to conform terminology to that used in this act; amending s. 627.826, F.S., relating to insurance premium finance companies, to delete a cross-reference to a law repealed by this act; amending s. 671.304, F.S., relating to laws not repealed by the enactment of the Uniform Commercial Code, to delete cross-references to laws repealed by this act; amending s. 687.12, F.S., relating to interest rates of licensed lenders and creditors, to revise a cross-reference to a law repealed by this act; amending s. 896.101, F.S., relating to the conduct of financial transactions involving the proceeds of unlawful activity, to revise cross-references to conform with this act; providing an effective date.

**House Amendment 3**—Strike everything after the enacting clause and insert:

Section 1. Notwithstanding the provisions of the Regulatory Sunset Act or of any other provision of law which provides for review and repeal in accordance with s. 11.61, Florida Statutes, chapters 655, 657, 658, 660, 661, 662, 663, 664, and 665, Florida Statutes, shall not stand repealed on October 1, 1991, but are repealed on July 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.61, Florida Statutes.

Section 2. Notwithstanding the provisions of the Sundown Act or of any other provision of law which provides for review and repeal in accordance with s. 11.611, Florida Statutes, sections 657.026 and 657.027, Florida Statutes, shall not stand repealed on October 1, 1991, but are repealed on July 1, 1992, and shall be reviewed by the Legislature pursuant to s. 11.611, Florida Statutes.

Section 3. In the event that any provision of law, the repeal of which is rescheduled to 1992 by this act, is otherwise amended or saved from, or rescheduled for, repeal by another bill enacted at the 1991 session of the Legislature, then such other act shall prevail over the conflicting provisions of this act.

Section 4. Subsection (3) is added to section 658.50, Florida Statutes, to read:

658.50 Bank loans; credit cards.—

(3) *Notwithstanding the provisions of this section or any other law, a financial institution may impose and collect interest, finance charges, and credit service charges, as well as such other fees and charges which are material to the determination of the interest rate in connection with loans or extensions of credit to any person on a credit card or overdraft financial arrangement at such rates and in such amounts as financial institutions domiciled in any other state are permitted to impose and collect when making loans or extensions of credit to persons residing in this state.*

Section 5. This act shall take effect upon becoming a law.

**House Amendment 4**—Strike the entire title and insert: A bill to be entitled An act relating to banks and financial institutions; rescheduling Sunset and Sundown review and repeal of specified chapters and sections from October 1, 1991, to July 1, 1992; amending s. 658.50, F.S., relating to loans or extensions of credit; removing interest rate limitations on credit cards or overdraft financing arrangements; providing an effective date.

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

**CS for SB 2280** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35      Nays—4

#### RETURNING MESSAGES ON HOUSE BILLS

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives returns, as requested, HB 747.

*John B. Phelps, Clerk*

**HB 747**—A bill to be entitled An act for the relief of Hank J. Williams; providing an appropriation to compensate him for injuries suffered as a result of the negligence of the Department of Corrections; providing an effective date.

#### RECONSIDERATION

On motion by Senator Langley, the Senate reconsidered the vote by which **HB 747** passed May 1.

Further consideration of **HB 747** was deferred.

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives returns, as requested, CS for HB 1527.

*John B. Phelps, Clerk*

**CS for HB 1527**—A bill to be entitled An act relating to postsecondary education; amending s. 250.10, F.S.; providing that the Adjutant General and representatives of the Board of Regents, State Board of Community Colleges, and State Board of Education shall develop a program for waiver of one-half of the cost of tuition and fees for certain members of the Florida National Guard; providing requirements; amending s. 240.235, F.S.; requiring the Board of Regents to provide tuition and fee waivers; amending s. 240.35, F.S.; requiring the State Board of Community Colleges to provide tuition and fee waivers; amending s. 240.355, F.S.; requiring the State Board of Education to adopt rules; providing an effective date.

#### RECONSIDERATION

On motion by Senator Kirkpatrick, the Senate reconsidered the vote by which **CS for HB 1527** passed May 1.

On motion by Senator Kirkpatrick, by two-thirds vote the Senate reconsidered the vote by which **CS for HB 1527** was read the third time.

On motion by Senator Kirkpatrick, the Senate reconsidered the vote by which **Amendments 1 and 2** were adopted. By permission, **Amendments 1 and 2** were withdrawn.

On motion by Senator Kirkpatrick, by two-thirds vote **CS for HB 1527** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40      Nays—None

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has refused to concur in Senate Amendments 8, 9, 18, 19 and requests the Senate to recede; has amended Senate Amendment 20, concurred in same as amended and requests the Senate to concur; has concurred in Senate Amendments 1-7, 10-17, 21-25; has passed CS for HB 1637, as further amended, and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**CS for HB 1637**—A bill to be entitled An act relating to education; amending s. 228.041, F.S.; revising definitions in the Florida School Code; amending s. 228.071, F.S.; revising provisions relating to community education grants; amending s. 228.0713, F.S.; revising provisions relating to the Adult Literacy Plan; amending ss. 228.0715 and 228.0716, F.S.; revising provisions of the Adult Literacy Act and the Florida Literacy Corps Act; amending s. 228.072, F.S.; revising adult general education provisions; amending s. 228.0725, F.S.; revising provisions relating to adult literacy centers; amending s. 228.075, F.S.; providing dates by which local, regional, and state vocational education plans must be completed; providing for the Department of Education to modify, revise, and review the state plan; providing a maximum length of time that may elapse between plan revisions; deleting deadlines that have passed; amending s. 229.132, F.S.; revising provisions relating to the registration of adult students; amending s. 229.55, F.S.; revising provisions relating to educational accountability; amending s. 229.557, F.S.; revising provisions relating to the vocational education management information system; amending s. 229.805, F.S.; revising Department of Education powers relating to educational television; providing requirements for funding of stations; amending s. 229.8051, F.S.; revising requirements of the public broadcasting program system; providing for rules; amending s. 229.808, F.S.; correcting a cross reference; amending s. 230.23, F.S.; revising provisions relating to programs for students in residential care facilities; revising provisions relating to school board duties in admitting, classifying, promoting, and graduating students; amending s. 230.2316, F.S.; revising provisions relating to educational alternatives programs; amending s.

230.645, F.S.; revising provisions relating to postsecondary adult student fees; amending s. 231.02, F.S.; providing for fingerprinting of certain personnel; amending s. 231.095, F.S.; deleting provisions relating to reporting of teachers assigned out-of-field; amending s. 231.15, F.S.; revising provisions relating to positions for which certificates are required; amending s. 231.17, F.S.; revising provisions relating to requirements for teacher certification and demonstration of competencies; providing for personnel records; amending s. 231.1711, F.S.; revising provisions relating to issuance of a teaching certificate; amending s. 231.1712, F.S., to conform; amending s. 231.1725, F.S.; conforming provisions; creating s. 231.1735, F.S.; providing requirements for certification of out-of-state administrators; providing for review and repeal; amending ss. 231.30 and 231.36, F.S.; conforming provisions relating to certification; amending s. 231.47, F.S.; correcting a cross reference; amending s. 231.471, F.S.; providing for certain qualified part-time teachers; amending s. 231.603, F.S.; conforming provisions; amending s. 232.01, F.S.; revising provisions relating to regular school attendance; amending s. 232.0315, F.S.; requiring school health examinations for entry to prekindergarten; amending s. 232.032, F.S.; revising provisions relating to immunizations; amending s. 232.06, F.S.; providing requirements for the child care exemption from compulsory school attendance; amending s. 232.145, F.S.; providing for information relating to exceptional students; amending s. 232.245, F.S.; revising provisions relating to pupil progression; amending s. 232.246, F.S.; deleting obsolete language; amending s. 232.2461, F.S.; correcting a cross reference; amending s. 232.2465, F.S.; revising requirements to qualify as a Florida Academic Scholar; amending s. 232.247, F.S.; revising provisions relating to high school graduation requirements for certain exceptional students; amending s. 232.26, F.S.; providing for recommendation of expulsion of handicapped students; amending s. 232.3015, F.S.; revising provisions relating to outreach programs for educationally deprived children; amending s. 233.0575, F.S.; revising provisions relating to funding for mathematics/science mentor teachers; amending s. 233.0625, F.S.; deleting Department of Education responsibility for the traffic education program; amending s. 233.0663, F.S.; designating grade level at which D.A.R.E. Program is taught; providing exceptions; requiring annual program evaluations; amending s. 233.0664, F.S.; adding the Governor or his designated appointee to the D.A.R.E. Board of Directors; amending s. 234.01, F.S.; revising provisions relating to transportation of students; amending s. 234.02, F.S.; revising provisions relating to children standing on a school bus; amending s. 234.051, F.S.; correcting a cross reference; amending s. 234.091, F.S.; revising general qualifications of school bus drivers; amending s. 236.013, F.S.; including prekindergarten handicapped students in the definition of full-time equivalent students; amending s. 236.081, F.S.; revising provisions relating to calculation of full-time equivalent students for small, isolated high schools and the calculation of the extended day supplement; amending s. 236.088, F.S.; correcting a cross reference; amending s. 236.1223, F.S.; revising provisions relating to writing skills instruction; amending s. 236.1228, F.S.; revising a statewide indicator for improving student productivity; amending s. 236.13, F.S.; revising provisions relating to temporarily advancing moneys from one fund to another; amending s. 237.02, F.S.; revising provisions relating to expenditure of funds; amending s. 237.091, F.S.; specifying a cross reference relating to certification of assessed valuation of property; amending s. 237.34, F.S.; correcting cross references; amending s. 240.402, F.S.; revising provisions relating to awards from the Florida Undergraduate Scholars' Fund; amending s. 240.604, F.S.; correcting a cross reference; amending ss. 246.041 and 246.207, F.S.; conforming provisions; amending s. 228.061, F.S.; deleting provisions relating to nursery schools and providing for preschool programs; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; deleting obsolete language; revising requirements for plan approval; amending s. 230.2312, F.S.; revising provisions relating to promotion from the Florida Primary Education Program; amending ss. 231.1713 and 402.3057, F.S.; providing that noninstructional personnel need not be fingerprinted under certain circumstances; amending s. 232.045, F.S.; providing eligibility for admission to preschool programs; repealing s. 232.05, F.S., relating to eligibility for nursery schools; amending s. 229.555, F.S.; deleting a reporting requirement; revising provisions relating to educational accountability; amending s. 230.2305, F.S.; revising provisions relating to the prekindergarten early intervention program; revising training requirements; creating s. 234.301, F.S.; authorizing nonpublic schools to participate in the state pool purchase of school buses, providing conditions for such participation; amending s. 237.211, F.S.; allowing school boards to contract with a third-party administrator to handle employees' fringe benefit programs; directing statute editors to change the title of s. 229.814, F.S., relating to high school equivalency diplomas; repealing ss. 229.055, 229.552, 229.8371, 230.222, 230.23135(3)(m),

230.2405, 230.631, 230.69, 231.031, 231.165, 231.251, 231.29(1), 231.532, 231.5335, 231.5336, 231.534, 231.609(3)(d) and (e), 231.612, 231.6125, 231.615, 232.302, 233.055, 233.064, and 233.505, F.S., relating to education reports, the Florida Center for Educational Statistics, the Center for Middle Grades Education, playing of "Dixie," conforming provisions, accreditation of schools, area vocational centers, Youth Enhancement Services Centers, maximum age for employment of instructional personnel, prevention counselors, adjunct instructors, records of personnel, district quality instruction incentives, the Raymond B. Stewart Career Achievement Program, the Professional Teacher Career Development Council, subject area examinations, conforming provisions, school-focused program improvement, professional development plans, the Visiting School Scholars Program, the Florida Center for Dropout Prevention, remedial reading education plan, Americanism versus Communism course, and art or craft materials; providing effective dates.

**House Amendment 1 to Senate Amendment 20**—On page 1, strike line 3 and insert: On page 7, line 11

On motions by Senator Johnson, the Senate receded from **Senate Amendments 8, 9, 18 and 19**; and concurred in **House Amendment 1 to Senate Amendment 20**.

**CS for HB 1637** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—38      Nays—None

#### RETURNING MESSAGES—FINAL ACTION

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House Amendments to CS for CS for SB's 1000, 1234 and 2158 and to SB 1314; has concurred in Senate Amendment 1 to House Amendment 1 to SB 2474, and passed as further amended.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered engrossed and then enrolled.

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed CS for SB 1792, and CS for SB's 2054 and 1504.

*John B. Phelps, Clerk*

The bills contained in the foregoing message were ordered enrolled.

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed CS for HB 279, HB 325, CS for HB 441, CS for HB 463, House Bills 1323, 1633, 2137, 2283, 2315, 2535 and CS for HB 2557, as amended.

*John B. Phelps, Clerk*

#### AMENDMENTS TO SENATE BILLS

##### CS for SB's 2054 and 1504

Senator Johnson moved the following amendments which were adopted:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Sections 229.591 through 229.594, Florida Statutes, may be cited as "Blueprint 2000."

Section 2. Section 229.591, Florida Statutes, 1990 Supplement, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and ~~education accountability educational responsibility.~~

(1) *INTENT.*—The Legislature recognizes that the children and youth of the state are its future and its most precious resource. To provide these developing citizens with the sound education needed to grow to a satisfying and productive adulthood, the Legislature intends that, by the year 2000, Florida establish a system of school improvement and

education accountability responsibility based on the performance of students and educational programs. *The intent of the Legislature is to provide clear guidelines, or a "Blueprint 2000," for achieving this purpose and for returning the responsibility for education to those closest to the students, that is the schools, teachers, and parents. The Legislature recognizes, however, its ultimate responsibility and that of the Governor, the Commissioner of Education, and the State Board of Education and other state policymaking bodies in providing the strong leadership needed to forge a new concept of school improvement and in making adequate provisions for a uniform system of free public schools as required by s. 1, Art. IX of the State Constitution. It is further the intent of the Legislature to build upon the foundation established by the Educational Accountability Act of 1976 and to implement a program of education accountability and school improvement based upon the achievement of state goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the district school board as responsible for school and student performance, and the individual school as the unit for education accountability. The school improvement and responsibility system shall use procedures and programs established locally to improve public schools and increase their responsibility for students' attaining identified outcomes.*

(2) **REQUIREMENTS.**—Florida's system for school improvement and education accountability ~~educational responsibility~~ shall:

- (a) Establish state and local educational goals.
- (b) Increase the use of educational outcomes over educational processes in assessing educational programs.
- (c) Redirect state fiscal and human resources to assist school districts and schools to meet state and local goals for student success in school and in later life.
- (d) Provide methods for measuring, and public reporting of, state, school district, and individual school progress toward the education goals.
- (e) Recognize successful schools.
- (f) Ensure that unsuccessful schools are provided assistance and intervention such that improvement occurs, and further ensure that action should occur when schools do not improve.

(3) **EDUCATION GOALS.**—~~The state as a whole shall work toward the following goals: In developing the state system of public education, the State Board of Education shall establish statewide goals for educational achievements. Goals shall be established for at least the following educational issues:~~

- (a) Readiness to start school.—*Communities and schools collaborate to prepare children and families for children's success in school.;*
- (b) Graduation rate and readiness for postsecondary education and employment.—*Students graduate and are prepared to enter the workforce and postsecondary education.;*
- (c) ~~Readiness for postsecondary education or employment;~~
- (c)(d) Student performance.—*Students successfully compete at the highest levels nationally and internationally and are prepared to make well-reasoned, thoughtful, and healthy lifelong decisions.;* ~~and~~
- (d) Learning environment.—*School boards provide a learning environment conducive to teaching and learning that includes sequential instruction in mathematics, science, reading, writing, and the social sciences and appropriate educational materials, equipment, and pupil-teacher ratio.*
- (e) School safety and environment.—*Communities provide an environment that is drug-free and protects students' health, safety, and civil rights.*
- (f) Teachers and staff.—*The schools, district, and state ensure professional teachers and staff.*
- (g) Adult literacy.—*Adult Floridians are literate and have the knowledge and skills needed to compete in a global economy and exercise the rights and responsibilities of citizenship.*

Section 3. Section 229.592, Florida Statutes, 1990 Supplement, is amended to read:

229.592 Implementation of state system of school improvement and education accountability ~~educational responsibility~~.—

(1) **DEVELOPMENT.**—*It is the intent of the Legislature that every public school in the state shall have a school improvement plan, as required by s. 230.23(18), fully implemented and operational by the beginning of the 1993-1994 school year. In order to accomplish this, the Florida Commission on Education Reform and Accountability and the school districts and schools shall carry out the duties assigned to them by ss. 229.594 and 230.23(18), respectively. In addition, the following initial steps in program development shall be undertaken beginning June 1, 1991, and shall continue during the 1991-1992 school fiscal year:*

(a) *Each school shall conduct an initial needs assessment including separately each school-within-a-school, magnet school, self-contained educational alternative center, or satellite center, and the results of the assessments shall be accompanied by a needs response plan and submitted to the Florida Commission on Education Reform and Accountability by November 1, 1991. The commissioner must provide a format for the needs assessments to the school board by June 1, 1991, and the local school board shall coordinate each needs assessment. The assessments shall be based on data from the 1990-1991 school year and shall address at least the following:*

1. *The status of the school in relation to the general goals for education contained in s. 229.591;*
2. *The academic status of students attending the school as reflected by test scores, dropout and same grade retention rates, the availability of upper level courses in mathematics and science, the percentage of the school's enrollment and the number of completers by race and gender in upper-level mathematics and science courses, and the number of students entering postsecondary institutions;*
3. *Student school participation characteristics including: attendance rates, the number of expulsions and suspensions, and the number of instances of corporal punishment;*
4. *The economic status of the student body and area served by the school;*
5. *The demographic characteristics of the student body and the faculty and staff of the school;*
6. *The financial status of the school as reflected by per-student expenditures for instruction and administration, and other appropriate measures; and*
7. *Such other needs assessment indicators as may be determined by the individual school.*

(b) *The needs response plan for each school and the district shall generally describe proposed actions to reduce any needs identified by the needs assessment.*

(c) *The Commissioner of Education shall provide the school boards with the technical assistance necessary to conduct the school needs assessments.*

(d) *The Florida Commission on Education Reform and Accountability and the Department of Education shall review and analyze the needs assessment information received from the school boards and shall submit a summary report on the information to the Legislature by January 1, 1992, and shall provide, upon request, the needs assessment on any individual school. By November 1, 1991, the commission shall identify a core of performance standards addressing the state's most pressing educational problems for use in the analysis of the needs assessment information.*

(2) **ESTABLISHMENT.**—*Based upon the recommendations of the Florida Commission on Education Reform and Accountability, the Legislature may enact such laws as it considers necessary to establish and maintain a state system of school improvement and accountability. If, after considering the recommendations of the commission, the Legislature determines an adequate system of accountability to be in place to protect the public interest, the Legislature may repeal or revise laws, including fiscal policies, deemed to stand in the way of school improvement.*

(3) **COMMISSIONER.**—*The commissioner shall be responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability.*

(a)(1) Based on the recommendations of the *Florida Commission on Education Reform and Accountability Commission to Improve Schools and Simplify Education Reports*, the commissioner shall develop and implement plans for the following programs and procedures:

1.(a) A system of data collection and analysis that will improve information about the educational success of individual students and schools. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this subparagraph shall be distributed to the appropriate school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in chapter 119.

2.(b) A program of school improvement that will analyze information to identify schools, educational programs, or educational activities in need of improvement.

3.(c) A method of delivering services to assist school districts and schools to improve.

4.(d) A method of coordinating with the state educational goals and school improvement plans any other state program that creates incentives for school improvement.

(b) The commissioner shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this subsection. There shall be an annual determination of whether adequate progress is being made toward implementing and maintaining a system of school improvement and education accountability based, in part, on feedback required pursuant to s. 230.23(18) and submitted to the *Florida Commission on Education Reform and Accountability*.

(c) The format for this feedback shall be developed by the commissioner and recommended to the State Board of Education by January 1, 1992. The State Board of Education shall adopt a format for the feedback report.

(d) The commission shall review each school board's feedback report and submit its findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commission and State Board of Education shall monitor the development and implementation of the corrective action plan.

(e) As cochairman of the *Florida Commission on Education Reform and Accountability*, the commissioner shall appear before the appropriate committees of the Legislature annually in October to report and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall reflect the recommendations of the *Florida Commission on Education Reform and Accountability*. Included in the report shall be a list of the schools for which school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. In the fall of 1992 and 1993, the commissioner shall report in writing to the public on the current status of the state's education system. School boards shall distribute this report to the parents of all pupils in the district.

#### (4)(2) DEPARTMENT.—

(a) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans programs to meet state goals.

(b) Upon request, the department shall provide technical assistance and training to any school, school advisory council, district, or school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to school districts in rural and sparsely populated areas of the state.

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the *Educational Enhancement Trust Fund* to any district in which a school does not have an approved school improvement plan, pursuant to s. 230.23(18), after one full school year of planning and

development. The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan. The department shall release the funds upon approval of the plan. Notice shall be given to the public of the department's intervention and shall identify each school without a plan.

(5) STATE BOARD.—The State Board of Education shall adopt rules necessary to implement a state system of school improvement and education accountability. By September 1, 1992, the state board shall adopt standards for indicating progress toward the state education goals pursuant to s. 229.591(3).

(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods during the time period required for careful deliberation by the Legislature and the *Florida Commission on Education Reform and Accountability*, the following time-limited exceptions shall be permitted:

(a) In the General Appropriations Acts of 1991, 1992, and 1993, the Legislature may authorize exceptions to any laws pertaining to fiscal policies, including ss. 236.013 and 236.081, provided the intent is to give school districts increased flexibility and local control of education funds. If the General Appropriations Act does not contain a specific line-item appropriation or a specific listing within a line-item appropriation which provides funding for the programs established pursuant to the following statutes, the statute shall be held in abeyance for that fiscal year, and any approved plan for implementing said statute shall be null and void for said fiscal year: ss. 228.071; 228.0855; 230.2215; 230.2305; 230.2312; 230.2313; 230.2314; 230.2316(11), (12), and (13); 230.2318; 230.2319(6), (7), (8), and (9); 231.087; 231.613; 232.257; 233.057; 233.067(5), (6), (7), and (8); 234.021; 236.02(3); 236.0835; 236.0873; 236.083; 236.088; 236.091; 236.092; 236.122; 236.1223; 236.1224; and 236.1228. In the event the extended day supplement required by s. 236.081(10) is not appropriated in full and is not contained in a specific line-item appropriation or a specific listing within a line-item appropriation in the General Appropriations Act of 1991, 1992, or 1993, those provisions of ss. 228.041(16) and 236.02(2)(a) that require a minimum of 1,050 hours of instruction for grades 9 through 12 shall be held in abeyance.

(b) Until July 1, 1994, the Legislature authorizes that the methods and requirements of the statutes listed in paragraph (a) for which a specific line-item appropriation or a specific listing within a line-item appropriation is contained and funded in the General Appropriations Act may be waived for any school board so requesting, provided the general statutory purpose of each section is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(c) Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules adopted to implement statutes listed in paragraph (a), provided that the intent of each rule is met and the school board has submitted a written request to the commissioner for approval pursuant to this subsection. Included in the written request shall be the performance standards to be used for ensuring maximum accountability.

(d) Each applicant for a waiver of statute or rule pursuant to this subsection shall be given written notice either personally or by mail that the commissioner intends to grant or deny, or has granted or denied, the requested waiver. The commissioner may also request additional information from the applicant regarding the waiver. Any request for a waiver which is not approved or denied, or for which a request for additional information is not issued, within 21 days after receipt of the written request shall be deemed approved. Any waiver for which a timely request for additional information has been issued shall be deemed to be approved if a denial is not issued within 21 days after the commissioner's receipt of the specifically requested additional information. On denial of a request for a waiver, the commissioner shall state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the *Florida Commission on Education Reform and Accountability* for use in determining which statutes and rules stand in the way of school improvement.

Section 4. Section 229.593, Florida Statutes, 1990 Supplement, is amended to read:

*(Substantial rewording of section. See s. 229.593, F.S., 1990 Supp., for present text.)*

229.593 Florida Commission on Education Reform and Accountability.—

(1) The Florida Commission on Education Reform and Accountability is created to provide a means by which the state may oversee the establishment and implementation of a new system of school improvement and education accountability from preschool through grade 12. The commission shall be assigned to the Office of the Commissioner of Education for administrative and fiscal accountability purposes, but it shall otherwise function independently.

(2) The commission shall consist of the following members:

(a) The Commissioner of Education, who shall serve as a voting ex officio member and as cochairman.

(b) The Lieutenant Governor, who shall serve as a voting ex officio member and as cochairman.

(c) Four members appointed by the Governor. Such members shall include three representatives of the business community and a teacher.

(d) Six members appointed by the President of the Senate. Such members shall include three members of the Senate, a teacher, a parent of a child enrolled in a Florida public school, and a dean of a college of education within the state.

(e) Six members appointed by the Speaker of the House of Representatives. Such members shall include three members of the House of Representatives, a vocational educator, a parent of a child enrolled in a Florida public school, and a school board member.

(f) Five members appointed by the Commissioner of Education. Such members shall include a school superintendent, a school principal, a teacher, an expert in testing and measurement, and a parent of a child enrolled in a Florida public school.

(3) The commission shall be appointed no later than 30 days after the effective date of this act. Recognized statewide organizations representing each interest enumerated in this section shall submit no fewer than two nor more than three nominees to the appropriate public official. The public officials shall appoint members representative of the ethnic, racial, gender, and economic population of the state. In the absence of nominees, the designated appointing authority shall appoint persons who otherwise meet the qualifications for appointment to the commission. The term of each appointed private citizen member shall be for 4 years; however, initially, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Commissioner of Education shall each appoint at least one member for a 4-year term, one member for a 3-year term, and two members for 2-year terms. A vacancy shall be filled for the remainder of the unexpired term by the person who had appointment jurisdiction of the vacated member. Members shall serve until their successors are duly appointed. There shall be no limitation on successive appointments to the commission. Provisions of s. 11.611(8)(b) to the contrary notwithstanding, private citizen members shall be appointed as provided in this section and shall not be subject to confirmation by the Senate. Members of the commission may be removed for cause by the appointing authority. Any member who, without cause, fails to attend three consecutive meetings may be removed by the appointing authority.

(4) As soon as practicable after all members are appointed, the Commissioner of Education shall call an organizational meeting of the commission. Subsequent meetings shall be held as often as the commission deems necessary to carry out its duties and responsibilities.

(5) The commission shall adopt internal organizational procedures or bylaws necessary for its efficient operation. The commission shall elect a vice chairman annually, who shall chair the commission in the absence of the chairman. The commission may appoint committees from its membership or may create such ad hoc advisory committees as it deems necessary. The commission shall clearly assign duties to each committee which shall be consistent with the statutory duties of the commission. At least one such committee shall be created to address the development of performance standards consistent with the state education goals. Any committee shall serve the commission in a strictly advisory capacity and shall have a commission member as chairman.

(6) Members of the commission shall serve without compensation but shall be entitled to reimbursement for per diem and travel expenses incurred in the performance of their duties as provided in s. 112.061. Legislators shall be entitled to receive travel and per diem expenses as provided by the Joint Legislative Management Committee for meetings of legislative committees. When appropriate, commission members who are parents shall receive a stipend for child care costs incurred while attending commission meetings.

Section 5. Section 229.594, Florida Statutes, 1990 Supplement, is amended to read:

*(Substantial rewording of section. Sees. 229.594, F.S., 1990 Supp., for present text.)*

229.594 Powers and duties of the commission.—

(1) The commission shall review and recommend procedures for a new system of school improvement and education accountability and recommend the repeal or modification of statutes, fiscal policies, and rules that stand in the way of school improvement. Specifically, the commission shall:

(a) Serve as an advisory body to oversee the development, establishment, implementation, and maintenance of a program of school improvement and education accountability based upon the achievement of state education goals. This responsibility shall include the following:

1. Holding no less than ten public hearings at sites representing all geographic regions of the state prior to November 1, 1991. At least two hearings shall be held in predominantly rural communities. Each year thereafter, the commission shall hold public hearings, as determined to be necessary, in various parts of the state. The purpose of these hearings shall be to receive public comment on the status of education and suggestions regarding the establishment and implementation of a system of school improvement and education accountability. When feasible, alternative methods such as teleconferencing shall be employed to increase public involvement.

2. Observing the development and implementation of school improvement plans pursuant to s. 230.23(18). Particular attention shall be paid to ensuring the involvement of teachers, parents, and community in the development and implementation of individually prepared school improvement plans.

3. Involving the business community in the provision of needed training for school advisory councils, teachers, principals, district administrators, and school board members.

4. Annually recommending changes in statutes, rules, and policies needed to implement and maintain a system of school improvement and education accountability in the state.

(b) Review and, with assistance from the Department of Education, analyze results of school needs assessments submitted by district school boards and, by January 1, 1992, submit a report of its findings to the Legislature. The report shall include recommendations for changes in the school improvement and accountability required by s. 230.23(18) which are considered necessary as a result of the school needs assessments. The report shall also include a recommendation regarding the minimum number of credits, subjects, and courses that should be required by the state for regular and alternative high school diplomas; the number of hours of instruction required to receive a credit; the length of a high school day; and the number of periods per day for high schools.

(c) Recommend to the Legislature and State Board of Education, as appropriate, the components of a system of school improvement and accountability. Initial recommendations shall be completed by June 1, 1992, must be reviewed and revised as necessary annually thereafter, and must include:

1. Performance standards for indicating state, school district, and school progress toward the state education goals and a definition of what shall be considered "adequate progress" toward meeting these performance standards.

2. Methods for measuring state, school district, and school progress toward the goals. These assessment methods must include the most effective and efficient procedures available from the current system of assessment and alternative and new assessment practices.

3. Methods for public reporting on the progress toward the goals by the state, school districts, and individual schools. Emphasis shall be placed on reporting individual school improvement and progress, and comparisons between schools shall be minimized. Methods for reporting the status of children and families and community services available in each school district to help children and families in need shall also be developed.

4. Effective utilization of existing methods for recognizing schools and development of necessary additional methods to recognize schools that meet or make adequate progress toward the education goals. The commission shall also consider the development of incentives including financial incentives for schools that make exceptional progress toward the education goals.

5. Guidelines which may be adopted as rule and used by the State Board of Education and the school board in determining the action for any school that does not improve after 3 years of assistance and intervention, including commission responsibility in recommending action for said schools. The guidelines shall be stringent and shall ensure that the school is not permitted to continue serving students in a less than adequate manner.

If in the opinion of the commission an adequate system of accountability is in place to protect the public interest, the commission may recommend to the Legislature the repeal or revision of laws, including fiscal policies, and to the State Board of Education the repeal or revision of rules, which in the opinion of the commission stand in the way of school improvement. The commission may defer any or all recommendations for repeal or revision of laws and rules until such time as it determines an adequate system of accountability to be established and implemented.

(2) The commission shall:

(a) Appoint an executive director who shall serve under the direction, supervision, and control of the commission. The executive director shall be the chief administrative officer of the commission and shall be responsible for appointing all employees and staff members of the commission, who shall serve under his direction and control. All employees of the commission are exempt from the Career Service System.

(b) Use the talents, expertise, and resources within the state, and especially those of the public education system, to whatever extent practicable. The commission may call upon appropriate agencies of state government for staff assistance, clerical resources, materials, and other support services and coordinate and consult with existing agency and legislative staff, in order that minimum costs and maximum expertise may be achieved.

(c) Have the authority to make and enter into contracts or agreements with private individuals, corporations, organizations, and others, as the commission determines is necessary, expedient, or incidental to the performance of its duties or the execution of its powers.

(d) Have the authority to apply for and accept funds, grants, donations, expenses, in-kind services, or other valued goods or services from the government of the United States or any of its agencies, state government, local governments, or any other public or private source. Funds or services acquired or accepted under this paragraph shall be used to carry out the commission's assigned duties and responsibilities.

(e) Keep full, detailed, and accurate records pursuant to chapter 119.

(f) Prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and each Cabinet member a report and recommendations by October 1 of each year. The annual reports of the commission shall be made available to other appropriate governmental officials and to the public schools in this state.

Section 6. Subsection (5) of section 24.121, Florida Statutes, is amended to read:

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

(5)(a) Public educational programs and purposes funded by the Educational Enhancement Trust Fund may include, but are not limited to, endowment, scholarship, matching funds, direct grants, research and economic development related to education, salary enhancement, contracts with independent institutions to conduct programs consistent with the state master plan for postsecondary education, or any other educational program or purpose deemed desirable by the Legislature.

(b) Except as provided in ~~paragraphs~~ ~~paragraph~~ (c) and (d), the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(c) A portion of such net revenues, as if determined annually by the Legislature, shall be distributed to each school district ~~based upon weighted full-time equivalent student membership data~~, and shall be made available to each public school in the district for *enhancing school performance through development and implementation of a school improvement plan pursuant to s. 230.23(18)* ~~expenditure by a committee composed of instructional staff and parents of students at the school~~.

(d) *Beginning July 1, 1993, no funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(18).*

Section 7. Subsection (37) is added to section 228.041, Florida Statutes, 1990 Supplement, to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(37) *PERFORMANCE STANDARD.*—*The term "performance standard" means a measurable objective that specifies an outcome at the school level which fulfills or partially fulfills a goal.*

Section 8. Subsection (3) of section 228.0617, Florida Statutes, is amended to read:

228.0617 School-age child care incentives program.—

(3) Each district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for planning a program, implementing a program in its first year, or enhancing an ongoing program to enable the program to serve at-risk children. The criteria used to identify children as "at risk" shall be the same criteria used to determine eligibility for free lunch. If a proposal is submitted, it shall be developed with the assistance of the district and school advisory ~~councils~~ ~~committees~~. To be considered for approval, each proposal shall include:

(a) The projected number of children to be served, including the number of at-risk children;

(b) A description of the administrative or organizational structure of the program, including a statement of who shall be responsible for program planning and various aspects of program operation;

(c) A description of program content, including assurances that all activities will be developmentally appropriate for the children to be served;

(d) Personnel qualifications and standards, including plans to provide for background checks, fingerprinting, and staff training;

(e) The planned staff-child ratio;

(f) A description of all school or community facilities which will be available to program participants;

(g) The days and hours of operation;

(h) Coordination with other community-based programs and social services;

(i) The extent to which federal funds, business-education partnerships, Title XX subsidized child day care, or other local and state funds will be used to support the program;

(j) The estimated program budget and fees;

(k) Provisions for food preparation and service;

(l) Written operating procedures for distribution to parents, including policies regarding hours, fees, illness, holidays, and refunds;

(m) A description of a program to employ as trainees students from college career work experience programs and students from secondary and postsecondary job preparatory vocational programs in order to train such students for employment as day care providers; and

(n) Such other information and provisions as shall be required by the commissioner.

Section 9. Subsection (14) of section 229.512, Florida Statutes, is amended to read:

229.512 Commissioner of Education, general powers and duties.—The Commissioner of Education is the chief educational officer of the state, and he has the following general powers and duties:

(14) *To implement a program of school improvement and education accountability as provided by statute and State Board of Education rule which is based upon the achievement of the state education goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the school board as responsible for school and student performance, and the individual school as the unit for education accountability; to arrange for the preparation, publication, and distribution of materials relating to the state system of public education which will supply information concerning needs, problems, plans, and possibilities; also to prepare and publish annually reports giving statistics and other useful information pertaining to the state system of public education; and to have printed copies of school laws, forms, instruments, instructions, and regulations of the State Board of Education and to provide for the distribution of the same.*

Section 10. Paragraph (e) of subsection (3) of section 229.551, Florida Statutes, 1990 Supplement, is amended to read:

229.551 Educational management.—

(3) As a part of the system of educational accountability, the department shall:

(e) Review the school advisory councils committees of each district as required by s. 229.58.

Section 11. Section 229.58, Florida Statutes, is amended to read:

229.58 District and school advisory councils committees.—

(1) ESTABLISHMENT.—

(a) ~~The district school board shall may establish an advisory council committee broadly representative of the community served by the school for each school in the district, and composed of teachers, students, parents, and other citizens who are representative of the ethnic, racial, and economic community served by the school. Each council member shall be selected from a list of nominees submitted by the school. Although schools should be strongly encouraged to establish school advisory councils, any school district that has a student population of 10,000 or fewer may establish a district advisory council comprised of a representative of each school in the district.~~

(b) ~~If The school board may does not establish advisory committees for each school, it shall establish a district advisory council committee broadly representative of the district and composed of teachers, students, parents, and other citizens or. The district school board may establish, in addition to the committees authorized at each school, a district advisory council committee which may be comprised of representatives of each school advisory council committee or such other members as the district board shall prescribe. Recognized schoolwide support groups which meet all criteria established by law or rule may function as district and school advisory councils committees.~~

(2) DUTIES.—Each advisory council committee shall perform such functions as are prescribed by regulations of the district school board; however, no advisory council committee shall have any of the powers and duties now reserved by law to the district school board. Each school advisory council committee, however, shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 230.23(18) of the annual report required by s. 229.575 and shall provide such assistance as the principal may request in preparing the school's annual budget and plan as required by s. 229.555(1).

Section 12. Subsection (1) of section 229.59, Florida Statutes, 1990 Supplement, is amended to read:

229.59 Educational improvement projects.—

(1) Pursuant to rules adopted by the State Board of Education, each district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for implement-

ing an educational improvement project. Such proposals shall be developed with the assistance of district and school advisory councils committees and may address any or all of the following areas:

- (a) The improvement of school management;
- (b) The improvement of the district and school advisory councils committees;
- (c) School volunteers;
- (d) The professional development of teachers;
- (e) The restructuring of educational programs to meet the needs of diverse students; and
- (f) Global awareness.

Such projects may also address any other educational area which would be improved through the encouragement of closer working relationships among the school principal, the teachers, and the parents and other members of the community. Priority shall be given to proposals which provide for the inclusion of existing resources, such as district educational training funds, in the implementation of an educational improvement project.

Section 13. Subsection (4) of section 230.03, Florida Statutes, is amended to read:

230.03 Management, control, operation, administration, and supervision.—The district school system shall be managed, controlled, operated, administered, and supervised as follows:

(4) PRINCIPAL OR HEAD OF SCHOOL.—Responsibility for the administration of any school or schools at a given school center, and for the supervision of instruction therein, and for providing leadership in the development or revision and implementation of a school improvement plan required pursuant to s. 230.23(18) shall be delegated to the principal or head of the school or schools as hereinafter set forth and in accordance with rules established by the school board.

Section 14. Paragraph (d) of subsection (6) of section 230.23, Florida Statutes, 1990 Supplement, is amended, and subsection (18) is added to said section, to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(6) CHILD WELFARE.—Provide for the proper accounting for all children of school age, for the attendance and control of pupils at school, and for proper attention to health, safety, and other matters relating to the welfare of children in the following fields, as prescribed in chapter 232.

(d) Code of student conduct.—Adopt a code of student conduct for elementary schools and a code of student conduct for secondary schools and distribute the appropriate code to all teachers, school personnel, students, and parents or guardians, at the beginning of every school year. A district may compile the code of student conduct for elementary schools and the code of student conduct for secondary schools in one publication and distribute the combined codes to all teachers, school personnel, students, and parents or guardians at the beginning of every school year. Each code of student conduct shall be developed by the school board; elementary or secondary school teachers and other school personnel, including school administrators; students; and parents or guardians. The code of student conduct for elementary schools shall parallel the code for secondary schools. Each code shall be organized and written in language which is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory councils committees, and parent and teacher associations. Each code shall be based on the rules governing student conduct and discipline adopted by the school board and be made available in the student handbook or similar publication. Each code shall include, but not be limited to:

1. Consistent policies and specific grounds for disciplinary action, including any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

2. Procedures to be followed for acts requiring discipline, including corporal punishment.

3. An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

4. Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, or weapons, or possession of electronic telephone pagers, by any student while such student is upon school property or in attendance at a school function is grounds for suspension, expulsion, or imposition of other disciplinary action.

(18) **IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.**—*Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but not be limited to, the following:*

(a) *School improvement plans.*—*Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. Such plan shall be designed to achieve the state education goals and student performance standards pursuant to ss. 229.591(3) and 229.592, shall be based on a needs assessment, and shall include school progress, goals, indicators of student progress, strategies, and evaluation procedures, including adequate measures of individual student performance. Each school shall develop its initial individual school improvement plan to be submitted for approval during the 1992-1993 school year and shall implement the initial plan as approved beginning with the 1993-1994 school year.*

(b) *Approval process.*—*Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a board does not approve a school improvement plan after exhausting this process, the Florida Commission on Education Reform and Accountability shall be notified of the need for assistance.*

(c) *Assistance and intervention.*—*Develop a 3-year plan of increasing individualized assistance and intervention for each school that does not meet or make adequate progress, based upon the recommendations of the commission, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan.*

(d) *After 3 years.*—*Notify the Florida Commission on Education Reform and Accountability and the State Board of Education in the event any school does not make adequate progress toward meeting the goals and standards of a school improvement plan by the end of 3 consecutive years of district assistance and intervention and proceed according to guidelines developed pursuant to statute and State Board of Education rule.*

(e) *Public disclosure.*—*Provide information regarding performance of students and educational programs as required pursuant to s. 229.555, and, beginning with the 1994-1995 school year, implement a new system of school reports as required by statute and State Board of Education rule.*

(f) *School improvement funds.*—*Provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c).*

(g) *Feedback report.*—*Develop a "feedback report" on the progress of implementing and maintaining a system of school improvement and education accountability established in s. 229.592(2). The report shall be submitted to the Florida Commission on Education Reform and Accountability by July 1, 1992, and annually thereafter. The report shall include, but not be limited to, information pertaining to the accuracy of data collection and analysis, the ability of the Department of Education to assist school boards in emphasizing reporting on individual school improvement and progress while minimizing comparisons between schools, the effectiveness of training and technical assistance provided by the Department of Education, and the effectiveness of the waiver process established in s. 229.592(6); and recommendation for improvement.*

Section 15. Present subsection (23) of section 230.33, Florida Statutes, is renumbered as subsection (24), and a new subsection (23) is added to that section to read:

230.33 **Duties and responsibilities of superintendent.**—*The superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law; provided, that in so doing he shall advise and counsel with the school board. The recommendations, nominations, proposals, and reports required by law and rule to be made to the school board by the superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the board. It shall be presumed that, in the absence of the record required in this paragraph, the recommendations, nominations, and proposals required of the superintendent were not contrary to the action taken by the school board in such matters.*

(23) **SCHOOL IMPROVEMENT AND ACCOUNTABILITY.**—*Recommend procedures for implementing and maintaining a system of school improvement and education accountability as provided by statute and State Board of Education rule.*

Section 16. Section 231.085, Florida Statutes, is amended to read:

231.085 **Duties of principals.**—*A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the board determines necessary. Each principal shall perform such duties as may be assigned by the superintendent pursuant to the rules of the school board. Such rules shall include, but not be limited to, rules relating to administrative responsibility, instructional leadership of the educational program of the school to which the principal is assigned, submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension. Each principal shall provide leadership in the development or revision and implementation of a school improvement plan pursuant to s. 230.23(18).*

Section 17. Subsection (2) of section 233.0615, Florida Statutes, is amended to read:

233.0615 **Law education program.**—

(2) Each district school board, or each principal through the district school board, may submit to the commissioner for approval a proposal for implementing and conducting the law education program. Priority shall be given to proposals for implementing and conducting the program in the elementary grades. Each proposal shall be developed with the assistance of the district advisory councils committees, school advisory councils committees, and those agencies and organizations which are concerned with law education or with the criminal and juvenile justice systems of the state and shall include:

(a) Provisions for instruction in the rights and duties of citizens under the law and under the State and Federal Constitutions, with particular emphasis on the consequences to the individual and society of disobedience of the law;

(b) Provisions for inservice training programs in law education for teachers, administrators, and other personnel;

(c) Provisions for enlisting the involvement of governmental agencies and private organizations in order to ensure the use of all available resources in the implementation of the program;

(d) Information concerning the number of teachers and students to be involved, the estimated cost of the project, and the number of years for which it is to be funded;

(e) Provisions for evaluation of the program, and for its integration into the general curricula and financial program of the school district at the end of the funded term of years; and

(f) Such other information and provisions as shall be required by the commissioner.

Section 18. By January 1, 1992, the Commissioner of Education shall report to the Legislature on the system of school improvement and education accountability. The report must:

(1) Estimate and describe short-term and long-range costs associated with the implementation of school improvement plans, including the costs for:

- (a) Personnel training;
- (b) Planning;
- (c) Reduction of class size;
- (d) Measurement and assessment;
- (e) Reporting; and
- (f) Technical assistance to schools;

(2) Describe the proposed role of the student assessment system set forth in section 229.57, Florida Statutes, in the system of school improvement and education accountability; and

(3) Describe the adequacy of the management information systems required by sections 229.555 and 229.557, Florida Statutes, to support the information collection, analysis, and reporting requirements of the system of school improvement and education accountability.

Section 19. Any person serving as a member of the Commission to Improve Schools and Simplify Education Reports on the effective date of this part shall be considered for appointment to the Florida Commission on Education Reform and Accountability.

Section 20. Sections 229.55, 229.861, 229.863, 229.865, and 229.867, Florida Statutes, and section 229.575, Florida Statutes, as amended by section 5 of chapter 90-99, section 19 of chapter 90-273, chapter 69 of chapter 90-288, and section 22 of chapter 90-302, Laws of Florida, are repealed.

Section 21. Sections 229.58, 229.593, and 229.594, Florida Statutes, are repealed effective October 1, 2000, and must be reviewed by the Legislature prior to that date pursuant to the Sundown Act, section 11.611, Florida Statutes.

Section 22. Section 78 of Senate Bill 2302, enacted in the 1991 regular session of the Legislature, is amended to read:

Section 78. Notwithstanding any provision to the contrary in the 1991 General Appropriations Act, from the funds provided in Specific Appropriation 510 of the 1991 General Appropriations Act, school boards ~~shall~~ *may* allocate to each school *not less than \$4 and not more than up to a maximum of \$9.50* per unweighted full-time equivalent student to be used at the discretion of the staff and parents of the school to develop and implement the school's improvement plan. *School boards that can demonstrate that they are currently expending at least \$4 per unweighted full-time equivalent student on the planning process required by current law and this act may use such expenditures to satisfy the requirements of this section.* The school's improvement plan shall be based on the needs of the students at that school and shall be consistent with any existing statewide and districtwide school improvement programs. This section shall prevail over any conflicting provision of Specific Appropriation 510 of the 1991 General Appropriations Act.

Section 23. Except as otherwise expressly provided in this act, this act shall take effect upon becoming a law.

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to education; providing a title; amending s. 229.591, F.S.; revising provisions relating to comprehensive revision of Florida's system of school improvement and responsibility; providing intent for a system of school improvement and education accountability; providing requirements and education goals; amending s. 229.592, F.S.; providing for implementation of the system of improvement and accountability; providing deadlines; requiring needs assessments to be conducted and analyzed; requiring a report to the Legislature; providing duties of the Florida Commission on Education Reform and Accountability, the Commissioner of Education, the Department of Education, and the State Board of Education; providing for exceptions to the law; amending ss. 229.593 and 229.594, F.S.; deleting the Commission to Improve Schools and Simplify Education Reports and providing for the Florida Commission on Education Reform and Accountability; providing powers and duties of the commission; amending s. 24.121, F.S.; revising provisions relating to use and distribution of revenues from the sale of lottery tickets; amending s. 228.041, F.S.; providing for definition of the term "performance standard"; amending ss. 228.0617, 229.551, 229.59, and 233.0615, F.S.; conforming language; amending s. 229.512, F.S.; providing an additional duty of the commissioner; amending s. 229.58, F.S.; changing district and school advisory committees to councils and revising certain requirements thereof; amending s. 230.03, F.S.; pro-

viding duties of school principals; amending s. 230.23, F.S.; providing duties of school boards for implementation of a system of school improvement and education accountability; providing contents of such system; amending s. 230.33, F.S.; providing related duties of superintendents; amending s. 231.085, F.S.; providing duties of principals; requiring the commissioner to report to the Legislature on the system of school improvement and education accountability; providing for consideration for appointment to the Florida Commission on Education Reform and Accountability; repealing ss. 229.55 and 229.575, F.S., relating to educational accountability and reporting procedures; repealing ss. 229.861, 229.863, 229.865, 229.867, F.S., relating to Board of Public Schools; providing for future review and repeal of ss. 229.58, 229.593, 229.594, F.S.; amending s. 78 of Senate Bill 2302, enacted in the 1991 Regular Session of the Legislature; providing for the allocation of funds to schools to develop and implement school improvement plans; providing an effective date.

## AMENDMENTS TO HOUSE BILLS

### CS for HB 463

Senator Gardner moved the following amendments which were adopted:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. Except for subsections (1), (3), and (4) of section 110.201, Florida Statutes, part II of chapter 110, Florida Statutes, is repealed on July 1, 1992. The Department of Administration shall conduct a review of the state career service system and submit its recommendations to the President of the Senate and the Speaker of the House of Representatives by November 1, 1991.

Section 2. The Department of Administration is directed to study the concept of providing retirement after 25 years of creditable service for members of the Florida Retirement System. The study shall include, but not be limited to, the following:

(1) An early retirement incentive program, such as that provided in HB 2457, as filed in the 1991 regular session of the Legislature, for state employees with 25 or more years of service.

(2) Early retirement after 25 years of service for all members of the Florida Retirement System.

(3) Early retirement reduction from 30 years of service rather than age 62 for all members of the Florida Retirement system who have completed at least 20 years of creditable service.

(4) The adequacy of the current 5-percent early retirement reduction factor under the Florida Retirement System.

Prior to conducting the study, the department shall consult with the appropriate substantive committees in the House of Representatives and the Senate. The study shall be completed and presented to the Legislature by November 1, 1991.

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

**Amendment 2**—In title, strike everything before the enacting clause and insert: A bill to be entitled An act relating to the state personnel and retirement systems; repealing provisions of pt. II of ch. 110, F.S., relating to the state career service system and requiring the Department of Administration to conduct a review of the system and submit its recommendations to the Legislature; requiring the Department of Administration to conduct a study of the Florida Retirement System and submit its recommendations to the Legislature; providing an effective date.

### CS for HB 1313

Senator Walker moved the following amendment:

**Amendment 1**—Strike everything after the enacting clause and insert:

Section 1. *The Commissioner of Education, the Secretary of the Department of Commerce, and the Secretary of the Department of Labor and Employment Security shall develop a cooperative strategic plan to meet the current and future economic development and workforce needs of the State of Florida and shall report to the Legislature before September 30, 1991. Such plan shall include both public and non-public vocational education institutions to assist in meeting needs iden-*

tified in the plan and shall identify the student loan default rates for each such institution. The cost of such plan shall be borne from within existing financial resources.

Section 2. Subsection (8) is added to section 240.4021, Florida Statutes, to read:

240.4021 Vocational Gold Seal Endorsement Scholarship Program.—

(8) *The State Board of Education shall adopt rules through which students who enroll in performance-based high school programs may be eligible to receive Vocational Gold Seal Scholarships.*

Section 3. Subsection (4) of section 240.4062, Florida Statutes, is amended to read:

240.4062 Critical Teacher Shortage Scholarship Loan Program.—

(4) A scholarship loan must be paid back within 10 years of completion of a program of studies.

(a) Credit for repayment of a scholarship loan shall be in an amount not to exceed \$2,000 plus applicable accrued interest for each full year of eligible teaching service. However, credit for \$4,000 of the loan principal plus applicable accrued interest shall be retired after the first year of teaching and the remainder of the principal and accrued interest shall be retired after the second year of teaching if the recipient teaches at a high-density, low-economic urban school or at a low-density, low-economic rural school, as identified by the state board. *The State Board of Education shall provide by rule for repayment credits on an equivalent basis for recipients who are unable to teach full time due to illness.* Persons currently in repayment status shall be eligible to have their loans canceled pursuant to this section.

(b) Any person who fails to teach in a public school or developmental research school in this state as specified in this subsection is responsible for repaying the loan plus interest at prevailing rates. Repayment schedules and applicable interest rates shall be determined by rules of the State Board of Education.

Section 4. Section 446.205, Florida Statutes, 1990 Supplement, is amended to read:

446.205 Job Training Partnership Act family dropout prevention program incentive plan.—

(1) The purpose of this section is to provide a dropout prevention program for youth and families ~~an incentive program to parents and children~~ who are participants in services provided under the Job Training Partnership Act.

(2) Each local private industry council shall develop and establish a program to provide a dropout prevention services ~~incentive award plan~~ to eligible youth and families who are enrolled in a program provided under the Job Training Partnership Act.

(3) *Local school boards and district Department of Health and Rehabilitative Services' offices shall coordinate with the local private industry council in the development and implementation of a dropout prevention program.* Moneys ~~may~~ must be allocated to this program from the funds received by each local private industry council ~~from the federal Job Training Partnership Act.~~

(4) A parent or guardian of a family who is a participant in the services provided under the Job Training Partnership Act and the youth children of such parent or guardian between the ages of 14 and 21 who are in school and making progress toward the completion of high school or general education development diplomas and who are participants in the services provided under the Job Training Partnership Act are eligible to participate in the dropout prevention program ~~award plan~~. A youth participant whose parent or guardian is not a Job Training Partnership Act participant and who is between the ages of 14 and 21 years is also eligible for dropout prevention services. ~~A parent participating in this program must be provided an award upon the completion of training and 6 months of continual, unsubsidized employment. A child participating in this program must be provided an award upon the completion of each semester enrolled in school in which he makes progress toward the completion of a high school or general education development diploma. A child participant in this program must also be provided the opportunity to participate in the youth program provided through the Job Training Partnership Act.~~

~~(5) Each award must be determined by the local private industry council.~~

Section 5. Section 446.22, Florida Statutes, 1990 Supplement, is amended to read:

446.22 Definitions.—As used in this act, the following words and phrases shall have the meanings set forth herein, except where the context otherwise requires:

(1) "Advisory council" means the State Job Training Coordinating Council, as created and described by s. 446.20(2).

(2) ~~"Contracting entity" or "Participating business" means the business or industrial employer of both the mentor and the youth participant in the program, which may or may not be the employer of the mentor.~~

(3) "Department" means the Department of Labor and Employment Security.

(4) "Dropout" means a person ~~student~~ who is neither attending school nor subject to a compulsory attendance law and who has not received a secondary school diploma or a certificate from a program of equivalency for such diploma leaves school for any reason, except death, before graduation or completion of a program of studies and without transferring to another public or private school or other educational institution.

(5) "Educational facility" means any secondary school, community college, university, or vocational school participating in the program.

(6) The "Job Training Partnership Act" means the federal act as the same may hereafter be amended.

(7) "Mentor" means an individual 25 years of age or older who agrees through a written agreement with the private industry council to provide support and encouragement to ~~is employed by a participating business and is obligated through a contractual arrangement for a period of no less than 6 months to provide supervision and on-the-job training for~~ an enrollee in the program during his or her training.

(8) "Program" means the Florida Youth-at-Risk 2000 Pilot Program, as created, organized, and operated consistent with the provisions of this act.

(9) "Private industry council" means an organization comprised of private businesses, local government, education, welfare agencies, organized labor, and community-based organizations designated by the State Job Training Coordinating Council under the federal Job Training Partnership Act to deliver training and educational services to youth and unemployed persons.

(10) "Youth participant" or "enrollee" means an individual at least 14 years of age and under 22 ~~21~~ years of age at the time of enrolling in the program and who is participating in the program and meets at least one of the following eligibility criteria:

(a) He or she has dropped out of school;

(b) He or she is a teenage parent;

(c) He or she is a status offender or runaway, or has entered the juvenile justice system; or

(d) He or she is a minimum of 3 years below grade level in reading skills or 5 years below grade level in math skills, as measured by tests approved for this purpose by the State Board of Education. For purposes of this paragraph, "grade level" means that grade level which the student should have attained based upon age had he or she progressed normally through the school system upon entry, which may or may not be the grade level in which the student is currently enrolled.

Section 6. Section 446.23, Florida Statutes, 1990 Supplement, is amended to read:

446.23 Obligations of a mentor.—It shall be the duty of each mentor, pursuant to a written agreement with the youth participant, the contracting entity, and the local service delivery area, to:

(1) Participate in mentorship coaching/training sessions provided under the direction of the private industry council.

(2) Identify and support ~~Broker~~ needed educational services for the youth participant through the service delivery area and local educational facilities, such as basic skills training in reading, mathematics, and high school completion courses and examinations.

(3) *Identify and support* ~~Broker~~ needed social, health care, and transportation services for the youth participant through the appropriate local program offices of the Department of Health and Rehabilitative Services, the local vocational rehabilitation agency, or other appropriate agency.

(4) *Assist with* ~~Provide~~ on-the-job training for the youth participant and report his or her progress to the service delivery area office, based upon ~~guidelines performance standards~~ generally established by the ~~private industry council department~~ and mutually agreed upon by the mentor, the youth participant, the ~~participating business contracting entity~~, and the service delivery area.

(5) Assist the youth participant in money management and other activities designed to develop life-coping skills, *as needed*.

(6) Provide such information throughout the period of participation and for at least 1 year following completion of the program as may be required to permit program monitoring and evaluation.

(7) Meet such other obligations as may be required by the department or established by mutual agreement of the mentor, the youth participant, the ~~participating business contracting entity~~, and the service delivery area.

Section 7. Section 446.24, Florida Statutes, 1990 Supplement, is amended to read:

446.24 Obligations of a youth participant.—Each youth participant in the program shall:

(1) Enter into an on-the-job training program of not less than 15 25 hours per week.

(2) Undertake basic skills training, as needed, *to work toward occupational remedial goals, or to and, if under 18 years of age, be required to work toward a general education development degree or other high school completion curriculum.*

(3) Participate in money management and life-coping skills training, counseling, or other social or health care services, as needed.

(4) Provide such information throughout the period of participation and for at least 1 year following completion of the program as may be required to permit program monitoring and evaluation.

(5) Meet such other obligations as may be required by the department or established by mutual agreement of the mentor, the youth participant, the ~~participating business contracting entity~~, and the private industry council.

Section 8. Section 446.25, Florida Statutes, 1990 Supplement, is amended to read:

446.25 Implementation.—

(1) The program shall begin in eight selected service delivery areas as demonstration sites to be coordinated through the Florida Employment and Training Association.

(2) Primary responsibility for the development and coordination of the program shall rest with the Department of Labor and Employment Security, which shall promulgate rules to establish program guidelines. ~~The service delivery areas Department of Labor and Employment Security~~ shall coordinate services such as basic skills training, medical and social services, and transportation for the disadvantaged with the Department of Education, State Board of Community Colleges, Department of Health and Rehabilitative Services, Transportation Disadvantaged Commission of the Department of Transportation, and other agencies as needed.

(3) The State Job Training Coordinating Council shall review proposed operational policies and rules associated with the program and shall act as advisory council to this program for the purpose of:

(a) Establishing general performance standards *in conjunction with the department guidelines.*

(b) Making recommendations to the department with regard to the establishment of program criteria.

(c) Assisting in the development of linkages with potential *public and private sector* participants in the program.

(d) Advising the department of changes to the federal Job Training Partnership Act which may impact this program.

(e) Providing for followup studies and evaluating the program in conjunction with the Department of Labor and Employment Security.

Section 9. Section 446.26, Florida Statutes, 1990 Supplement, is amended to read:

446.26 Funding.—The program may be financed through federal Job Training Partnership Act ~~youth initiative~~ funds and *other public and private state* funds as appropriate.

(1) The funds to provide educational services ~~may shall~~ be expended ~~in accordance on a contract basis~~, with general performance standards established by the advisory council and specific ~~objectives performance standards to be~~ mutually agreed upon by the mentor, the youth participant, ~~the contracting entity~~, and the local private industry council. Nothing in this act shall be construed to mandate that educational services must be conducted through traditional instructional means.

(2) Private industry councils in the designated demonstration areas shall enter into ~~written agreements contracts~~ to provide for mentor services ~~with participating businesses through contracting entities.~~

Section 10. Section 446.27, Florida Statutes, 1990 Supplement, is amended to read:

446.27 Annual report.—The department *shall develop reporting and evaluation formats and instructions for use by the pilot sites and shall provide an annual report to the President of the Senate, Speaker of the House of Representatives, Senate Minority Leader, and Minority Leader of the House Legislature*, providing charts or graphs where deemed appropriate, including, but not limited to, the following:

(1) PARTICIPANTS.—

(a) The number of youth participants, in total, as well as by eligibility category.

(b) The ~~average and median~~ age and range of ages of youth participants, as well as numbers of youth participants at each age level.

(c) The race and sex of youth participants.

(d) The ~~average and median~~ grade level of youth participants at the time of enrollment, or the last grade completed if no longer enrolled in school, as well as numbers of youth participants at each grade level.

(e) The ~~average and median~~ beginning reading level of youth participants, as compared to the grade level when enrolled, as well as numbers of youth participants at each reading and grade level.

(f) The ~~average and median~~ reading level after 6 months and 1 year in the program, as well as numbers of youth participants at each reading and grade level.

(g) The number of dropout participants either reentering school or taking the general education development test while participating in the program or within 6 months of program completion, and the number passing said test.

(h) The occupations for which youth participants are being trained, positions held upon enrollment, and the ~~average and median~~ wage, and range of wages, earned after 6 months' participation in the program.

(i) The number of participants who are gainfully employed in the occupation for which training was received, or in a related field, at 6 months and 1 year following completion of the program, the positions held, and the ~~average and median~~ wage, and range of wages, earned thereby.

(j) The number of participants who are gainfully employed in a different and unrelated occupation than the one for which training was received at 6 months and 1 year following completion of the program, the positions held, and the ~~average and median~~ wage, and range of wages, earned thereby.

(k) The number of participants who are unemployed at 6 months and 1 year following completion of the program, the average length of the period of unemployment, and the typical reasons given for termination of employment.

(2) ~~PARTICIPATING BUSINESS CONTRACTING ENTITIES AND MENTORS.—~~

(a) The number of ~~contracting entities~~ participating *businesses* in the program, in total and by demonstration area, and the *professions businesses* and industries represented thereby.

(b) The number of mentors participating in the program, in total, as well as by demonstration area and by *participating business contracting entity*.

(c) The ~~average and median~~ number of youth participants per mentor.

(d) The ~~average and median~~ age and range of ages of mentors.

(e) The race and sex of mentors.

(3) PROGRAM COSTS.—

(a) The ~~average and median~~ cost per participant and the range of per-participant costs.

(b) Total program costs by demonstration area, broken down into the following cost categories:

1. Salaries and benefits provided to youth participants and additional salaries and benefits or other stipends provided to mentors for participation in the program.

2. Cost of training materials and other capital outlay costs.

3. Cost of transportation and other miscellaneous costs.

4. Administrative costs.

(4) RECOMMENDATIONS.—Information derived by the department from evaluations by service delivery areas, mentors, and participants of the program and its effectiveness.

Section 11. This act shall take effect upon becoming a law.

Senator Dantzler moved the following amendment to **Amendment 1:**

**Amendment 1A**—On page 12, between lines 16 and 17, insert:

Section 11. Section 230.101, Florida Statutes, is created to read:

230.101 Procedures for increasing number of school board members.—

(1) For the purpose of increasing the number of school board members from five to seven, a proposition calling for an increase in the number of school board members shall be submitted to and approved by a majority of the qualified electors voting on such proposition in the manner provided in subsection (2).

(a) If the school board is elected pursuant to the provisions of s. 230.061, at the option of the school board, such proposition shall provide that:

1. All seven members shall reside one in each of seven residence areas, the areas together covering the entire district and as nearly equal in population as practicable, and the election of the school board shall be by vote of the qualified electors of the entire district; or

2. Five of the seven members shall reside one in each of five residence areas, the areas together covering the entire district and as nearly equal in population as practicable, and the election of the five members shall be by vote of the qualified electors of the entire district, and two of the seven members shall be elected at large.

(b) If the school board is elected pursuant to the provisions of s. 230.105, at the option of the school board, such proposition shall provide that:

1. Five of the seven members shall reside one in each of five residence areas, the areas together covering the entire district and as nearly equal in population as practicable, pursuant to s. 230.061, each of whom shall be nominated and elected only by the qualified electors who reside in the same residence area as the member, and two of the seven members shall be nominated and elected at large; or

2. All seven members shall reside one in each of seven residence areas, the areas together covering the entire district and as nearly equal in pop-

ulation as practicable, pursuant to s. 230.061, each of whom shall be nominated and elected only by the qualified electors who reside in the same residence areas as the member.

(c) All members shall be elected for 4-year terms, but such terms shall be staggered so that, alternately, one more or one less than half of the members elected from residence areas, and, if applicable, one of the members elected at large from the entire district, are elected every 2 years. Any member may be elected to an initial term of less than 4 years if necessary to achieve or maintain such system of staggered terms.

(2) A proposition calling for an increase in the number of school board members from five to seven shall be submitted to the electors of the district at any general election, in either manner following:

(a) The district school board may adopt a formal resolution directing an election to be held to place the proposition on the ballot.

(b) The electors of the school district may petition to have the proposition placed on the ballot by presenting to the school board petitions signed by not less than 10 percent of the duly qualified electors residing within the school district. The number of signatures required shall be determined by the supervisor of elections according to the number of registered electors in the district as of the date the petitioning electors register as a political committee as provided in subsection (3).

(3) The electors petitioning to have the proposition placed on the ballot shall register as a political committee, pursuant to s. 106.03, and a specific person shall be designated therein as chairman of the committee to act for the committee.

(4)(a) Each petition form circulated for increasing the number of school board members pursuant to subparagraph (1)(a)1. shall include the wording: "As a registered elector of the school district of \_\_\_\_\_ County, Florida, I am petitioning for a referendum election to determine whether the number of school board members of said district shall be increased from five to seven and whether all seven school board members shall be elected at large."

(b) Each petition form circulated for increasing the number of school board members pursuant to subparagraph (1)(a)2. shall include the wording: "As a registered elector of the school district of \_\_\_\_\_ County, Florida, I am petitioning for a referendum election to determine whether the number of school board members of said district shall be increased from five to seven and whether five of the seven school board members shall be elected from single-member residence areas by vote of the qualified electors of the entire district, with the two remaining members being elected at large."

(c) Each petition form circulated for increasing the number of school board members pursuant to subparagraph (1)(b)1. shall include the wording: "As a registered elector of the school district of \_\_\_\_\_ County, Florida, I am petitioning for a referendum election to determine whether the number of school board members of said district shall be increased from five to seven and whether five of the seven school board members of said district shall be elected from single-member residence areas by electors residing in each of those areas only, with the two remaining members being elected at large."

(d) Each petition form circulated for increasing the number of school board members pursuant to subparagraph (1)(b)2. shall include the wording: "As a registered elector of the school district of \_\_\_\_\_ County, Florida, I am petitioning for a referendum election to determine whether the number of school board members of said district shall be increased from five to seven and whether the seven school board members of said district shall be elected from single-member residence areas by electors residing in each of those areas only."

The petition shall also include space for the signature and address of the elector. Each signature obtained shall be dated when made and is valid for a period of 4 years following that date.

(5) Upon the filing of the petitions with the district school board by the chairman of the committee, the school board shall submit the petitions to the supervisor of elections for verification of the signatures. Within a period of not more than 30 days, the supervisor of elections shall determine whether the petitions contain the required number of valid

signatures. The supervisor of elections shall be paid by the committee seeking verification the sum of 10 cents for each name checked.

(6) If it is determined that the petitions have the required signatures, the supervisor of elections shall certify the petitions to the district school board, which shall adopt a resolution requesting that an election date be set to conform to the earliest primary, general, or otherwise-called special election that occurs not less than 30 days after certification of the petitions. If it is determined that the petitions do not contain the required signatures, the supervisor of elections shall so notify the district school board, which shall file the petitions without taking further action, and the matter shall be at an end. No additional names may be added to the petitions, and the petitions may not be used in any other proceeding.

(7) No special election may be called for the sole purpose of presenting the proposition to the vote of the electors.

(8)(a) In a district in which the school board is to be increased from five to seven members, all of whom would be elected at large, the wording of the proposition on the ballot shall be as follows:

Shall the number of school board members of \_\_\_\_\_ County, Florida, be increased from five to seven, all of whom shall be elected at large?

Yes

No

(b) In a district in which the school board is to be increased from five to seven members, with five members residing one in each of five single-member residence areas and being elected by all electors within the entire district, and with the two remaining members being elected at large, the wording of the proposition on the ballot shall be as follows:

Shall the number of school board members of \_\_\_\_\_ County, Florida, be increased from five to seven, with five members residing one in each of five single-member residence areas and being elected to office by all electors within the entire district, and with the two remaining members being elected at large?

Yes

No

(c) In a district in which the school board is to be increased from five to seven members, with five members residing one in each of five single-member residence areas and being elected by electors residing in each of those areas only, and with the two remaining school board members being elected at large, the wording of the proposition on the ballot shall be as follows:

Shall the number of school board members of \_\_\_\_\_ County, Florida, be increased from five to seven, with five members being elected to office from single-member residence areas by electors residing in each of those areas only, and with the two remaining school board members being elected at large?

Yes

No

(d) In a district in which the school board is to be increased from five to seven members, with all seven members residing one in each of seven single-member residence areas and being elected by electors residing in each of those areas only, the wording of the proposition on the ballot shall be as follows:

Shall the number of school board members of \_\_\_\_\_ County, Florida, be increased from five to seven, with all seven members being elected to office from single-member residence areas by electors residing in each of those areas only?

Yes

No

(9) Any district adopting any of the propositions set forth in this section may thereafter return to the procedures otherwise provided by law by following the same procedure outlined in subsection (1).

(10) No school board member elected prior to or at the election which approved any revision as permitted in this section shall be affected in his term of office. The resolution adopted by the school board under paragraph (2)(a) or subsection (6) which presents the proposed revision to the electorate for approval shall specify an orderly method and procedure for implementing the revision contemplated in the resolution.

(Renumber subsequent section.)

ROLL CALLS ON SENATE BILLS

SB 430

Yeas—40

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

Nays—None

CS for CS for CS for SB's 1042, 142, 366 and 1070

Yeas—40

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

Nays—None

SB 1314

Yeas—40

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

Nays—None

CS for SB 1342

Yeas—37

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

Nays—1

Brown

CS for SB 1732

Motion to Concur in House Amendments

Yeas—14

Madam President	Diaz-Balart	Gordon	Weinstock
Brown	Dudley	Grant	Yancey
Casas	Forman	Malchon	
Davis	Gardner	Souto	

Nays—22

Bankhead	Dantzler	Kiser	Thomas
Beard	Grizzle	Langley	Thurman
Bruner	Jenne	McKay	Walker
Childers	Jennings	Myers	Wexler
Crenshaw	Johnson	Plummer	
Crotty	Kirkpatrick	Scott	

Vote after roll call:

Yea—Girardeau

**CS for SB's 2054 and 1504**

Yeas—33

Madam President	Gardner	Kurth	Thurman
Bankhead	Girardeau	Langley	Walker
Beard	Grant	Malchon	Weinstein
Brown	Grizzle	McKay	Weinstock
Bruner	Jenne	Meek	Wexler
Crenshaw	Jennings	Myers	Yancey
Crotty	Johnson	Plummer	
Dantzler	Kirkpatrick	Scott	
Dudley	Kiser	Thomas	

Nays—7

Casas	Davis	Forman	Souto
Childers	Diaz-Balart	Gordon	

Vote after roll call:

Yea to Nay—Bruner

**CS for SB 2280**

Yeas—35

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

Nays—4

Casas	Diaz-Balart	Gordon	Souto
-------	-------------	--------	-------

Vote after roll call:

Yea to Nay—Plummer

**ROLL CALLS ON HOUSE BILLS**

**CS for HB 275**

Yeas—40

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

Nays—None

**CS for CS for HB 297  
Motion to substitute for CS for SB 524**

Yeas—21

Madam President	Forman	Meek	Weinstock
Brown	Girardeau	Souto	Wexler
Casas	Gordon	Thomas	Yancey
Davis	Grant	Thurman	
Diaz-Balart	Jenne	Walker	
Dudley	Malchon	Weinstein	

Nays—18

Bankhead	Crotty	Johnson	McKay
Beard	Dantzler	Kirkpatrick	Myers
Bruner	Gardner	Kiser	Plummer
Childers	Grizzle	Kurth	
Crenshaw	Jennings	Langley	

**CS for HB 359**

Yeas—37

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

Nays—1

Grizzle

**CS for HB 463**

Yeas—38

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

Nays—2

Thomas	Walker
--------	--------

**CS for HB 543**

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Souto

HB 633

Yeas—40

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

Nays—None

CS for CS for HB 685

Yeas—39

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

Nays—None

CS for CS for HB 937

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Wexler

CS for CS for HB's 997 and 1701

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Madam President, Souto

HB 1413

Yeas—38

Bankhead	Bruner	Crenshaw	Davis
Beard	Casas	Crotty	Diaz-Balart
Brown	Childers	Dantzler	Dudley

Forman	Jennings	Meek	Walker
Gardner	Johnson	Myers	Weinstein
Girardeau	Kirkpatrick	Plummer	Weinstock
Gordon	Kiser	Scott	Wexler
Grant	Langley	Souto	Yancey
Grizzle	Malchon	Thomas	
Jenne	McKay	Thurman	

Nays—None

Vote after roll call:

Yea—Kurth

Yea to Nay—Bruner

CS for HB 1527—After Reconsideration

Yeas—40

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

Nays—None

CS for HB 1637

Yeas—38

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

Nays—None

CS for CS for HB 2385

Yeas—40

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

Nays—None

HB 2509

Yeas—35

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

Nays—None

Vote after roll call:

Yea—Kurth, Souto

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of May 1 was corrected and approved.

**CO-SPONSORS**

Senator Bankhead—SB 640

**ADJOURNMENT**

On motion by Senator Thomas, the Senate adjourned sine die at 12:27 p.m.

**CERTIFICATE**

THIS IS TO CERTIFY that the foregoing pages, numbered 1 through 1747, inclusive, are and constitute a complete, true and correct journal and record of the proceedings of the Senate of the State of Florida at the Twenty-Third Regular Session of the Legislature convened under the Constitution as Revised in 1968, held from March 5 through May 2, 1991. Additionally, there has been included a record of the transmittal of Acts and Resolutions and actions taken by the Governor subsequent to the sine die adjournment of the Regular Session.

*JOE BROWN*  
Secretary of the Senate

Tallahassee, Florida  
June 10, 1991