



# Journal of the Senate

Number 14—Special Session H

Monday, June 29, 1992

## CALL TO ORDER

The Senate was called to order by the President at 1:23 p.m. A quorum present—30:

Madam President	Diaz-Balart	Jenne	Plummer
Bankhead	Dudley	Jennings	Scott
Beard	Forman	Johnson	Thomas
Childers	Gardner	Kirkpatrick	Walker
Crenshaw	Girardeau	Kiser	Weinstein
Crotty	Gordon	Langley	Yancey
Dantzler	Grant	Malchon	
Davis	Grizzle	Meek	

Excused: Senator Thurman

## PRAYER

The following prayer was offered by James C. Vaughn, Jr., Reading Clerk:

"Hear my cry, O God; attend unto my prayer. From the end of the earth will I cry unto thee, when my heart is overwhelmed: lead me to the rock that is higher than I."

Holy Father, as this legislative body begins another day of deliberations, we humbly ask that you grant them a peace of mind and a heart to submit to your will as it relates to the survival of the citizens of Florida.

Lord, please attend your ear unto us this day. What we need is not more government, but more grace; not fighting, but fellowship; not misunderstanding, but mercy; and not more division, but more divine intervention. And when we become victimized by life's final common denominator, we look forward to reporting to you that we did the best we could with what little we had.

In your name we submit. Amen.

## PLEDGE

Senator Kiser led the Senate in the Pledge of Allegiance to the flag of the United States of America.

## COMMUNICATION FROM THE GOVERNOR

June 29, 1992

*The Honorable Gwen Margolis*  
President of the Florida Senate

*The Honorable T. K. Wetherell*  
Speaker of the Florida House of Representatives

Dear Madam President and Mr. Speaker:

Pursuant to the provisions of Section 11.011, Florida Statutes, I request that the purpose of the Special Session of the Legislature of the State of Florida, convened by your Joint Proclamation, dated April 29, 1992, include, in addition to the matters set forth in your Joint Proclamation and my requests of May 29, 1992, June 1, 1992, June 4, 1992 and June 18, 1992, the following:

1) Legislation creating the Government Efficiency Act of 1992, including amendments to the whistleblower statutes, toll-free hotlines for

recommending efficiencies in government, agency flexibility, and a change in the effective date of the creation of the Department of Management Services;

- 2) Legislation providing for the sunset review of state agency trust funds;
- 3) Legislation providing a taxpayers' bill of rights;
- 4) Legislation providing for tax reform;
- 5) Legislation changing the filing dates for political party offices;
- 6) A constitutional amendment providing for a decrease in the amount of property tax paid on certain homestead property for educational purposes;
- 7) Legislation increasing the cap on unemployment benefits; and
- 8) Legislation relating to the regulation of nonpublic postsecondary education.

Thank you for including these additional matters in this Special Session.

With kind regards, I am

Respectfully,  
*Lawton Chiles*  
Governor

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Thomas, by two-thirds vote **HB 113-H** was withdrawn from the Committees on Finance, Taxation and Claims; and Appropriations and by two-thirds vote placed on the Special Order Calendar this day.

On motions by Senator Kurth, by two-thirds vote **SB 14-H** was withdrawn from the committees of reference and further consideration.

## MOTIONS

Senator Thomas moved that the rules be waived to allow consideration of **SB 80-H** which was in House Messages. The motion was adopted by two-thirds vote. The vote was:

Yeas—24      Nays—1

## SPECIAL ORDER

**HB 113-H**—A bill to be entitled An act relating to taxation; creating s. 213.015, F.S.; providing requirements with respect to the rights, safeguards, and protections afforded taxpayers during tax assessment, collection, and enforcement processes; creating s. 213.018, F.S.; providing for a taxpayer problem resolution program; providing for a taxpayers' rights advocate with authority to issue taxpayer assistance orders; amending s. 213.21, F.S.; providing a taxpayer's right to have representation and record informal conferences; creating s. 213.025, F.S.; requiring the Department of Revenue to conduct its audits, inspections, and interviews at reasonable times and places, with exceptions; amending s. 213.34, F.S.; directing the department to offset overpayments against deficiencies; creating s. 213.731, F.S.; requiring notice before collection action is taken; providing a taxpayer's right to protest and seek a review; creating s. 213.732, F.S.; providing procedural requirements, taxpayers' rights, and venue for certain legal actions with respect to jeopardy findings and assessments; creating s. 213.733, F.S.; providing for cancellation, amendment, or modification of warrants; amending ss. 199.262, 206.075, 211.125, 211.33, 212.14, 212.15, 220.719, and 220.815, F.S.; specifying pro-

cedures applicable if jeopardy to the revenue exists and is asserted in or with an assessment; repealing s. 220.719(4), F.S., relating to taxpayer protest regarding a jeopardy assessment lien; amending s. 20.21, F.S.; creating within the department the position of taxpayers' rights advocate and providing his responsibilities; amending s. 72.011, F.S.; prohibiting certain legal actions when an action has been initiated under s. 120.575, F.S.; amending s. 95.091, F.S.; requiring the department to commence an audit within a specified period of time after it issues a notice of intent to conduct an audit; amending s. 120.575, F.S., which provides procedures and requirements applicable when a taxpayer contests specified taxes, interest, penalties, or denials of refund; removing provisions which specify requirements applicable to proceedings involving tax on the sale or use of services; specifying conditions under which collection and enforcement of contested amounts is stayed; providing for recovery of legal costs, including attorney's fees; amending ss. 57.111 and 120.57, F.S., to conform; repealing s. 120.65(5), F.S., which provides for hearing officer panels for proceedings involving tax on the sale or use of services; providing an effective date.

—was read the second time by title. On motion by Senator Kiser, by two-thirds vote **HB 113-H** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25      Nays—None

**RECESS**

On motion by Senator Thomas, the Senate recessed at 1:35 p.m. to reconvene at 4:00 p.m. or upon call of the President.

**CALL TO ORDER**

The Senate was called to order by the President at 8:07 p.m. A quorum present—38:

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

On motion by Senator Childers, by two-thirds vote **HCR 301-H** was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Childers—

**HCR 301-H**—A concurrent resolution supporting the location of a Department of Defense Finance and Accounting Service Center within the State of Florida.

—was taken up out of order by unanimous consent and read the second time in full, adopted and certified to the House. The vote on adoption was:

Yeas—36      Nays—None

**INTRODUCTION AND REFERENCE OF BILLS**

**FIRST READING**

**SR 274-H** was introduced out of order and adopted June 25.

**SB 276-H** was introduced out of order and passed June 25.

**SB 278-H** was introduced out of order and passed June 26.

Number **280-H** has been reserved for appropriations bill.

By Senator Weinstein—

**SB 282-H**—A bill to be entitled An act relating to unemployment compensation; amending s. 443.111, F.S.; modifying the maximum weekly benefit amount that may be paid to an individual from the Unemployment Compensation Trust Fund; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Kiser—

**SB 284-H**—A bill to be entitled An act relating to taxation; creating s. 213.015, F.S.; providing requirements with respect to the rights, safeguards, and protections afforded taxpayers during tax assessment, collection, and enforcement processes; creating s. 213.018, F.S.; providing for a taxpayer problem resolution program; providing for a taxpayers' rights advocate with authority to issue taxpayer assistance orders; amending s. 213.21, F.S.; providing a taxpayer's right to have representation and record informal conferences; creating s. 213.025, F.S.; requiring the Department of Revenue to conduct its audits, inspections, and interviews at reasonable times and places, with exceptions; amending s. 213.34, F.S.; directing the department to offset overpayments against deficiencies; creating s. 213.731, F.S.; requiring notice before collection action is taken; providing a taxpayer's right to protest and seek a review; creating s. 213.732, F.S.; providing procedural requirements, taxpayers' rights, and venue for certain legal actions with respect to jeopardy findings and assessments; creating s. 213.733, F.S.; providing for cancellation, amendment, or modification of warrants; amending ss. 199.262, 206.075, 211.125, 211.33, 212.14, 212.15, 220.719, 220.815, F.S.; specifying procedures applicable if jeopardy to the revenue exists and is asserted in or with an assessment; deleting provisions relating to taxpayer protest regarding a jeopardy assessment lien; amending s. 20.21, F.S.; creating within the department the position of taxpayers' rights advocate and providing his responsibilities; amending s. 72.011, F.S.; prohibiting certain legal actions when an action has been initiated under s. 120.575, F.S.; amending s. 95.091, F.S.; requiring the department to commence an audit within a specified period of time after it issues a notice of intent to conduct an audit; amending s. 120.575, F.S., which provides procedures and requirements applicable when a taxpayer contests specified taxes, interest, penalties, or denials of refund; removing provisions that specify requirements applicable to proceedings involving tax on the sale or use of services; specifying conditions under which collection and enforcement of contested amounts is stayed; providing for recovery of legal costs, including attorney's fees; amending ss. 57.111, 120.57, F.S., to conform; repealing s. 120.65(5), F.S., which provides for hearing officer panels for proceedings involving tax on the sale or use of services; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Malchon—

**SB 286-H**—A bill to be entitled An act relating to whistle-blowers; amending s. 112.3187, F.S.; amending the short title of the Whistle-blower's Act of 1986; providing a definition; specifying persons and entities to whom information must be disclosed; amending the list of employees and persons protected by that act; providing remedies; increasing the time period within which a civil action may be brought; requiring specified types of relief; allowing the employer to receive an award of reasonable costs, including attorney's fees; providing for temporary reinstatement to employment; providing for defenses; providing that this section does not diminish existing rights; creating s. 112.3189, F.S.; providing investigative procedures upon receipt of whistle-blower information; providing applicability; providing for a whistle-blower's hotline; requiring the Chief Inspector General or other appropriate official to review information disclosed by the whistle-blower and make a preliminary determination; requiring, in specified circumstances, that the Chief Inspector General or another official conduct an investigation and submit written preliminary findings to the complainant; requiring an agency head, in specified circumstances, to conduct an investigation and submit a written report to the Chief Inspector General; specifying the contents of and deadline for that report; providing duties of the Chief Inspector General; providing for confidentiality of the whistle-blower's identity, with exceptions; providing for confidentiality of information pertaining to an active investigation or inquiry; providing penalties for violations; providing for review of that exemption under the Open Government Sunset Review Act; creating s. 112.31895, F.S.; providing for administrative procedures in response to prohibited actions; establishing certain responsibilities in the Department of Legal Affairs; providing responsibilities of the Office of the Public Counsel; providing procedures for fact finding, reporting, investigations, and corrective action; providing prerequisites to a complainant's seeking corrective action from agencies other than the Public Counsel; providing for appropriate relief to be granted; providing for judicial review; providing for reporting suspected criminal violations to the Department of Law Enforcement; authorizing the Public Counsel to review fact-finding reports of the Department of Legal Affairs and to take appropriate action; providing for reporting certain suspected viola-

tions to an agency head; requiring the agency head to respond; prohibiting disciplinary action in specified circumstances; allowing the Public Counsel to petition for an award of attorney's fees and reasonable expenses; providing the right to file a complaint with the Public Employees Relations Commission if the Public Counsel terminates an investigation; providing for judicial review; providing that this act does not limit the powers of the Attorney General; providing an effective date.

—was referred to the Committee on Rules and Calendar.

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Natural Resources and Conservation; and Senator Kirkpatrick—

**CS for SB 46-H**—A bill to be entitled An act relating to solid waste; amending s. 125.01, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 166.021, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 212.055, F.S.; expanding the uses of the local option sales tax to include certain solid waste landfill closures; amending s. 287.045, F.S.; deleting obsolete provisions; requiring the purchase of materials with recycled content under certain conditions; authorizing the Division of Purchasing and other state agencies to consider life-cycle costing when evaluating certain bids; requiring the Division of Purchasing to adopt certain rules; providing a price preference for materials or products that contain recycled Florida scrap; amending the definition of the term "recycled content"; requiring state agencies and others to procure products with recycled content; amending ss. 316.003, 377.709, F.S.; conforming cross-references; amending s. 381.006, F.S.; redesignating biohazardous waste as biomedical waste; prescribing standards for department rules; amending s. 381.0098, F.S.; redesignating biohazardous waste as biomedical waste; providing that biomedical waste does not include disposal of human remains; providing exemptions from registration and fee requirements; amending s. 395.002, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 395.0101, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 403.1834, F.S.; allowing landfill closures to be financed by certain bonds; amending s. 403.4131, F.S.; abolishing the Clean Florida Commission; amending s. 403.702, F.S.; redesignating biohazardous waste as biomedical waste; encouraging school districts and other such education facilities to participate in certain recycling programs; amending s. 403.703, F.S.; amending definitions pertaining to resource recovery and management; prohibiting local governments from adopting definitions that are inconsistent with those in this section; amending s. 403.704, F.S.; redesignating biohazardous waste as biomedical waste; allowing certain funds to be used for composting programs; allowing the Department of Environmental Regulation to impose certain conditions on the disposal of waste generated outside this state; amending s. 403.7045, F.S.; redesignating biohazardous waste as biomedical waste; deleting provisions that pertain to regulating recovered materials; creating s. 403.7046, F.S.; providing for regulation of certain recovered materials; providing for registration, reporting, and inspection; providing for fees; providing for rulemaking; providing for confidentiality for certain information received by the Department of Environmental Regulation; providing for review under the Open Government Sunset Review Act; amending s. 403.7049, F.S.; requiring the disclosure of the funds rebated to the recycling program as a result of fees recovered pursuant to the Advance Disposal Fee Program; amending s. 403.705, F.S.; correcting a cross-reference; changing the date by which certain reports must be prepared by the Department of Environmental Regulation; deleting certain obsolete provisions; amending s. 403.706, F.S.; requiring steel cans to be separated from the waste stream; allowing certain counties to provide an opportunity to recycle; requiring counties to implement a program for the separation and composting of organic materials; specifying that the solid waste goal is a reduction goal; providing that innovative programs for uses of yard trash or wood in construction and demolition debris may qualify as a credit toward waste reduction goal; requiring counties to provide a description of the progress made toward implementing a composting program; encouraging counties or municipalities to enact local ordinances that require all institutional, commercial, and industrial generators to establish programs for the separation of certain recyclable materials; encouraging counties or municipalities to ensure that solid waste programs are separate enterprises and that user fees are sufficient to completely support the program; encouraging counties or municipalities that provide solid waste collection services to charge fees based upon the volume or weight of solid waste that is collected from each user; providing one-time incentive grants to counties or

municipalities; providing for certain fees; amending s. 403.7065, F.S.; specifying when state agencies must use products with recycled content; amending the definition of the term "recycled content" to include steel and plastics; amending s. 403.707, F.S.; redesignating clean debris as construction and demolition debris in certain circumstances and redesignating biohazardous waste as biomedical waste; prohibiting open fires, air curtain incinerators, and trench burning, unless permitted by the department; amending s. 403.708, F.S.; redesignating biohazardous waste as biomedical waste; describing the triangle that must appear on certain plastic labels; exempting plastic casings for lead-acid batteries from certain labeling requirements; substituting the term "PETE" for "PET"; prohibiting the disposal of used oil filters in landfills after a certain date; amending s. 403.7084, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 403.709, F.S.; providing for certain research and demonstration projects to be funded from the Solid Waste Management Trust Fund; specifying the uses for moneys allocated to the Solid Waste Management Trust Fund from lead-acid battery fees; amending s. 403.7095, F.S.; requiring the Department of Environmental Regulation to consider the progress made by the local government in meeting solid waste requirements when determining whether to continue, eliminate, or place conditions on certain grants to the local government; requiring a county or municipality to demonstrate on grant application how money will be used regarding recycling at both single-family and multifamily dwellings; requiring that certain information be contained in a grant application regarding the use of the private sector in recycling; deleting certain obsolete provisions; amending s. 403.7125, F.S.; allowing certain revenues to be deposited into the local government general fund under certain conditions; preserving certain obligations of a landfill owner or operator; creating s. 403.7126, F.S.; establishing the Landfill Closure Revolving Loan Trust Fund; providing terms and conditions for loans from such fund; amending s. 403.713, F.S.; providing for ownership and control of certain recovered materials; amending s. 403.714, F.S.; deleting obsolete provisions; allowing the Legislature, state agencies, and the judicial branch to use proceeds from sale of recyclable materials in certain ways; requiring state agencies to use compost products; requiring agencies and others to report certain information regarding compost products; requiring the Department of Agriculture and Consumer Services to develop certain specifications; amending s. 403.717, F.S.; correcting a cross-reference; creating s. 403.7184, F.S.; providing certain requirements for consumers, manufacturers, and sellers of certain batteries; providing penalties; providing for the state to recover reasonable administrative expenses, court costs, and attorneys' fees incurred in an action to enforce this section; amending s. 403.7185, F.S.; providing that proceeds from the lead-acid battery fees be deposited into the battery account within the Solid Waste Management Trust Fund instead of the Water Quality Assurance Trust Fund; amending s. 403.719, F.S.; allowing counties to use waste tire grants for the collection and removal of waste tires; requiring the department to study and report on the recovery rate and recycled content of certain packaging materials; amending s. 403.7195, F.S.; increasing the waste disposal fee on newsprint, and credits against such fee, under certain conditions; providing minimum recycled fiber content for newsprint; amending s. 403.7197, F.S.; delaying the implementation of the advance disposal fee; amending s. 403.727, F.S.; redesignating biohazardous waste as biomedical waste; amending s. 403.75, F.S.; revising the definition of recycling as it pertains to used oil; amending s. 483.615, F.S.; redesignating biohazardous waste as biomedical waste; providing for use of the term "biohazardous waste" or the term "infectious waste" under certain circumstances; requiring hospitals to conduct a study and report to the Department of Environmental Regulation; providing for the recycling of mercury-containing devices; providing for demonstration projects; requiring a report to the Legislature; providing an appropriation; prohibiting the use of certain toxic materials in packaging; prohibiting the use of certain packaging material; prohibiting certain environmental representations on consumer products; requiring recycling receptacles in certain locations; amending s. 72.011, F.S.; providing that a taxpayer may contest the assessment of the fee and penalties and interest assessed pursuant to s. 403.7197, F.S., the advance disposal fee; amending s. 213.05, F.S.; authorizing the Department of Revenue to collect the advance disposal fee; amending s. 213.053, F.S.; providing for confidentiality of certain information obtained by the Department of Revenue pursuant to the advance disposal fee collection; providing for the Recycled Materials Development Plan; providing requirements for review of new incinerator capacity by the Department of Environmental Regulation; providing a more stringent review process, for a limited period of time, for certain incinerator facilities; providing appropriations; providing for legislative review; providing for legislative finding of important state interest; providing appropriations; repealing s. 403.7145, F.S., relating to the Capitol

Recycling Demonstration Area; repealing s. 403.7198, F.S., relating to container deposits; providing certain responsibilities for Keep Florida Beautiful, Inc.; repealing s. 403.708(10), F.S., relating to degradable plastic bags; providing severability; providing effective dates.

## 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 admitted for introduction by the required Constitutional two-thirds vote, passed HB 483-H and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Ascherl—

**HB 483-H**—A bill to be entitled An act relating to campaign contributions by and solicitations of insurers and their officers and affiliates; amending s. 627.0623, F.S.; revising the definition of “insurer”; providing an effective date.

Senator Childers moved that **HB 483-H** be admitted for introduction and referred to the Committee on Commerce. The motion was adopted by the required constitutional two-thirds vote of the Senate. The vote was:

Yeas—32      Nays—1

On motions by Senator Childers, by two-thirds vote **HB 483-H** was withdrawn from the Committee on Commerce and by unanimous consent taken up out of order.

On motions by Senator Childers, by two-thirds vote **HB 483-H** 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—30      Nays—2

### RETURNING MESSAGES ON SENATE BILLS

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 3 to House Amendment 1; refused to concur in Senate Amendments 1 and 2 to House Amendment 1 and requests the Senate to recede; has passed with amendment SB 80-H and requests the Senate to concur.

*John B. Phelps, Clerk*

**SB 80-H**—A bill to be entitled An act relating to education; amending s. 246.011, F.S.; providing legislative purpose; amending s. 246.021, F.S.; revising definitions and providing additional definitions; amending s. 246.031, F.S.; revising the membership of the State Board of Independent Colleges and Universities; requiring the board to appoint a standing advisory committee; providing for the terms of the present board to expire; requiring the Governor to appoint a new board; amending s. 246.041, F.S.; providing additional powers and duties of the board; authorizing the board to impose certain fines; amending s. 246.081, F.S.; revising licensing requirements for nonpublic colleges; requiring the board to review accreditation standards established by organizations that accredit colleges in the state; requiring certain degrees to disclose the nature of certain programs; prohibiting colleges from employing certain agents; amending s. 246.085, F.S.; revising provisions granting certain colleges an exemption from licensing requirements; creating s. 246.086, F.S.; requiring certain colleges to obtain an authorization to operate; providing for annual review of secular and nonsecular degree titles; amending s. 246.087, F.S.; revising certain licensing requirements for colleges and agents that represent colleges; amending s. 246.091, F.S.; revising provisions relating to temporary and provisional licenses; amending s. 246.095, F.S.; revising requirements for disclosures to be made to prospective students; amending s. 246.101, F.S.; revising provisions relating to fees for operating the State Board of Independent Colleges and Universities; requiring a fee schedule; providing for base, workload, and late fees; amending s. 246.111, F.S.; requiring the board to adopt rules for taking certain disciplinary actions; amending s. 246.121, F.S.; revising circumstances under which certain nonlicensed colleges may use the designation

“college” or “university”; amending s. 246.203, F.S.; requiring certain vocational programs to be subject to rules of the State Board of Independent Postsecondary Vocational, Technical, Trade, and Business Schools; amending s. 232.02, F.S.; requiring that certain public and non-public high school diplomas must disclose the nature of certain programs; requiring that certain community college or university degrees disclose the nature of certain programs; amending s. 246.215, F.S.; requiring that certain independent school diplomas disclose the nature of certain programs; reviving and readopting provisions of ch. 246, F.S., notwithstanding repeals scheduled under the Regulatory Sunset Act; repealing s. 246.051, F.S., relating to powers of the State Board of Independent Colleges and Universities; providing an effective date.

On motion by Senator Johnson, by two-thirds vote, the Senate reconsidered the vote by which the Senate concurred in **House Amendment 1** as amended on June 25.

On motion by Senator Johnson, the Senate receded from **Senate Amendments 1 and 2** to **House Amendment 1**.

Senator Johnson moved the following amendments which were adopted:

**Senate Amendment 4 (with Title Amendment) to House Amendment 1**—On page 46, line 23 through page 54, line 27, strike all of said lines and insert:

Section 27. State University System equity accountability program.—

(1) No later than August 1, 1992, each state university shall develop a plan for increasing the number of women and minorities in senior-level administrative positions, for increasing the number of women and minorities in ranked faculty positions, and for increasing the number of women and minorities granted tenure. The plan must include specific measurable goals and objectives, specific strategies for accomplishing these goals and objectives, a time period for accomplishing these goals and objectives, and comparative national standards. The plan shall be submitted to the Legislature on or before September 1, 1992.

(2)(a) By October 31 of each year, each state university president shall submit an equity accountability report to the Chancellor and the Board of Regents which shows the number of administrative positions in the faculty and in the administrative and professional pay plans which were filled in the previous fiscal year. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration under standard practice CM 87-17.1 and positions in the administrative and professional pay plans that are defined as administrative positions under the Board of Regents' classification of occupational groupings. The report must include the following information pertaining to the employees hired in those positions:

1. Job classification title;
2. Gender;
3. Ethnicity;
4. Appointment status pursuant to chapter 6C-5.105, Florida Administrative Code;
5. The salary at which the individual was hired;
6. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires;
7. Guidelines for ensuring a gender-balanced and ethnically balanced selection committee for each vacancy;
8. Steps taken to develop a diverse pool of candidates for each vacancy; and
9. As assessment of the university's accomplishment of annual goals and of long-range goals for hiring and promoting women and minorities in senior-level administrative positions.

(b) Each university's equity accountability report must also include the following information pertaining to candidates formally applying for tenure:

1. Rank;

2. Gender;
3. Ethnicity;
4. The salary at which the individual was hired; and,

5. Comparative information including, but not limited to, composite information regarding the total number of positions within the particular classification for the university by race, gender, and the average salary or salary range, where applicable, compared to the number of new hires.

(c) The report must also include:

1. The requirements for achieving tenure;
2. The gender and ethnic composition of the committees that review tenure recommendations at the department, college, and university levels;
3. Guidelines for ensuring the equitable distribution of assignments that would enhance tenure opportunities for women and minority faculty; and
4. Guidelines for obtaining feedback on the annual progress towards achievement of tenure by women and minorities.

(3)(a) A factor in the evaluation of university presidents, vice presidents, deans, and chairpersons shall be their annual progress in achieving the annual and long-range hiring and promotional goals and objectives. Annual budget allocations for positions and funding shall be based on this evaluation. Such evaluation shall be submitted to the Chancellor and the Board of Regents.

(b) Beginning January 1994, the Chancellor and the Board of Regents shall annually evaluate the performance of the university presidents in achieving the annual and long-term goals and objectives.

(4) The Board of Regents shall submit an equity progress report to the Legislature and the State Board of Education on or before December 1 of each year.

(5) Effective July 1, 1993, positions that become vacant in the faculty or the administrative and professional pay plans at a university shall be transferred into a pool at that university to be allocated by the administration to departments to reward department managers for attaining equity goals. Each university president shall develop rules regarding the filling of vacant positions and the transferring of positions into the pool. Such rules must provide for a total cap on the vacant position pool at 10 percent of the number of vacant positions for the university as of the date of the preparation of the initial operating budget for each year. The rule must also provide that the number of positions to be transferred into the vacant position pool, at the departmental level, may not exceed 10 percent of the total number of authorized positions for the department as of the date of the preparation of the initial operating budget for each year. Subject to available funding, the Legislature shall provide an annual appropriation to be allocated to the department managers in recognition of the attainment of equity goals and objectives.

Section 28. Community College System equity accountability program.—

(1) No later than May 1, 1993, each community college annual equity update plan must include a plan for increasing the number of women and minorities in senior-level administrative positions, for increasing the number of women and minorities in ranked faculty positions, and for increasing the number of women and minorities who have attained continuing-contract status. The plan must include specific measurable goals and objectives, specific strategies for accomplishing these goals and objectives, and a time period for accomplishing these goals and objectives. The goals shall be reviewed and recommended by the State Board of Community Colleges as appropriate.

(2)(a) On May 1 of each year, each community college president shall submit the annual equity update to the Executive Director of the State Board of Community Colleges. The equity update must show the number of deans, associates, assistant deans, vice presidents, associate and assistant presidents, provosts, legal counsel, and similar administrative positions which were filled in the previous 12-month period. Administrative positions include faculty positions that, in whole or in part, are defined as academic administration by rule and positions that are defined as administrative positions under the Community College System's classification of occupational groupings.

(b) The report must show the following information for those positions including, but not limited to:

1. Job classification title;
2. Gender;
3. Ethnicity;
4. Appointment status;
5. Salary information including the salary at which the individual was hired compared to the salary range for the respective position and to other employees in the same job title classification;
6. Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the community college by race, gender, and salary range compared to the number of new hires;
7. The gender and ethnic composition of the selection committee for each vacancy;
8. Steps taken to develop a diverse pool of candidates for each vacancy; and
9. An assessment of the community college's accomplishment of annual goals and of long-range goals for increasing the number of women and minorities in senior-level administrative positions.

(b) Each community college's equity accountability report must also include:

1. The requirements for receiving a continuing contract;
2. The gender and ethnic composition of the committees that review continuing-contract recommendations;
3. The enhancement of continuing contract opportunities for women and minority faculty; and
4. Written documentation of feedback to the annual progress towards achievement of continuing-contract status by women and minorities.

(3) Community college presidents and the heads of each major administrative division shall be evaluated annually on the progress made towards meeting the goals and objectives of the equity update plan.

(a) The community college presidents shall annually evaluate each department chairperson, dean, and vice president in achieving the annual and long-term goals and objectives. Annual budget allocations for positions and funding must take into consideration this evaluation.

(b) Beginning January 1994, community college district boards of trustees shall annually evaluate the performance of the community college presidents in achieving the annual and long-term goals and objectives.

(c) The State Board of Community Colleges shall submit an equity progress report to the Legislature and the State Board of Education on or before December 1 of each year.

(4) Subject to available funding, the Legislature shall provide an annual appropriation to be allocated to the department managers in recognition of the attainment of the equity goals and objectives.

Section 29. Educational leadership enhancement grants.—

(1) State universities and public community colleges may submit proposals for educational leadership enhancement grants to the Commissioner of Education. Proposals shall be funded competitively.

(2) To be eligible for funding, proposals must create programs designed to strengthen the academic and professional coursework or executive management preparation of women and minorities.

(3) Each proposal must include specific measurable goals and objectives.

(4) The State Board of Education may adopt any rules necessary to implement the provisions of this grant program.

(5) The grant program shall be implemented to the extent funded in the General Appropriations Act.

And the title is amended as follows:

In title, on page 58, strike all of lines 14-20 and insert: the State University System equity accountability program; requiring the development of a plan by each state university; providing for the submission of reports; providing for administrative evaluations; creating pools of vacant positions to be used to reward managers who attain equity goals; creating the Community College System equity accountability program; requiring the development of a plan by each community college; providing for the submission of reports; providing for administrative evaluations; establishing educational leadership enhancement grants;

**Senate Amendment 5 (with Title Amendment) to House Amendment 1**—On page 33, line 7 through page 35, line 16, strike all of said lines and insert:

240.607 Articulation agreements.—The Division of Community Colleges may develop and sign, either collectively or individually, articulation agreements with any independent nonprofit college or university which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

And the title is amended as follows:

In title, on page 57, strike all of lines 14-16 and insert: creating s. 240.607, F.S.; authorizing articulation agreements between the Division of Community Colleges and private colleges and universities;

**Senate Amendment 6 to House Amendment 1**—On page 44, line 27, after "equipping" insert: *student*

**Senate Amendment 7 to House Amendment 1**—On page 45, lines 2 and 3, strike "maintain, improve, equip," and insert: *and equip, maintain, improve,*

**Senate Amendment 8 to House Amendment 1**—On page 18, line 5, strike "~~affiliated with a religious institution~~" and insert: *affiliated with a religious institution*

Senator Dantzler offered the following amendment which was moved by Senator Johnson and adopted:

**Senate Amendment 9 to House Amendment 1**—On page 20, line 29, strike "1982" and insert: 1992

Senator Johnson moved the following amendment which was adopted:

**Senate Amendment 10 to House Amendment 1**—On page 18, strike all of lines 18-22 and insert:

(c) By October 1, 1995, the titles of degrees issued by the college must include a religious modifier, and the religious modifier must immediately precede, or be included within, any of the following titles: Associate of Arts, Associate of Science, Bachelor of Arts, Bachelor of Science, Master of Arts, Master of Science, Doctor of Philosophy.

On motion by Senator Johnson, the Senate concurred in **House Amendment 1** as further amended and the House was requested to concur in the Senate amendments to the House amendment.

#### VOTES RECORDED

Senators Davis, Gordon and Weinstock requested that they be recorded as voting nay on **House Amendment 1** as amended.

**SB 80-H** passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—33      Nays—3

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments SB 246-H and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**SB 246-H**—A bill to be entitled An act relating to mental health services; creating s. 409.9115, F.S.; requiring the Department of Health and Rehabilitative Services to establish a disproportionate share program to

provide funds for certain mental health hospitals; providing a formula for calculating the disproportionate share; providing eligibility requirements; specifying the use of funds generated by the program; providing for spending funds generated through the mental health disproportionate share program; providing an effective date.

**House Amendment 1 (with Title Amendment)**—On page 3, between lines 10 and 11, insert:

Section 4. In the event the general revenue appropriation for the regular hospital disproportionate share program (section 409.911, Florida Statutes), net of intergovernmental transfers, is more than zero, then notwithstanding the provisions of section 409.911, Florida Statutes, the Department of Health and Rehabilitative Services is authorized to adopt a new regular hospital disproportionate share formula by rule for fiscal year 1992-1993. This formula shall be designed to achieve the same or similar return to those hospitals with more than 45,000 Medicaid days (for fiscal years ending in 1989) as would be achieved by section 409.911, Florida Statutes, and to distribute additional funds to other disproportionate share hospitals in an equitable manner as determined by the department.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 2, strike "mental health services" and insert: Medicaid disproportionate share and

On page 1, line 13, after the word "program" insert: providing for an exception to s. 409.911 F.S., relating to the regular Hospital Disproportionate Payment Formula;

**House Amendment 2**—On page 2, line 29 through page 3, line 2, strike all of said language and renumber subsequent sections.

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

**SB 246-H** passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—34      Nays—None

#### RETURNING MESSAGES ON HOUSE BILLS

*The Honorable Gwen Margolis, President*

I am directed to inform the Senate that the House of Representatives has amended Senate Amendment 1, concurred in same as amended, passed as amended HB 371-H, and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

**HB 371-H**—A bill to be entitled An act relating to citizen participation in efficient state government; providing legislative findings and intent; requiring the Comptroller to establish and operate a statewide toll-free hotline for certain purposes; providing for confidentiality; requiring a report the Legislature; providing an effective date.

**Substitute House Amendment 2 (with Title Amendment) to Senate Amendment 1**—On pages 1-19, strike the entire amendment and insert:

Section 1. *Short title.*—This act shall be known and may be cited as the "Governmental Efficiency Act of 1992."

#### PART I

Section 2. *The Legislature finds that there is considerable interest on the part of the citizens of this state to have government operate effectively and efficiently, to eliminate waste to the greatest extent possible, and to have access to communication with the agencies of government to provide information on ways to achieve more effective and efficient operation of government.*

Section 3. *It is the intent of the Legislature to enable the citizens of this state to bypass established bureaucratic administrative processes and to encourage the direct participation by the citizens of this state in providing the administrators of government with information or sugges-*

tions as to how to more effectively and efficiently operate government and to eliminate waste in such operation. It is the intent of the Legislature that government benefit from the collective perceptions and wisdom of the citizens of this state in reducing the costs of government and improving the services and levels of service to the citizens of this state. It is the intent of the Legislature that the actions taken by various government agencies with regard to suggestions offered by citizens of this state be documented for cost savings and work reduction and reported to the Legislature.

Section 4. (1) By September 1, 1992, the Comptroller shall establish and operate a statewide toll-free telephone hotline to receive information or suggestions from the citizens of this state on how to improve the operation of government, increase governmental efficiency, and eliminate waste in government. The Comptroller shall report each month to the Appropriations Committee of the House of Representatives and of the Senate the information or suggestions received through the hotline and the evaluations and determinations made by the Comptroller, as provided in subsection (3), with respect to such information or suggestions.

(2) The Comptroller shall operate the hotline 24 hours a day. The Comptroller shall advertise the availability of the hotline in each newspaper of general circulation in this state and shall provide for the posting of notices in conspicuous places in state agency offices, city halls, county courthouses, and places in which there is exposure to significant numbers of the general public, including, but not limited to, local convenience stores, shopping malls, shopping centers, gasoline stations, or restaurants. The Comptroller shall use the slogan, "Tell us where we can 'Get Lean'," for the hotline and in advertisements for the hotline.

(3) Each telephone call on the hotline shall be received by the Office of the Comptroller and a record of each suggestion or information received shall be entered into a log kept by the Comptroller. A call on the hotline may be anonymous and shall be confidential. If a caller discloses that he or she is a state employee, the Comptroller, in addition to maintaining a record as required by this section, may refer any information or suggestion from the caller to an existing state awards program administered by the Department of Administration or by the State University System. The Comptroller shall conduct a preliminary evaluation of the efficacy of any suggestion or information received through the hotline and shall make a preliminary determination of the amount of revenues the state might save by implementing the suggestion or making use of such information.

(4) Any person who provides any information through the hotline shall be immune from liability for any use of such information and shall not be subject to any retaliation by any employee of the state for providing such information or making such suggestion.

(5) The Comptroller shall adopt any rule necessary to implement the establishment, operation, and advertisement of the hotline.

## PART II

### Section 5. Legislative intent.—

(1) It is the intent of the Legislature that the provisions of this act shall result in a savings to the State of Florida as the result of a 1-year reduction of requirements for paperwork, permitting, reports, monitoring, and other activities that are not essential to the efficient operation of state government for the 1992-1993 fiscal year. It is the intent of the Legislature to suspend or delay these nonessential activities temporarily in order to better focus state revenues on the more essential activities of government so that state expenditures can be concentrated primarily on the services that most directly benefit the citizens of this state.

(2)(a) It is the intent of the Legislature that the periods of suspension of existing requirements and activities under this act shall expire and be void and inoperative on July 1, 1993.

(b) It is the intent of the Legislature that the periods of delay in implementation of planned requirements and activities under this act

shall be as specified herein. Any period of delay that is not specified shall be for the 1992-1993 fiscal year.

Section 6. Suspension or delay of specified health and social services reports, evaluations, and functions.—Notwithstanding the provisions of:

(1) Section 20.19(19)(c) and (d), Florida Statutes, as amended by chapter 92-58, Laws of Florida, the submission of outcome evaluation and program effectiveness reports shall not be required by December 31, 1992, but shall be submitted by December 31, 1993, and thereafter as required by law.

(2) Section 39.047(1)(a), Florida Statutes, the annual report on resources needed for case management shall not be required for fiscal year 1992-1993.

(3) Section 39.056(3), Florida Statutes, the progress report on early delinquency intervention programs shall not be required for fiscal year 1992-1993.

(4) Section 39.058(1)(a)4., Florida Statutes, the annual report on the performance of assessment and treatment shall not be required on January 1, 1993, but shall be submitted on January 1, 1994, and thereafter as provided by law.

(5) Section 391.091(3), Florida Statutes, the annual summary report to the Legislature by the Cardiac Advisory Council shall not be submitted by December 1, 1992, but shall be submitted no later than December 1, 1993.

(6) Section 394.4573(4), Florida Statutes, the continuity of care management report shall not be required to be submitted in April 1992, but shall be submitted in April 1993, and thereafter as provided by law.

(7) Section 402.313(7) and (8), Florida Statutes, the annual evaluation and report to the Legislature on family day care homes, and the media campaign, shall not be required for fiscal year 1992-1993.

(8) Section 402.3195(8), Florida Statutes, the annual report on the Child Care Facility and Family Day Care Home Trust Fund shall not be required to be submitted on June 30, 1993, but shall be submitted on June 30, 1994, and thereafter as provided by law.

(9) Section 402.50(3), Florida Statutes, the annual administrative infrastructure analysis shall not be required for fiscal year 1992-1993.

(10) Section 409.146(9), Florida Statutes, as amended by chapter 92-58, Laws of Florida, the development phase for the children and families and delinquency services client and management information system shall not be required to be completed by July 1, 1993, but shall be required to be completed no later than July 1, 1994.

(11) Section 409.178(6), Florida Statutes, the annual report on the Child Care Partnership Act shall not be required to be submitted on April 1, 1993, but shall be submitted thereafter as provided by law.

(12) Section 409.185(5), Florida Statutes, the report on the standard of need and payment standard with respect to payments for aid to families with dependent children shall not be required for fiscal year 1992-1993.

(13) Section 415.501(3)(b), Florida Statutes, the biennial report revising the district and state plans on the prevention of abuse and neglect of children shall not be required to be submitted by January 1, 1993, but shall be submitted by January 1, 1994.

(14) Section 916.11(1)(a), Florida Statutes, the semiannual provision by the Department of Health and Rehabilitative Services to the courts of a list of mental health professionals who have completed approved training as experts shall not be required for fiscal year 1992-1993.

(15) Section 34 of chapter 92-78, Laws of Florida, the study to determine the need to establish regulation of lifeguards and lifeguard agen-

cies shall not be required to be submitted to the Legislature prior to November 1, 1993, but shall be submitted prior to November 1, 1994.

Section 7. *Suspension or delay of specified environmental and natural resources reports, evaluations, and functions.*—Notwithstanding the provisions of:

(1) Chapter 373, Florida Statutes, if a water management district is unable to perform its own laboratory work to carry out a district program or project, such water management district shall, through a memorandum of understanding or an interagency agreement as provided for in that chapter, arrange for the Department of Environmental Regulation to perform such laboratory work. A water management district shall not contract with any other entity to perform such laboratory work unless the work can be obtained at a more cost-effective savings or the department lacks the capacity to perform the work.

(2) Section 21 of chapter 92-132, Laws of Florida, the activities of the Northwest Dade County Freshwater Lake Plan Implementation Committee shall be held in abeyance for fiscal year 1992-1993, the committee shall have until December 31, 1993, to present its interim report and until December 31, 1993, to present its plan; and the provisions of that section shall not stand repealed until January 1, 1997.

(3) Section 403.7165(5), Florida Statutes, the activities of the program advisory committee that advises the Institute of Food and Agricultural Sciences in the operation of the Applications Demonstration Center for Resource Recovery from Solid Organic Materials shall be held in abeyance for fiscal year 1992-1993.

(4) Section 376.163, Florida Statutes, as amended by chapter 92-113, Laws of Florida, the activities of the Pollutant Discharge Technical Advisory Council shall be held in abeyance for fiscal year 1992-1993.

(5) Section 376.3071(12)(l), Florida Statutes, as created by chapter 92-30, Laws of Florida, the activities of the efficiency task force on petroleum restoration programs shall be held in abeyance for fiscal year 1992-1993.

(6) Section 373.4595(2)(b), Florida Statutes, the activities of the Lake Okeechobee Technical Advisory Council shall be held in abeyance for fiscal year 1992-1993.

Section 8. *Suspension or delay of specified functions, programs, and requirements relating to governmental operations.*—Notwithstanding the provisions of:

(1) Section 946.504(3), Florida Statutes, as amended by chapter 92-279, Laws of Florida, the Department of Management Services shall not be required to participate with the Department of Corrections in the correctional work program (P.R.I.D.E.) leasing process.

(2) Sections 253.025 and 255.25, Florida Statutes, the Department of Management Services, Division of Facilities Management, has the authority to promulgate rules pursuant to chapter 120, Florida Statutes, to be used in determining whether a lease-purchase of a state-owned office building is in the best interests of the state, which rules provide:

(a) Procedures state agencies will follow to certify the need for a lease-purchase acquisition for a state-owned office building to the Division of Facilities Management and a notification procedure of the division's decision regarding state agencies' requests for a lease-purchase agreement. The certification process shall include but not be limited to the following:

1. Current programmatic space requirements of the state agency.
2. Future programmatic space requirements of the state agency.
3. Time considerations in providing state-owned office building space.
4. An analysis of existing leases affected by the lease-purchase agreement.

(b) Procedures and document formats for the advertisement, competitive bid process, including format of submissions, and evaluation of lease-purchase acquisition proposals for state-owned office buildings. The evaluation process shall include but not be limited to the following:

1. A consideration of the cost of comparable operating leases.

2. The appraised value of the facility as required by s. 253.025, Florida Statutes.

3. A present value analysis of the proposed payment stream.

4. The cost of financing the facility to be acquired.

5. The cost to repair identified physical defects.

6. The cost to remove identified hazardous substances.

7. An energy analysis.

8. A determination of who is responsible for management and maintenance activities.

In order to minimize the cost of the evaluation process, the Division of Facilities Management may develop a multi-stage evaluation process to identify the most cost-efficient proposals for extensive evaluation. The studies developed as a result of this evaluation process shall be considered confidential and exempt from the provisions of s. 119.07(1), Florida Statutes, to the same extent that appraisal reports are considered confidential and exempt from the provisions of s. 119.07(1), Florida Statutes, as provided in s. 253.025(7)(d), Florida Statutes. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14, Florida Statutes.

(c) Acceptable terms and conditions for inclusion in lease-purchase agreements, which shall include but not be limited to:

1. The assignment of the lease-purchase agreement to other governmental entities, including accumulated equity.

2. The ability of the acquiring state agency to sublease a portion of the facility, not to exceed 25 percent, to other governmental entities. These subleases shall provide for the recovery of the agencies' cost of operations and maintenance.

The execution of a lease-purchase is conditioned upon a finding by the Department of Management Services that it would be in the best interests of the state. The language in this subsection shall be considered specific authorization for a lease-purchase pursuant to s. 255.25(1)(b), Florida Statutes, upon the Department of Management Services' certification that the lease-purchase is in the best interests of the state. Thereafter, the agency is authorized to enter into a lease-purchase agreement and to expend operating funds for lease-purchase payments. Any facility which is acquired pursuant to the processes authorized by this subsection shall be considered to be a "state-owned office building" and a "state-owned building" as those terms are applied in ss. 255.248-255.25, Florida Statutes.

(d) That any costs resulting from the processes authorized by this subsection, including but not limited to appraisals, environmental analyses, and any other studies which may be required under these provisions, shall be borne by the owner of the property which is the subject of the proposed lease-purchase.

(3) Chapters 253 and 287, Florida Statutes, the Department of Agriculture and Consumer Services shall be authorized to sell any tangible personal property, real property, or structures on leased or department-owned real property without complying with other provisions of law or Florida Statutes, with the proceeds being deposited into the Property Trust Account in the General Inspection Trust Fund. Prior to finalizing any such sale, the department's proposed action shall be subject to the notice and review procedures set forth in s. 216.177, Florida Statutes, as amended by chapter 92-142, Laws of Florida.

Section 9. *Suspension or delay of specified functions and requirements, and imposition of specified fees, relating to highway safety and motor vehicles.*—

(1) Notwithstanding the provisions of s. 319.25, Florida Statutes, relating to motor vehicle and mobile home title certificates:

(a) The Department of Highway Safety and Motor Vehicles or its authorized agents may charge the following fees:

1. For lists of titles for the entire state, or any part or parts thereof, divided according to counties, a sum computed at the rate of at least 1 cent but not over 5 cents per item.

2. For providing a photographic or microfilm copy of a motor-vehicle-related or mobile-home-related record: \$1 per page.

3. For certifying a photographic or microfilm copy: \$3 per record in addition to the per page cost as described in subparagraph 2.

4. For providing information on records over the phone through the Registration Records Section of the Bureau of Motor Carrier Services: \$1 per record (additional costs as described in subparagraphs 2. and 3. shall apply if hardcopy is provided).

5. For each copy of the Division of Motor Vehicles Procedures Manual, \$25. Fees collected pursuant to this subparagraph shall be deposited into the General Revenue Fund.

(b) The Department of Highway Safety and Motor Vehicles, upon being satisfied that the investigation is for a proper purpose, shall furnish, without charge or limitation as to number, to any state attorney, law enforcement agency, or court information or photographic copies of title or registration records and certifications thereof under seal of the department, but shall not furnish such information or photographic copies without charge or limitation to licensed dealers or their representatives.

(2) In addition to the requirements of s. 320.05, Florida Statutes, relating to registration and inspection of motor vehicles and mobile homes, the Department of Highway Safety and Motor Vehicles or its authorized agents are authorized to charge the following fees for the following services and documents:

(a) For providing a photographic or microfilm copy of a motor-vehicle-related or mobile-home-related record: \$1 per page.

(b) For certifying a photographic or microfilm copy: \$3 per record in addition to the per page cost as described in paragraph (a).

(c) For providing information on records over the phone through the Registration Records Section of the Bureau of Motor Carrier Services: \$1 per record (additional costs as described in paragraphs (a) and (b) shall apply if hardcopy is provided).

(3)(a) Notwithstanding the provisions of s. 322.55(1)(a) and (b) and (3), Florida Statutes, relating to driver's license examinations, the Department of Highway Safety and Motor Vehicles may, subject to the requirements of s. 322.55(2) and (3), Florida Statutes, waive the driving skills portion of a driver's license examination of an applicant for a commercial driver's license who:

1. Applies for a commercial driver's license in this state prior to April 1, 1993; or

2. Possesses a valid chauffeur's license issued by the department or the equivalent of a chauffeur's license issued by the department after April 1, 1992.

(b) A person may not receive a waiver pursuant to this subsection unless he provides evidence and certifies that he:

1. Has previously passed a skills test given by a state with a classified licensing and testing system and that it was a behind-the-wheel test taken in a vehicle that is representative of the classification which he is applying to operate; or

2. Has operated, for at least 2 years immediately preceding his application or 2 years immediately preceding April 1, 1992, a vehicle that is representative of the classification which he is applying to operate.

(4) Notwithstanding the provisions of s. 207.029, Florida Statutes, the requirements relating to proof of liability insurance with respect to commercial motor vehicles are suspended during fiscal year 1992-1993.

(5) Fees collected pursuant to paragraphs (1)(a) and (b), paragraphs (2)(a), (b), and (c), and paragraphs (3)(a) and (b), shall be deposited into the Accident Reports Trust Fund.

Section 10. Paragraph (k) is added to subsection (2) of section 316.302, Florida Statutes, to read:

316.302 Commercial motor vehicles; transportation of hazardous materials; safety regulations; enforcement.—

(2)

(k) A person who is otherwise qualified as a driver under 49 C.F.R., part 391, and who operates a commercial motor vehicle in intrastate commerce only, and who does not transport hazardous materials, shall

be exempt from the requirements of 49 C.F.R., subpart E, s. 391.41(b)(3), and s. 391.43(d), relating to diabetes.

Section 11. Suspension or delay of specified functions, programs, and requirements relating to education; waivers.— To facilitate innovative practices and to allow local selection of educational methods, and notwithstanding the specified statutory provisions, the following time-limited exceptions shall be permitted:

(1) In the General Appropriations Act of 1992, the Legislature may authorize exceptions to any laws pertaining to fiscal policies, 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 s. 229.605 or s. 230.23135, Florida Statutes, the affected statute shall be held in abeyance for that fiscal year, and any approved plan for implementing the statute shall be null and void for that fiscal year.

(2) Until July 1, 1993, the methods and requirements of s. 229.52, Florida Statutes, shall be held in abeyance.

(3) Until July 1, 1993, the Legislature authorizes that the methods and requirements of ss. 229.605 and 230.23135, Florida Statutes, for which a specific 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 of Education for approval pursuant to this subsection.

(a) A school board may originate a request for waiver and submit the request to the commissioner if such waiver is required to implement district-wide improvements.

(b) A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58, Florida Statutes, and if such waiver is required to implement a school improvement plan required by s. 230.23(18), Florida Statutes. The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to s. 229.592(3), Florida Statutes, the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

(c) Notwithstanding the provisions of chapter 120, Florida Statutes, and for the purpose of implementing this section, the commissioner may waive State Board of Education rules adopted to implement ss. 229.605 and 230.23135, Florida Statutes, 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.

(4) A written request for waiver of statute or rule under this section shall indicate, at a minimum, how the general statutory purpose will be met, how granting the waiver will assist schools to improve student outcomes related to the student performance standards adopted pursuant to s. 229.592(5), Florida Statutes, and how student improvement will be evaluated. In considering any waiver, the commissioner shall ensure protection of the health, safety, welfare, and civil rights of the students and protection of the public interest. Any request for a waiver which is not 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 impede school improvement.

(5)(a) The reports required to be submitted by the universities to the Board of Regents pursuant to s. 240.2111(1)(c), Florida Statutes, relating to the employee recognition program, shall not be required during the 1992-1993 fiscal year.

(b) The quarterly reports required to be submitted by the State University System to the Department of Health and Rehabilitative Services pursuant to s. 409.029(15), Florida Statutes, relating to the hiring of Project Independence participants, shall not be required during the 1992-1993 fiscal year.

### PART III

Section 12. Subsections (1), (5), (6), (7), (8), and (9) of section 112.3187, Florida Statutes, are amended, paragraph (e) is added to subsection (3) of that section, and subsection (11) is added to that section, to read:

112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.—

(1) SHORT TITLE.—Sections 112.3187 through 112.31895 ~~This section shall be known and~~ may be cited as the "Whistle-blower's Act of 1986."

(3) DEFINITIONS.—As used in this section, the following words or terms shall have the meanings indicated:

(e) "Gross mismanagement" means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

(5) NATURE OF INFORMATION DISCLOSED.—The information disclosed under this section ~~shall~~ include:

(a) Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which ~~that~~ creates and presents a substantial and specific danger to the public's health, safety, or welfare.

(b) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, nonfeasance, gross waste of public funds, or neglect of duty committed by an employee or agent of an agency or independent contractor.

(6) TO WHOM INFORMATION DISCLOSED.—The information disclosed under this section ~~shall~~ be disclosed to any agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act, including, but not limited to, the Office of the Chief Inspector General, an agency inspector general or chief internal auditor, the Office of the Public Counsel, and the whistle-blower's hotline created under s. 112.3189. However, for disclosures concerning a local governmental entity, including any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing, the information must be disclosed to a chief executive officer or other appropriate official.

(7) EMPLOYEES AND PERSONS PROTECTED.—This section protects ~~shall protect~~ employees and persons who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by any agency or federal government entity; or who refuse to participate in any adverse action prohibited by this section; or who initiate a complaint through the whistle-blower's hotline; or employees who file any written complaint to their supervisory officials, to the Chief Inspector General in the Office of the Governor, or to the Office of the Public Counsel. The provisions of this section may not be used by a person while he is incarcerated within the state correctional system or, after his release from incarceration, with respect to circumstances that occurred during any period of incarceration. No remedy or other protection under ss. 112.3187-112.31895 applies to any person who has committed or intentionally participated in committing the violation or suspected violation for which protection under ss. 112.3187-112.31895 is being sought.

(8) REMEDIES.—

(a) Any employee of or applicant for employment with any state agency, as the term "state agency" is defined in s. 216.011, who is discharged, disciplined, or subjected ~~subject~~ to other adverse personnel

action, or denied employment, because he engaged in an activity protected by this section may file a complaint, which complaint must be made in accordance with s. 112.31895. Upon receipt of notice from the Public Counsel of termination of the investigation, the complainant may elect to pursue the administrative remedy available under s. 112.31895 or bring a civil action within 180 days after receipt of the notice.

(b) Within 60 days after the action prohibited by this section, any local public employee protected by this section may file a complaint with the appropriate local governmental authority, if that authority has established by ordinance an administrative procedure for handling such complaints or has contracted with the Division of Administrative Hearings under s. 120.65(9) to conduct hearings under this section. The administrative procedure created by ordinance must provide for the complaint to be heard by a panel of impartial persons appointed by the appropriate local governmental authority. Upon hearing the complaint, the panel must make findings of fact and conclusions of law for a final decision by the local governmental authority. Within 180 days after entry of a final decision by the local governmental authority, the public employee who filed the complaint may bring a civil action in any court of competent jurisdiction. If the local governmental authority has not established an administrative procedure by ordinance or contract, a local public employee may, within 180 days after the action prohibited by this section, bring a civil action in a court of competent jurisdiction. For the purpose of this paragraph, the term "local governmental authority" includes any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing.

(c) Any other person protected by this section may, after exhausting all available contractual or administrative remedies, bring a civil action in any court of competent jurisdiction within 180 days after the action prohibited by this section ~~by an agency or independent contractor, or any person whose rights or interests are adversely affected by an agency or independent contractor, as a result of disclosing information under this section may, after exhausting all available contractual or administrative remedies, bring a civil action within 90 days of the final administrative determination or the violation, whichever is later, in the appropriate court having venue for any of the relief specified in this section.~~

(9) RELIEF.—In any action brought under pursuant to this section, the relief ~~may~~ include the following:

(a) Reinstatement of the employee to the same position held before the adverse action was commenced, or to an equivalent position or reasonable front pay as alternative relief.

(b) Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.

(c) Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the adverse action.

(d) Payment of reasonable costs, including attorney's fees, to a substantially the prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith ~~party~~.

(e) Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

(f) Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome on the complaint, if an employee complains of being discharged in retaliation for a protected disclosure and if a court of competent jurisdiction or the Public Counsel, as applicable under s. 112.31895, determines that the disclosure was not made in bad faith or for a wrongful purpose or occurred after an agency's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency. This paragraph does not apply to an employee of a municipality.

(11) EXISTING RIGHTS.—Sections 112.3187-112.31895 do not diminish the rights, privileges, or remedies of an employee under any other law or rule or under any collective bargaining agreement or employment contract; however, the election of remedies in s. 447.401 also applies to whistle-blower actions.

Section 13. Section 112.3189, Florida Statutes, is created to read:

112.3189 Investigative procedures upon receipt of whistle-blower information.—

(1) This section applies to any disclosure of information by an employee or former employee of, or an applicant for employment with, a state agency, as the term "state agency" is defined in s. 216.011, to the Office of the Chief Inspector General of the Executive Office of the Governor, to the agency inspector general or, if an agency does not have an inspector general, to an employee designated by the head of the state agency, as the term "state agency" is defined in s. 216.011, to receive such information that the employee, former employee, or applicant reasonably believes evidences:

(a) A violation of a law, rule, or regulation; or

(b) Gross mismanagement, neglect of duty, malfeasance, misfeasance, nonfeasance, gross waste of public funds, or a substantial and specific danger to public health or safety.

(2) To facilitate the receipt of information described in subsection (1), the Chief Inspector General shall maintain an in-state toll-free whistle-blower's hotline and shall circulate among the various state agencies an advisory for all employees which indicates the existence of the toll-free number and its purpose and provides an address to which written whistle-blower information may be forwarded.

(3) When the Chief Inspector General or other appropriate agency official receives information described in subsection (1), the Chief Inspector General or other official shall review the information and, within 30 days after receiving the information, shall determine whether a substantial likelihood exists that the information discloses a violation of any law, rule, or regulation, or gross mismanagement, neglect of duty, malfeasance, misfeasance, nonfeasance, gross waste of public funds, or a substantial and specific danger to public health and safety.

(4) If the Chief Inspector General or other official does not make a positive determination under subsection (3), the Chief Inspector General or other official shall:

(a) Make available, upon request by the complainant, any documents and other materials provided by the individual who made the disclosure; and

(b) Inform the individual who made the disclosure of:

1. The reasons why the disclosure may not be further acted on under this section; and

2. The names of other offices that may be available for receiving disclosures, if the individual seeks to pursue the matter further.

(5)(a) If the Chief Inspector General or other official makes a positive determination under subsection (3), the Chief Inspector General or other official shall:

1. Conduct an investigation with respect to the information and any related matters; and

2. Submit to the complainant and the Chief Inspector General, within 60 days after the date on which a positive determination is made under subsection (3) or within any longer period of time agreed to in writing by the Chief Inspector General, a written report that sets forth preliminary findings, except as provided under subsection (8). The complainant may submit comments to the Chief Inspector General and agency official within 15 days after receiving a copy of the report.

(b) If the employee files the initial complaint within an agency, the agency head shall conduct an investigation and submit a written report to the Chief Inspector General only if the information was transmitted to the agency by:

1. An employee or former employee of, or an applicant for employment with, the agency that the information concerns; or

2. An employee who obtained the information in connection with the performance of the employee's duties and responsibilities.

(6) A report required under paragraph (5)(b) must be reviewed and signed by the head of the agency and must include:

(a) A summary of the information with respect to which the investigation was initiated;

(b) A description of the conduct of the investigation;

(c) A summary of any evidence obtained from the investigation;

(d) A listing of any violation or apparent violation of any law, rule, or regulation; and

(e) A description of any action taken or planned as a result of the investigation, such as:

1. A change in an agency rule, regulation, or practice;

2. The restoration of an aggrieved employee;

3. A disciplinary action against an employee; and

4. The referral to the Department of Law Enforcement of any evidence of a criminal violation.

(7)(a) A report required under paragraph (5)(b) shall be submitted to the Chief Inspector General within 90 days after the agency receives the complaint or within any longer period of time agreed to in writing by the Chief Inspector General, and the Chief Inspector General shall transmit a copy to the complainant, except as provided under subsection (8). The complainant may submit comments on the report to the Chief Inspector General within 15 days after receiving a copy of the report.

(b) Upon receiving a report required under paragraph (5)(b), the Chief Inspector General shall review the report and determine whether the report contains the information required by subsection (6).

(c) The Chief Inspector General shall transmit any final report under subsection (5), any comments provided by the complainant, and any appropriate comments or recommendations by the Chief Inspector General to the Governor, to the Joint Legislative Auditing Committee, to the investigating agency, and to the Comptroller.

(d) If the Chief Inspector General does not receive the report of the agency within the time prescribed in paragraph (a), the Chief Inspector General shall report the complaint to the Governor, to the Joint Legislative Auditing Committee, and to the investigating agency, together with a statement noting the failure of the agency head to file the required report.

(8) If an investigation under subsection (5) produces evidence of a criminal violation:

(a) The report may not be transmitted to the complainant; and

(b) The agency shall notify the Chief Inspector General and the Department of Law Enforcement.

(9)(a) If the Chief Inspector General or other official receives information described in subsection (1) from an employee other than an employee, former employee, or applicant for employment described in paragraph (5)(b), the Chief Inspector General or other official shall initiate a preliminary investigation of the complaint and related matters under subsection (3).

(b) If the Chief Inspector General or other official does not make a positive determination under subsection (3), the Chief Inspector General or other official shall:

1. Copy and return any documents and other materials provided by the individual who made the disclosure; and

2. Inform the individual who made the disclosure of:

a. The reasons why the disclosure may not be further acted on under this section; and

b. The names of other offices that may be available for receiving disclosures, if the individual seeks to pursue the matter further.

(10) The identity of any individual who makes a disclosure described in subsection (1), or who makes a disclosure in good faith through the whistle-blower's hotline, may not be disclosed by an investigating official without the individual's consent, unless the Chief Inspector General or agency inspector general or agency head determines that the disclosure of the individual's identity is necessary because of an imminent danger to public health or safety or imminent commission of a crime.

(11) Except as specifically authorized in this section, or as expressly waived by the complainant, all information received by the Chief Inspector General in the Executive Office of the Governor, agency inspector general, or chief internal auditor, or produced or derived from fact-finding or other investigations conducted by the Department of Legal

Affairs, the Office of Public Counsel, or the Department of Law Enforcement, under this section or s. 112.31895 is confidential and exempt from s. 119.07(1) while the investigation or inquiry is active, and thereafter as provided by s. 112.3188.

(a) An investigation or inquiry is active under this subsection as long as it is an ongoing investigation or inquiry or collection of information and evidence and is continuing with a reasonable, good-faith anticipation of resolution in the foreseeable future.

(b) Notwithstanding paragraph (a), an investigation under paragraph (5)(b) ceases to be active under this subsection when the written report required under paragraph (5)(b) has been received by the Chief Inspector General, when disclosure by the Chief Inspector General under subsection (7) has been delivered to the recipients named in that subsection, or when the investigating official has taken the action under paragraph (9)(b). However, any investigation or inquiry is active while all or a portion of the matters under investigation or inquiry are active criminal intelligence information or active criminal investigative information under s. 119.011.

(c) Notwithstanding paragraphs (a) and (b), information or records received or produced under this section which are otherwise confidential under law or exempt from disclosure under chapter 119 retain their confidentiality or exemption.

(d) Any person who willfully and knowingly discloses information or records made confidential under this subsection is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

The exemptions from s. 119.07(1) provided in this subsection are subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 14. Section 112.31895, Florida Statutes, is created to read:

112.31895 Investigative procedures in response to prohibited personnel actions.—

(1)(a) If a disclosure under s. 112.3189 includes or results in alleged retaliation by an employer, the employee so affected may file a complaint alleging a prohibited personnel action, which complaint must be made in accordance with s. 112.3187 by means of the whistle-blower's hotline in the Office of the Chief Inspector General in the Executive Office of the Governor, or by making a complaint to the Department of Legal Affairs or the Public Counsel, no later than 60 days after the prohibited personnel action.

(b) Within three working days after receiving a complaint under this section, the office or officer receiving the complaint shall acknowledge receipt of the complaint and provide copies of the complaint and any other preliminary information available concerning the disclosure of information under s. 112.3187 to each of the other parties named in paragraph (a), which parties shall each acknowledge receipt of such copies to the complainant.

(2) **FACT FINDING.**—The Department of Legal Affairs shall:

(a) Receive any allegation of a personnel action prohibited by s. 112.3187, including a proposed or potential action, and conduct informal fact finding regarding any allegation under this section, to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel action under s. 112.3187 has occurred, is occurring, or is to be taken.

(b) Notify the complainant, within 15 days after receiving a complaint, that the complaint has been received by the department.

(c) Within 90 days after receiving the complaint, provide the Public Counsel, the agency head, and the complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

(3) **CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.**—

(a) The Public Counsel established by s. 350.061, in accordance with this act and for the sole purpose of this act, is empowered to:

1. Receive and investigate complaints from employees alleging retaliation by state agencies, as the term "state agency" is defined in s. 216.011.

2. Protect employees and applicants for employment with such agencies from prohibited personnel practices under s. 112.3187.

3. Petition for stays and petition for corrective actions, including, but not limited to, temporary reinstatement.

4. Recommend disciplinary proceedings pursuant to investigation and appropriate agency rules and procedures.

5. Coordinate with the Chief Inspector General in the Executive Office of the Governor and the Department of Legal Affairs to receive, review, and forward to appropriate agencies, legislative entities, or the Department of Law Enforcement disclosures of a violation of any law, rule, or regulation, or disclosures of gross mismanagement, malfeasance, misfeasance, nonfeasance, neglect of duty, or gross waste of public funds.

6. Review rules pertaining to personnel matters issued or proposed by the Department of Administration, the Public Employees Relations Commission, and other agencies, and, if the Public Counsel finds that any rule or proposed rule, on its face or as implemented, requires the commission of a prohibited personnel practice, provide a written comment to the appropriate agency.

7. Investigate, request assistance from other governmental entities, and, if appropriate, bring actions concerning, allegations of retaliation by state agencies under subparagraph 1.

8. Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery, pursuant to investigations under subparagraph 1.

9. Intervene or otherwise participate, as a matter of right, in any appeal or other proceeding arising under this section before the Public Employees Relations Commission or any other appropriate agency, except that the Public Counsel must comply with the rules of the commission or other agency and may not seek corrective action or intervene in an appeal or other proceeding without the consent of the person protected under ss. 112.3187-112.31895.

10. Conduct an investigation, in the absence of an allegation, to determine whether reasonable grounds exist to believe that a prohibited action or a pattern of prohibited action has occurred, is occurring, or is to be taken.

(b) Within 15 days after receiving a complaint that a person has been discharged from employment allegedly for disclosing protected information under s. 112.3187, the Public Counsel shall review the information and determine whether temporary reinstatement is appropriate under s. 112.3187(9)(f). If the Public Counsel so determines, he shall apply for an expedited order from the appropriate agency or circuit court for the immediate reinstatement of the employee who has been discharged subsequent to the disclosure made under s. 112.3187, pending the issuance of the final order on the complaint.

(c) The Public Counsel shall notify a complainant of the status of the investigation and any action taken by the Public Counsel at such times as the Public Counsel considers appropriate.

(d) The Public Counsel shall review the fact-finding reports submitted by the Department of Legal Affairs and may rely upon the findings and recommendations of those reports.

(e) If the Public Counsel is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the Public Counsel shall terminate the investigation. Upon termination of any investigation, the Public Counsel shall notify the complainant and the agency head of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding but is not admissible without the consent of the complainant.

(f)1. The Public Counsel may request an agency or circuit court to order a stay, on such terms as the court requires, of any personnel action for 45 days if the Public Counsel determines that reasonable grounds exist to believe that a prohibited personnel action has occurred, is occurring, or is to be taken. The Public Counsel may request that such stay be extended for appropriate periods of time.

2. If, in connection with any investigation, the Public Council determines that reasonable grounds exist to believe that a prohibited action has occurred, is occurring, or is to be taken which requires corrective action, the Public Council shall report the determination together with any findings or recommendations to the agency head and may report that determination and those findings and recommendations to the Governor and the Comptroller. The Public Council may include in the report recommendations for corrective action to be taken.

3. If, after 20 days, the agency does not implement the recommended action, the Public Council shall terminate the investigation and notify the complainant of the right to appeal under subsection (4), or may petition the agency for corrective action under this subsection.

4. If the Public Council finds, in consultation with the Department of Legal Affairs or the individual subject to the prohibited action, that the agency has implemented the corrective action, the Public Council shall file such finding with the agency head, together with any written comments that the individual provides, and terminate the investigation.

(g) If the Public Council finds that there are no reasonable grounds to believe that a prohibited personnel action has occurred, is occurring, or is to be taken, he shall terminate the investigation.

(h)1. If, in connection with any investigation under this section, it is determined that reasonable grounds exist to believe that a criminal violation has occurred which has not been previously reported, the Public Council shall report this determination to the Department of Law Enforcement and to the state attorney having jurisdiction over the matter.

2. If an alleged criminal violation has been reported, the Public Council shall confer with the Department of Law Enforcement and the state attorney before proceeding with the investigation of the prohibited personnel action and may defer the investigation pending completion of the criminal investigation and proceedings. The Public Council shall inform the complainant of the decision to defer the investigation and, if appropriate, of the confidentiality of the investigation.

(i) If, in connection with any investigation under this section, the Public Council determines that reasonable grounds exist to believe that a violation of a law, rule, or regulation has occurred, other than a criminal violation or a prohibited action under this section, the Public Council may report such violation to the head of the agency involved. Within 30 days after the agency receives the report, the agency head shall provide to the Public Council a certification that states that the head of the agency has personally reviewed the report and indicates what action has been or is to be taken and when the action will be completed.

(j) During any investigation under this section, disciplinary action may not be taken against any employee of a state agency, as the term "state agency" is defined in s. 216.011, for reporting an alleged prohibited personnel action that is under investigation, or for reporting any related activity, or against any employee for participating in an investigation without notifying the Public Council.

(k) The Public Council may also petition for an award of reasonable attorney's fees and expenses from a state agency, as the term "state agency" is defined in s. 216.011, pursuant to s. 112.3187(9).

(4) RIGHT TO APPEAL.—

(a) Not more than 60 days after receipt of a notice of termination of the investigation from the Public Council, the complainant may file, with the Public Employees Relations Commission, a complaint against the employer-agency regarding the alleged prohibited personnel action. The Public Employees Relations Commission shall have jurisdiction over such complaints under ss. 112.3187 and 447.503(4) and (5).

(b) Judicial review of any final order of the commission shall be as provided in s. 120.68.

Section 15. Powers and authority of the Attorney General.—This act does not limit the powers or authority of the Attorney General granted by the State Constitution, the laws of this state, or common law.

Section 16. Except as otherwise provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 1992, or in the event this act fails to become a law until after that date, it shall operate retroactively thereto.

And the title is amended as follows:

On pages 19-21, strike the entire title amendment and insert: A bill to be entitled An act relating to state programs and expenditures; creating the "Governmental Efficiency Act of 1992"; providing legislative findings and intent; requiring the Comptroller to establish and operate a state-wide toll-free hotline for certain purposes; providing for confidentiality; requiring a report to the Legislature; providing legislative intent; providing for temporary suspension or delay of specified activities by state agencies in the areas of social services, environmental programs and natural resources, governmental operations, highway safety and motor vehicles, and education; amending s. 316.302, F.S.; exempting certain drivers of commercial motor vehicles from described federal requirements; amending s. 112.3187, F.S.; amending the short title of the Whistle-blower's Act of 1986; providing a definition; specifying persons and entities to whom information must be disclosed; amending the list of employees and persons protected by that act; providing remedies; increasing the time period within which a civil action may be brought; requiring specified types of relief; allowing the employer to receive an award of reasonable costs, including attorney's fees; providing for temporary reinstatement to employment; providing for defenses; providing that this section does not diminish existing rights; creating s. 112.3189, F.S.; providing investigative procedures upon receipt of whistle-blower information; providing applicability; providing for a whistle-blower's hotline; requiring the Chief Inspector General or other appropriate official to review information disclosed by the whistle-blower and make a preliminary determination; requiring, in specified circumstances, that the Chief Inspector General or another official conduct an investigation and submit written preliminary findings to the complainant; requiring an agency head, in specified circumstances, to conduct an investigation and submit a written report to the Chief Inspector General; specifying the contents of and deadline for that report; providing duties of the Chief Inspector General; providing for confidentiality of the whistle-blower's identity, with exceptions; providing for confidentiality of information pertaining to an active investigation or inquiry; providing penalties for violations; providing for review of that exemption under the Open Government Sunset Review Act; creating s. 112.31895, F.S.; providing for administrative procedures in response to prohibited actions; establishing certain responsibilities in the Department of Legal Affairs; providing responsibilities of the Office of the Public Council; providing procedures for fact finding, reporting, investigations, and corrective action; providing prerequisites to a complainant's seeking corrective action from agencies other than the Public Council; providing for appropriate relief to be granted; providing for judicial review; providing for reporting suspected criminal violations to the Department of Law Enforcement; authorizing the Public Council to review fact-finding reports of the Department of Legal Affairs and to take appropriate action; providing for reporting certain suspected violations to an agency head; requiring the agency head to respond; prohibiting disciplinary action in specified circumstances; allowing the Public Council to petition for an award of attorney's fees and reasonable expenses; providing the right to file a complaint with the Public Employees Relations Commission if the Public Council terminates an investigation; providing for judicial review; providing that this act does not limit the powers of the Attorney General; providing an effective date, including a contingent retroactive effective date.

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

HB 371-H passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32 Nays—None

ROLL CALLS ON SENATE BILLS

SB 80-H

Motion to Allow Consideration

Yeas—24

Madam President Davis	Grant	Plummer
Bankhead	Diaz-Balart	Grizzle
Beard	Dudley	Kirkpatrick
Childers	Forman	Kiser
Crenshaw	Gardner	Langley
Dantzler	Girardeau	Malchon
		Scott
		Thomas
		Walker
		Weinstein
		Yancey

Nays—1

Crotty

**SB 80-H**

Yeas—33

Madam President	Davis	Jennings	Myers
Bankhead	Diaz-Balart	Johnson	Scott
Beard	Dudley	Kirkpatrick	Souto
Burt	Forman	Kiser	Thomas
Casas	Gardner	Kurth	Weinstein
Childers	Girardeau	Langley	Yancey
Crenshaw	Grant	Malchon	
Crotty	Grizzle	McKay	
Dantzler	Jenne	Meek	

Nays—3

Bruner	Gordon	Weinstock
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Vote after roll call:

Yea—Plummer, Wexler

**SB 246-H**

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Girardeau

**ROLL CALLS ON HOUSE BILLS**

**HB 113-H**

Yeas—25

Madam President	Davis	Jennings	Thomas
Bankhead	Diaz-Balart	Kirkpatrick	Walker
Beard	Dudley	Kiser	Weinstein
Childers	Forman	Kurth	Yancey
Crenshaw	Gardner	Langley	
Crotty	Grant	Malchon	
Dantzler	Grizzle	Scott	

Nays—None

Vote after roll call:

Yea—Jenne, Johnson, Souto

**HCR 301-H**

Yeas—36

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

Nays—None

**HB 371-H**

Yeas—32

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

Nays—None

Vote after roll call:

Yea—Girardeau, Plummer

**HB 483-H**

**Motion For Introduction**

Yeas—32

Madam President	Davis	Jenne	McKay
Bankhead	Diaz-Balart	Jennings	Myers
Beard	Dudley	Johnson	Plummer
Bruner	Forman	Kirkpatrick	Souto
Burt	Gardner	Kiser	Thomas
Casas	Gordon	Kurth	Weinstein
Childers	Grant	Langley	Wexler
Crenshaw	Grizzle	Malchon	Yancey

Nays—1

Crotty

Vote after roll call:

Yea—Dantzler, Girardeau, Meek, Weinstock

**HB 483-H**

Yeas—30

Madam President	Diaz-Balart	Johnson	Souto
Bankhead	Forman	Kiser	Thomas
Beard	Gardner	Kurth	Weinstein
Bruner	Gordon	Langley	Weinstock
Burt	Grant	Malchon	Wexler
Casas	Grizzle	McKay	Yancey
Childers	Jenne	Meek	
Davis	Jennings	Myers	

Nays—2

Crotty Dudley

Vote after roll call:

Yea—Dantzler, Girardeau, Kirkpatrick, Plummer

**ENROLLING REPORTS**

SB 74-H, CS for SB 154-H and SB 198-H have been enrolled, signed by the required Constitutional Officers and presented to the Governor on June 29, 1992.

SJR 2-H has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on June 29, 1992.

*Joe Brown, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of June 26 was corrected and approved.

**CO-SPONSORS**

Senator Grant—SB 202-H

**RECESS**

On motion by Senator Thomas, the Senate recessed at 8:40 p.m. to reconvene at 9:00 a.m., Tuesday, June 30, or upon call of the President.