



Journal of the Senate

Number 3—Regular Session

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CALL TO ORDER

The Senate was called to order by the President at 3:15 p.m. A quorum present—39:

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Turner
Clary	Hargrett	Lee	Williams
Cowin	Harris	Meadows	

Excused: Senator McKay

PRAYER

The following prayer was offered by the Rev. W. T. Lockett, Mt. Moriah Missionary Baptist Church, Palm Bay:

Eternal and all wise God, thou who art from everlasting unto everlasting, it is again that we come into thy presence. We come with grateful but heavy hearts.

First, we come with thanksgiving, thanking you for the privilege of coming and for your hearing us. We thank you for this day, for this session and for the place in which we are assembled. We thank you for these legislators. We pray that you will touch and consecrate their hearts and minds so that they will be mindful of the needs of our State, and that while you control their thoughts, you will give them the courage that they might play the game of life with boldness, fairness and integrity. Help them to stand firmly on their beliefs if it is pleasing in thy sight.

Help them, O God, to make this state one that others will look to for guidance and direction. Help them to propose the kind of legislation that will increase the quality of education for our children—a book for every child in every class. Help them to pass laws that will set the standard in housing and employment.

Our President wants to build a bridge to the next century. Help us to ensure that no one in this state has to sleep under it. Help us set the standard in health care for our elderly. Then, dear God, teach us how to love one another as you have commanded us to do.

This we ask in your name, your servant's prayer. Amen.

PLEDGE

Senate Pages, Jeremy Harper of Stuart and Sarah Pritchett of East Palatka, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bankhead, by two-thirds vote **CS for SB 794** was withdrawn from the Committee on Ways and Means.

On motion by Senator Bankhead, by two-thirds vote **CS for SB 788** was withdrawn from the Committees on Governmental Reform and Oversight; and Ways and Means.

On motion by Senator Sullivan, by two-thirds vote **SB 92** was withdrawn from the Committee on Ways and Means.

CONSIDERATION OF BILLS ON THIRD READING

CS for SB 458—A bill to be entitled An act relating to education; amending s. 229.565, F.S., relating to student performance standards; providing for the Commissioner of Education to adopt rules; amending s. 229.57, F.S., relating to the student assessment program; amending standards and procedures relating to the statewide program, district testing programs, and school testing programs and provisions relating to annual reports on the assessment program; amending s. 232.245, F.S.; raising the cumulative grade point average required for purposes of a district's comprehensive program for pupil progression; amending s. 232.2454, F.S.; revising provisions relating to student performance standards; amending s. 232.246, F.S.; revising credit requirements; allowing certain courses taken below the 9th grade to be used to satisfy high school graduation requirements; raising the cumulative grade point average that is required for high school graduation; restricting the award of credit toward high school graduation for enrollment in certain courses; correcting cross-references; amending s. 232.2462, F.S.; revising the definition of dual enrollment credit; amending s. 232.2463, F.S.; revising the high school grading system; amending s. 232.425, F.S.; raising the cumulative grade point average that is required for participation in interscholastic extracurricular student activities; amending s. 233.065, F.S.; allowing the posting of historic documents; amending s. 240.116, F.S.; providing requirements for student enrollment in dual enrollment courses; requiring the development of standards; amending s. 240.1161, F.S.; requiring district interinstitutional articulation agreements to include the process for the award of high school credit for dual enrollment courses; amending 240.529, F.S.; requiring standards for preparation of teachers for instruction of higher-level mathematics concepts; providing an effective date.

—was read the third time by title.

On motions by Senator Harris, **CS for SB 458** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Dantzler	Horne	Rossin
Bronson	Diaz-Balart	Jenne	Scott
Brown-Waite	Dudley	Jones	Silver
Burt	Dyer	Klein	Sullivan
Campbell	Forman	Kurth	Thomas
Casas	Grant	Latvala	Turner
Childers	Gutman	Lee	Williams
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

CS for SB 462—A bill to be entitled An act relating to education; amending s. 231.17, F.S.; revising educator certification requirements; specifying minimum competencies; making conforming changes; authorizing school districts to provide alternate certification programs and systems for demonstrating professional competencies; specifying minimum requirements; requiring approval by the Department of Education; requiring demonstration of professional competencies within a certain period; providing exceptions; authorizing the Commissioner of Education to contract for written certification examinations; deleting state university responsibility for such examinations; deleting requirements for professional orientation programs; deleting requirements for certification to teach certain ages and grades; amending s. 231.24, F.S., relating to renewal of educator certification; providing for extensions of professional certificates; extending permission to use certain training for renewal of any certification specialization; deleting additional renewal requirements for certificate holders not employed in instructional positions; providing for reissuance of expired certificates; amending s. 240.529, F.S., relating to approval of teacher preparation programs; requiring emphasis on educator accomplished practices; deleting obsolete dates; deleting references to professional orientation programs; requiring higher education institutions to assist in continued program approval; deleting consideration of graduates of out-of-state and alternate preparation programs; making conforming changes in preservice field experiences; repealing s. 231.172, F.S., relating to alternate preparation programs for teachers; providing an effective date.

—was read the third time by title.

On motions by Senator Diaz-Balart, **CS for SB 462** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—37

Madam President	Crist	Holzendorf	Ostalkiewicz
Bankhead	Dantzler	Horne	Scott
Bronson	Diaz-Balart	Jenne	Silver
Brown-Waite	Dudley	Jones	Sullivan
Burt	Dyer	Klein	Thomas
Campbell	Forman	Kurth	Turner
Casas	Grant	Latvala	Williams
Childers	Gutman	Lee	
Clary	Hargrett	Meadows	
Cowin	Harris	Myers	

Nays—None

Vote after roll call:

Yea—Rossin

SB 342—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S., relating to powers and duties of district school boards; requiring the adoption of salary schedules based on performance assessments of instructional personnel; amending s. 230.33, F.S.; requiring superintendents to recommend salary schedules for instructional personnel based on performance assessments; amending s. 236.02, F.S., relating to participation in the Florida Education Finance Program; requiring expenditures for instructional personnel salaries based on performance assessments; providing an effective date.

—was read the third time by title.

Senator Jones moved the following amendment:

Amendment 1—On page 3, line 25, delete “performance” insert: *measurable and objective performance criteria*

Senator Harris moved the following substitute amendment which was adopted by two-thirds vote:

Amendment 2—On page 3, lines 25 and 26, delete “performance demonstrated under s. 231.29” and insert: *measurable and objective performance criteria determined at the discretion of the school board*

The vote was:

Yeas—26

Madam President	Clary	Harris	Meadows
Bronson	Dantzler	Holzendorf	Rossin
Brown-Waite	Dyer	Jenne	Silver
Burt	Forman	Jones	Sullivan
Campbell	Grant	Kirkpatrick	Williams
Casas	Gutman	Klein	
Childers	Hargrett	Kurth	

Nays—13

Bankhead	Dudley	Lee	Scott
Cowin	Horne	Myers	Thomas
Crist	Latvala	Ostalkiewicz	Turner

Senator Brown-Waite moved the following amendment which was adopted by two-thirds vote:

Amendment 3—On page 3, line 26, after the period (.) insert: *When developing this schedule, the superintendent or a designee shall seek the input of the district’s school advisory committees.*

Senator Jones moved the following amendment:

Amendment 4—On page 4, line 9, delete “employee performance” and insert: *measurable and objective employee performance criteria*

Senator Harris moved the following substitute amendment which was adopted by two-thirds vote:

Amendment 5—On page 4, line 9, delete “employee performance demonstrated under s. 231.29” and insert: *measurable and objective employee performance criteria determined at the discretion of the school board*

On motions by Senator Harris, **SB 342** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—38

Madam President	Crist	Holzendorf	Myers
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Jones	Scott
Burt	Dyer	Kirkpatrick	Silver
Campbell	Forman	Klein	Sullivan
Casas	Grant	Kurth	Thomas
Childers	Gutman	Latvala	Williams
Clary	Hargrett	Lee	
Cowin	Harris	Meadows	

Nays—1

Turner

CS for SB 460—A bill to be entitled An act relating to education; amending s. 232.246, F.S.; requiring school districts to award college-ready high school diplomas to certain students; correcting obsolete references; creating s. 232.2466, F.S.; providing requirements for the college-ready diploma program; providing an effective date.

—was read the third time by title.

On motions by Senator Kirkpatrick, **CS for SB 460** was passed and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Campbell	Crist	Forman
Bankhead	Casas	Dantzler	Grant
Bronson	Childers	Diaz-Balart	Gutman
Brown-Waite	Clary	Dudley	Hargrett
Burt	Cowin	Dyer	Harris

Holzendorf	Klein	Myers	Sullivan	Lee	Ostalkiewicz	Silver	Turner
Horne	Kurth	Ostalkiewicz	Thomas	Meadows	Rossin	Sullivan	Williams
Jenne	Latvala	Rossin	Turner	Myers	Scott	Thomas	
Jones	Lee	Scott	Williams	Nays—None			
Kirkpatrick	Meadows	Silver					
Nays—None							

REPORTS OF COMMITTEES

CS for SB 340—A bill to be entitled An act relating to school district personnel; amending s. 230.23, F.S.; requiring the school board to keep records of employee contractual status, termination and nonrenewal; amending s. 231.29, F.S.; revising performance assessments of school district instructional staff; requiring notice of unsatisfactory performance; requiring corrective action; providing for hearings; specifying district school board authority; requiring certain evaluations; amending s. 231.36, F.S.; revising contracts for school district instructional staff; specifying a probationary period; requiring performance assessments; providing for dismissal; providing for a hearing before the school board following dismissal or contract nonrenewal; specifying burden of proof; requiring a probationary period for certain administrative staff; restricting issuance of professional service contracts; applying new performance assessment and appeal procedures upon renewal of a professional service contract; amending s. 231.3605, F.S., relating to educational support employees; limiting probationary status to employees hired before a certain date; permitting annual and multi-year contracts for employees hired after a certain date; providing for dismissal; providing for appeals; providing that this act supersedes local laws; providing an effective date.

—as amended March 5 was read the third time by title.

Senators Dyer and Grant offered the following amendment which was moved by Senator Dyer and adopted by two-thirds vote:

Amendment 1—On page 8, line 10, after “*period*,” and before the word “*the*” insert: *or following the expiration of each annual contract during the first 3 years of employment*,

Senator Diaz-Balart moved the following amendment which was adopted by two-thirds vote:

Amendment 2—On page 8, line 28, delete “45” and insert: 60

Senator Williams moved the following amendment which was adopted by two-thirds vote:

Amendment 3—On page 8, line 15, delete that line and insert: *renewed at the discretion of the school board. For subsequent renewals, termination must be for just cause*,

Senator Cowin moved the following amendment which was adopted by two-thirds vote:

Amendment 4—On page 5, line 31, delete “*for the subsequent school year*”

Senator Grant moved the following amendment which was adopted by two-thirds vote:

Amendment 5—On page 8, line 18, after “231.29.” insert: *All school board prescribed performance standards are solely within the discretion of each school board and are not subject to the collective bargaining process.*

On motions by Senator Grant, **CS for SB 340** as amended was passed, ordered engrossed and then by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Madam President	Childers	Dyer	Horne
Bankhead	Clary	Forman	Jenne
Bronson	Cowin	Grant	Jones
Brown-Waite	Crist	Gutman	Kirkpatrick
Burt	Dantzler	Hargrett	Klein
Campbell	Diaz-Balart	Harris	Kurth
Casas	Dudley	Holzendorf	Latvala

The Committee on Community Affairs recommends the following pass: SB 190 with 1 amendment

The bill was referred to the Committee on Criminal Justice under the original reference.

The Committee on Education recommends the following pass: SB 72

The bill was referred to the Committee on Executive Business, Ethics and Elections under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 450

The Committee on Community Affairs recommends the following pass: SB 240

The Committee on Education recommends the following pass: SB 382

The Committee on Health Care recommends the following pass: SB 660

The bills contained in the foregoing reports were referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Commerce and Economic Opportunities recommends the following pass: SB 222, SB 486

The Committee on Community Affairs recommends the following pass: SB 332

The Committee on Criminal Justice recommends the following pass: SB 92, SB 154, SB 204

The Committee on Education recommends the following pass: SB 386

The Committee on Governmental Reform and Oversight recommends the following pass: CS for SB 300 with 1 amendment

The Committee on Health Care recommends the following pass: SB 356

The Committee on Judiciary recommends the following pass: SB 68

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Education recommends the following pass: SB 326

The Committee on Governmental Reform and Oversight recommends the following pass: SB 56

The Committee on Health Care recommends the following pass: SB 766 with 1 amendment

The Committee on Judiciary recommends the following pass: CS for SB 106

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Children, Families and Seniors recommends a committee substitute for the following: SB 278

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Commerce and Economic Opportunities recommends committee substitutes for the following: SB 236, SB 370

The Committee on Community Affairs recommends a committee substitute for the following: SB 402

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Community Affairs recommends a committee substitute for the following: SB 378

The Committee on Executive Business, Ethics and Elections recommends committee substitutes for the following: SB 120, SB 290

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Executive Business, Ethics and Elections; and Senator Crist—

CS for SB 120—A bill to be entitled An act relating to elections; amending s. 106.143, F.S.; providing conditions for political advertisements; providing additional requirements for specified political advertisements; providing a penalty; creating s. 106.1431, F.S.; requiring specific disclosures during telephone calls made in relation to a candidate, ballot proposal, or political organization; providing conditions for telephone solicitations; providing a penalty; creating s. 106.1432, F.S.; requiring the appointment of a registered agent for a person providing political campaign services or products before that person conducts business; requiring the filing of such appointment with the Division of Elections of the Department of State; providing a penalty; creating s. 106.1433, F.S.; requiring disclosure of messages accessible by computer or other medium; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Horne—

CS for SB 236—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 324.201, F.S.; deleting the requirement that recovery agents notify law enforcement of the tag seizure; amending s. 324.202, F.S.; expanding into additional counties a pilot project that authorizes a recovery agent or recovery agency to seize the license plate of a motor vehicle following suspension of the vehicle's registration or suspension of the driver's license of the owner or operator of the vehicle for failing to maintain personal injury protection; requiring that the department provide procedures for paying fees and transmitting a seized license plate to the local law enforcement agency; requiring the department to report to the Legislature on the results of the pilot project; providing a termination date for the pilot project; providing an effective date.

By the Committee on Children, Families and Seniors; and Senators Burt, Rossin and Gutman—

CS for SB 278—A bill to be entitled An act relating to juveniles; amending s. 39.0145, F.S.; authorizing the court to direct the Department of Highway Safety and Motor Vehicles to withhold issuance of, or suspend, a child's driver's license if the child is held in contempt; authorizing the court to order that a child in need of services who is held in

contempt be issued a restricted license; amending ss. 39.044, 39.054, F.S.; authorizing the Department of Juvenile Justice to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part II, ch. 39, F.S.; amending s. 39.422, F.S.; revising limitations on placing a child adjudicated in need of services in a shelter; amending s. 39.423, F.S.; clarifying that a child's parent or legal custodian may make a complaint alleging that the family is in need of services; revising provisions to conform to the creation of the Department of Children and Family Services by the Legislature; requiring the Department of Juvenile Justice to provide certain information to the parent or custodian during the intake process pursuant to a complaint that a child is from a family in need of services; amending s. 39.424, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; amending s. 39.426, F.S.; providing for the state attorney to be represented on a case-staffing committee; authorizing a parent and any other member of the committee to convene a meeting of the committee; providing a timeframe; requiring that the committee make a written report to the parent within 7 days; amending s. 39.436, F.S.; authorizing a child's parent or custodian to file a petition alleging that a child is a child in need of services; requiring notice to the department; requiring that such a petition allege certain facts; authorizing the court to determine the sufficiency of the petition and verify that the child meets certain qualifications; amending ss. 39.438, 39.44, F.S., relating to the response to a petition and hearings; conforming provisions to changes made by the act; amending s. 39.442, F.S.; authorizing the department to employ a collection agency to receive, collect, and manage the payment of delinquent fees required under part IV, ch. 39, F.S.; creating s. 39.4421, F.S.; specifying circumstances under which a child in need of services may be placed into a staff-secure shelter for an extended period; providing requirements for the child's parent or custodian; requiring that the child receive education while in the shelter; authorizing the court to extend the term of commitment; requiring that the court review a child's commitment and make certain determinations; specifying circumstances under which a child must be treated as a dependent child; creating s. 39.4422, F.S.; requiring the Department of Juvenile Justice to establish a pilot program for operating one or more physically secure facilities designated exclusively for children in need of services who are found in contempt of court; requiring that a child alleged to be a child in need of services within the judicial circuit in which the pilot program is established be represented by counsel; providing for an attorney to be appointed to represent an indigent child; requiring that the child be afforded the rights of due process; requiring that a child receive certain services while in the physically secure facility; providing requirements for the child's parent or custodian; requiring the Juvenile Justice Advisory Board and the department to make certain reports to the Legislature with respect to the pilot program; providing that it is a first-degree misdemeanor for a person to knowingly shelter a minor for longer than a specified period without the consent of the minor's parent or guardian or without notifying a law enforcement officer; providing that it is a first-degree misdemeanor for a person to knowingly provide aid to a minor who has run away from home without notifying the minor's parent or guardian or a law enforcement officer; requiring the Department of Juvenile Justice and the Department of Children and Family Services to coordinate services provided to children who are locked out of the home and to the families of those children; requiring the departments to establish a joint work group to develop proposals for coordinating services and report to the Legislature; requiring the Department of Juvenile Justice to develop information that details the services and resources that are available for parents of troubled or runaway children; requiring school districts and law enforcement agencies to distribute the information; requiring the Department of Education to analyze data collection and assist school districts in identifying habitual truants; requiring the Department of Education to report to the Legislature on the implementation of programs designed to prevent truancy and make recommendations; providing appropriations; providing an effective date.

By the Committee on Executive Business, Ethics and Elections; and Senators Scott, Crist, Jenne and Dudley—

CS for SB 290—A bill to be entitled An act relating to regulation of lobbyists; amending s. 112.3215, F.S.; extending regulation of lobbying to lobbyists before the Constitution Revision Commission; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Ostalkiewicz—

CS for SB 370—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.08, F.S.; providing an exemption for the sale or purchase of tangible personal property or services sold to raise funds for support of a school; providing an effective date.

By the Committee on Community Affairs and Senator Brown-Waite—

CS for SB 378—A bill to be entitled An act relating to municipal government; creating s. 166.0495, F.S.; authorizing municipalities to enter into interlocal agreements to provide law enforcement services within the boundaries of adjoining municipalities within the same county; providing an effective date.

By the Committee on Community Affairs and Senator Dudley—

CS for SB 402—A bill to be entitled An act relating to the local option tourist development tax; amending s. 125.0104, F.S.; clarifying use of tax

revenues for beach maintenance; authorizing use of tax revenues to acquire property for beaches, beach parking, or beach access and to construct or improve existing beaches, beach parking facilities, or beach access; authorizing issuance of bonds; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 5 was corrected and approved.

CO-SPONSORS

Senators Clary—SB 398, SB 526; Forman—SB 1490; Grant—SB 836; Hargrett—SB 152; Harris—SB 1634; Holzendorf—SB 1490; Horne—SB 584; Jones—SB 134; Latvala—SB 1490; Meadows—SB 1490; McKay—SB 550, SB 792, SB 1398; Myers—SB 274; Scott—SB 72; Thomas—SB 1162; Williams—SB 152

RECESS

On motion by Senator Bankhead, the Senate recessed at 4:47 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Wednesday, March 12.