



# Journal of the Senate

Number 3—Special Session C

Friday, November 30, 2001

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## CALL TO ORDER

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

Mr. President	Holzendorf	Pruitt
Burt	Jones	Rossin
Campbell	King	Sanderson
Carlton	Klein	Saunders
Clary	Latvala	Sebesta
Constantine	Laurent	Silver
Cowin	Lawson	Smith
Crist	Lee	Sullivan
Dawson	Meek	Villalobos
Dyer	Miller	Wasserman Schultz
Futch	Mitchell	Webster
Garcia	Peaden	Wise
Geller	Posey	

Excused: Senator Brown-Waite

## PRAYER

The following prayer was offered by Senator Sullivan:

Heavenly Father, we are gathered here at a time when our economy is in recession and our country is at war. September 11 has shown us that life is capricious and we cannot know the future. Yet, we have the responsibility of making decisions for the future of Florida.

We ask your guidance as we try to ease the burdens that confront our great state. We are about to make decisions that will affect our families, friends, neighbors and institutions across this state and we understand that we do so with an incomplete understanding of the impact of those decisions.

To make those decisions at a time of such uncertainty is a frightening task, so we will need courage and faith—faith that we will adapt to the future but also faith that you will be with us and help us. Everyone here asks for your help this morning.

As we prepare to do our work today, we ask that you guide us as we fulfill our responsibility.

Where we need wisdom, grant it lavishly so that we may make the right decision.

Where we need to compromise, give us a spirit of generosity and gentleness.

Where we need to fight, grant that we do it with kindness of spirit.

And Lord, one final thing. Speak loudly, for we can be a stubborn group and, at times, hear poorly. Amen.

## PLEDGE

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

By direction of the President, the Secretary read the following proclamation:

### PROCLAMATION

State of Florida  
Executive Office of the Governor  
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE FLORIDA HOUSE OF REPRESENTATIVES

WHEREAS, I have called the Florida Legislature into a second special session starting November 27, 2001; and

WHEREAS, after consultation with the Florida Legislature, I have determined that the call needs to be expanded to deal with the fiscal needs of the state.

WHEREAS, THEREFORE, I, Jeb Bush, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

### Section 2.

The call for this second special session is expanded to include any budget amendments that were submitted for approval to the legislative budget commission prior to November 27, 2001.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation calling the Legislature into special session at the Capitol, this 27th day of November, 2001.

Jeb Bush  
GOVERNOR

ATTEST:  
Katherine Harris  
SECRETARY OF STATE

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

#### Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Campbell—

**SB 60-C**—A bill to be entitled An act relating to terrorism; creating s. 775.30, F.S.; defining the term "terrorism"; providing for the payment

of restitution of costs or damages with respect to any person who commits a prank or hoax act of terrorism; providing an effective date.

—was referred to the Committee on Criminal Justice.

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### Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Geller—

**SB 62-C**—A bill to be entitled An act relating to homeowners' associations; amending s. 720.3075, F.S.; providing that any homeowner may display a United States flag; providing an effective date.

—was referred to the Committee on Comprehensive Planning, Local and Military Affairs.

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### Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senators Silver and Garcia—

**SB 64-C**—A bill to be entitled An act relating to local governments in a state of financial emergency; ratifying actions taken by local governments pursuant to s. 218.503, F.S., 1999, before its amendment by Senate Bill 54-B; providing an effective date.

—was referred to the Committee on Finance and Taxation.

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### Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Latvala—

**SB 66-C**—A bill to be entitled An act transferring and reassigning divisions, functions, and responsibilities of the Department of Labor and Employment Security; providing for a type two transfer of the Division of Workers' Compensation to the Department of Insurance; providing for a type two transfer of workers' compensation medical services to the Agency for Health Care Administration; providing for a type two transfer of workers' compensation rehabilitation and reemployment services to the Department of Education; providing for a type two transfer of the administration of child labor laws to the Department of Business and Professional Regulation; providing for comparable pay grades for the transferred positions; authorizing the Department of Insurance to reorganize positions within the department and establish regional offices; authorizing the Department of Insurance to enter into contracts; providing for existing contracts to be subject to review and cancellation; providing for a type two transfer of certain functions of the Office of the Secretary and the Office of Administrative Services of the Department of Labor and Employment Security relating to labor organizations and migrant and farm labor registration to the Department of Business and Professional Regulation; providing for a type two transfer of other workplace regulation functions to the Department of Business and Professional Regulation; providing for the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation by a type two transfer; providing for the transfer of the Office of Information Systems to the State Technology Office by a type two transfer; requiring the State Technology Office and the Department of Insurance to determine whether it is feasible to transfer ownership of the Workers' Compensation Integrated System to the Department of Insurance; authorizing the Department of Banking and Finance, in conjunction with the Office of the Attorney General, to use unexpended funds to settle certain claims; providing for the continuation of contracts or agreements of the Depart-

ment of Labor and Employment Security; providing for a successor department, agency, or entity to be substituted for the Department of Labor and Employment Security as a party in interest in pending proceedings; exempting specified state agencies, on a temporary basis, from provisions relating to procurement of property and services and leasing of space; authorizing specified state agencies to develop temporary emergency rules relating to the implementation of this act; transferring certain positions within the Office of General Counsel of the Department of Labor and Employment Security to the Department of Insurance by a type two transfer; amending s. 20.13, F.S.; establishing the Division of Workers' Compensation within the Department of Insurance; amending s. 440.02, F.S.; providing a definition for the term "agency"; conforming definitions of "department" and "division" to the transfer of the Division of Workers' Compensation; amending ss. 440.102, 440.125, F.S.; conforming agency references to reflect the transfer of the Division of Workers' Compensation; amending s. 440.13, F.S., relating to medical services and supplies under the workers' compensation law; reassigning certain functions from the Division of Workers' Compensation to the Agency for Health Care Administration; conforming agency references to reflect the transfer of the Division of Workers' Compensation; amending s. 440.15, F.S.; providing for the agency to specify certain forms and procedures governing wage loss and impairment benefits; conforming a cross-reference; amending ss. 440.1925, 440.20, 440.207, F.S., relating to payment of compensation; conforming provisions to changes made by the act; amending s. 440.24, F.S.; providing for the sale of securities on deposit to satisfy a compensation order; amending ss. 440.25, 440.271, F.S., relating to mediation, hearings, and appeals; conforming provisions to changes made by the act; amending s. 440.38, F.S.; transferring operation of provisions requiring the securing of payment of compensation by employers from the Division of Workers' Compensation of the Department of Labor and Employment Security to the Florida Self-Insurer's Guaranty Association, Incorporated, and the Department of Insurance; revising and clarifying requirements and procedures; providing powers and duties of the association and the departments; providing for allocation or payment of state funds to the association for certain purposes; providing rulemaking authority; amending s. 440.381, F.S., relating to audits of payroll and classifications; conforming provisions to changes made by the act; amending s. 440.385, F.S.; revising and clarifying provisions relating to the association's creation, board of directors, powers and duties, insolvency fund, and plan of operation; providing additional powers of the association; transferring the powers and duties of the Department of Labor and Employment Security relating to the association to the Department of Insurance and revising such powers and duties; providing additional powers and duties of the Department of Insurance; providing for oversight of the association by the department; deleting certain provisions relating to detection and prevention of employer insolvencies; amending s. 440.386, F.S.; providing parity for the association with the Department of Insurance relating to proceedings for delinquency, liquidation, and conservation of assets; amending s. 440.49, F.S.; reassigning responsibility for a report on the Special Disability Trust Fund to the Department of Insurance; amending s. 440.491, F.S., relating to the reemployment of injured workers; conforming references to the transfer of rehabilitation and reemployment services to the Department of Education; amending s. 440.525, F.S., relating to the examination of carriers; conforming agency references to the transfer of programs from the Department of Labor and Employment Security to the Department of Revenue; amending s. 443.012, F.S.; providing for the Unemployment Appeals Commission to be created within the Agency for Workforce Innovation rather than the Department of Labor and Employment Security; conforming provisions; amending s. 443.036, F.S.; conforming the definition of "commission" to the transfer of the Unemployment Appeals Commission to the Agency for Workforce Innovation; amending s. 447.02, F.S.; conforming the definition of "department" to the transfer of the regulation of labor organizations to the Department of Business and Professional Regulation; amending s. 447.305, F.S.; providing that notification of registrations and renewals of registration shall be furnished to the Department of Business and Professional Regulation, to conform; amending s. 450.012, F.S.; conforming the definition of "department" to the transfer of the regulation of child labor to the Department of Business and Professional Regulation; amending s. 450.191, F.S., relating to the duties of the Executive Office of the Governor with respect to migrant labor; conforming provisions to changes made by the act; amending s. 450.28, F.S.; conforming the definition of "department" to the transfer of the regulation of farm labor to the Department of Business and Professional Regulation; amending s. 627.0915, F.S.; conforming departmental references to changes made by the act; amending ss. 110.205, 112.19, 112.191, 121.125, 122.03, 238.06, 440.10, 440.104, 440.14, F.S., to conform; repealing s. 20.171,

F.S., relating to the establishment and the authority and organizational structure of the Department of Labor and Employment Security; repealing s. 440.4416, F.S., relating to the Workers' Compensation Oversight Board; providing for severability; providing an effective date.

—was referred to the Committee on Banking and Insurance.

Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Wise—

SB 68-C—A bill to be entitled An act relating to state support for certain postsecondary students; prohibiting state support to nonresident aliens who are citizens of specified countries; providing an effective date.

—was referred to the Committee on Education.

Motion

On motion by Senator Lee, by the required constitutional two-thirds vote of the membership the following bill was admitted for introduction outside the purview of the Governor's call:

By Senator Cowin—

SB 70-C—A bill to be entitled An act relating to a national sales tax holiday; providing a definition; providing for exemptions from the tax on sales, use, and other transactions imposed under ch. 212, F.S., in accordance with federal legislation which provides for reimbursement to the states for the loss of revenue from exemptions for sales that take place during a specified period; providing duties of the Governor and the executive director of the Department of Revenue; providing for emergency rules; providing for expiration; providing an effective date.

—was referred to the Committee on Finance and Taxation.

SPECIAL ORDER CALENDAR

CS for SB 2-C—A bill to be entitled An act making appropriations; providing appropriations and reductions in appropriations for the 2001-2002 fiscal year, to pay salaries, and other expenses, capital outlay – buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing retroactive applicability for rescission of certain salary increases; providing an effective date.

—was read the second time by title.

Consideration of Amendment 1 was deferred.

Senator King moved the following amendment which was adopted:

Amendment 2 (995043)—

In Section: 06 On Page: 089 Specific Appropriation: 484-A Delete Insert

HIGHWAY SAFETY AND MOTOR VEHICLES, DEPARTMENT OF Program: Florida Highway Patrol Highway Safety

484-A In Section 06 On Page 089 Fixed Capital Outlay Pat Thomas Law Enforcement Academy Learning Center - DMS MGD

From Highway Safety Operating Trust 500,000 Fund

Senator Clary moved the following amendment which was adopted:

Amendment 3 (995044)—

In Section: 06 On Page: 097 Specific Appropriation: 567E Delete Insert

MANAGEMENT SERVICES, DEPARTMENT OF Program: Technology Program Information Services

567E In Section 06 On Page 097 Expenses

Immediately following Specific Appropriation 567E, DELETE:

Funds in Specific Appropriation 567E from the General Revenue Fund are provided to expand enterprise-wide Internet security services through the State Technology Office. This expanded service shall be provided in priority order to the Cabinet, Legislature and Executive agencies to assist in the protection of the state from cyber terrorism attacks.

Immediately following Specific Appropriation 567E, INSERT:

Specific Appropriation 567E from the General Revenue Fund includes a \$710,000 reduction in expenses and provides \$500,000 to expand enterprise-wide Internet security services through the State Technology Office. This expanded service shall be provided in priority order to the Cabinet, Legislature and Executive agencies to assist in the protection of the state from cyber terrorism attacks.

Amendment 4 (995045) was withdrawn.

Senators Campbell and Geller offered the following amendment which was moved by Senator Campbell and adopted:

Amendment 5 (995046)—

In Section: 01 On Page: 002 Specific Appropriation: 1G Delete Insert

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of Program: State Grants/K-12 Programs - FEEP

1G In Section 01 On Page 002 Aid To Local Governments Restore As Non-Recurring-Grants And Aids - District Lottery And School Recognition Program

From Educational Enhancement Trust 7,556,912 47,556,912 Fund

Amendment 6 (995047) was withdrawn.

Senator Campbell moved the following amendment:

Amendment 7 (995048)—

In Section: 02 On Page: 013 Specific Appropriation: 57 Delete Insert

EDUCATION, DEPARTMENT OF, AND COMMISSIONER OF EDUCATION Public Schools, Division Of Program: State Grants/K-12 Programs - FEEP

57 In Section 02 On Page 013 Aid To Local Governments Grants And Aids - Florida Educational Finance Program

Delete the second paragraph of proviso following Specific Appropriation 57 on page 13.

Insert the following new paragraph of proviso following Specific Appropriation 57 on page 13:

Action taken by district school boards pursuant to their administration of the reduced appropriation in Specific Appropriation 57 shall include withholding any salary increases or salary bonus payments scheduled to become effective January 1, 2002, or a later date for administrative employees whose base salary is \$90,000 or more. Salary increases or salary bonus payments shall not be withheld from principals or assistant principals.

Senators Latvala and Lawson offered the following substitute amendment which was moved by Senator Latvala and adopted:

**Substitute Amendment 7 (995055)—**

In Section: 02 On Page: 013 Specific Appropriation: 57  
Delete Insert

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Public Schools, Division Of  
Program: State Grants/K-12 Programs -  
FEFP

57 In Section 02 On Page 013  
Aid To Local Governments  
Grants And Aids - Florida Educational  
Finance Program

Delete the second paragraph of proviso following Specific Appropriation 57 on page 13.

Insert the following new paragraph of proviso following Specific Appropriation 57 on page 13:

Action taken by district school boards pursuant to their administration of the reduced appropriation in Specific Appropriation 57 shall include withholding any salary increases or salary bonus payments scheduled to become effective December 1, 2001, or a later date for administrative employees whose base salary is \$90,000 or more. Salary increases or salary bonus payments shall not be withheld from principals or assistant principals.

Senator Cowin moved the following amendment:

**Amendment 8 (995049)—**

In Section: 02 On Page: 028 Specific Appropriation: 115  
Delete Insert

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Universities, Division Of  
Program: Educational And General  
Activities

115 In Section 02 On Page 028  
Lump Sum  
Educational And General Activities

In Section 02, on Page 28, at the end of the second paragraph INSERT the following:

In administering fee waivers and other financial aid funding each university president shall address the financial needs of Bright Futures Scholarship recipients matriculating in the summer term.

Senator Laurent moved the following substitute amendment which was adopted:

**Substitute Amendment 8 (995054)—**

In Section: 02 On Page: 028 Specific Appropriation: 115  
Delete Insert

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Universities, Division Of  
Program: Educational And General  
Activities

115 In Section 02 On Page 028  
Lump Sum  
Educational And General Activities

In Section 02, on Page 28, at the end of the second paragraph INSERT the following:

In administering fee waivers and other financial aid funding each university president shall address the financial needs of Bright Futures Scholarship recipients matriculating in the summer term who are seniors.

Consideration of **Amendment 9** was deferred.

Senator Smith moved the following amendment which was adopted:

**Amendment 10 (995051)—**

In Section: 36 On Page: 109 Specific Appropriation:  
Delete Insert

In Section 36 On Page 109

Insert after section 35 a new section 36 and renumber subsequent sections

Section 36. The University of Florida may expend up to \$450,000 in private funds for the planning, design and construction preparations for the Accounting Classroom building. This authority shall not obligate the Legislature to future construction funding or matching funds.

**Amendment 11 (995052)** and **Amendment 12 (995056)** were withdrawn.

Senator Holzendorf moved the following amendment which was adopted:

**Amendment 9 (995050)—**

In Section: 02 On Page: 030 Specific Appropriation: 127A  
Delete Insert

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Universities, Division Of  
Program: Educational And General  
Activities

127A In Section 02 On Page 030  
Financial Assistance Payments  
Restore As Non-Recurring-Scholarships

From General Revenue Fund	1,422,844	1,734,910
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115A In Section 02 On Page 028  
Lump Sum  
Restore As Non-Recurring-Educational And  
General Activities

From General Revenue Fund	11,922,082	11,610,016
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On page 28, the allocation of the Discretionary Educational and General Lump Sum following Specific Appropriation 115A, delete the following:

University of Florida	\$2,381,179
Florida State University	\$1,824,254

On page 28, the allocation of the Discretionary Educational and General Lump Sum following Specific Appropriation 115A, insert the following:

University of Florida \$2,225,146  
Florida State University \$1,668,221

**Amendment 1 (995042)** was withdrawn.

Senator Smith moved the following amendment:

**Amendment 13 (995057)**—

In Section: 02 On Page: 028 Specific Appropriation: 116  
Delete Insert

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Universities, Division Of  
Program: Educational And General  
Activities

116 In Section 02 On Page 028  
Lump Sum  
Institute Of Food And Agricultural  
Sciences Operations

On page 28, the first paragraph following Specific Appropriation 116, delete:

Institute of Food and Agricultural Sciences, excluding off-campus research centers.

On page 28, the first paragraph following Specific Appropriation 116, insert:

Institute of Food and Agricultural Sciences Lump Sum.

The cuts in the Institute of Food and Agricultural Sciences Lump Sum shall be prorated across all activities in the IFAS budget excluding the Bradenton Research Center.

Senator Smith moved the following substitute amendment which was adopted:

**Substitute Amendment 13 (995058)**—

In Section: 02 On Page: 028 Specific Appropriation: 116  
Delete Insert

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Universities, Division Of  
Program: Educational And General  
Activities

116 In Section 02 On Page 028  
Lump Sum  
Institute Of Food And Agricultural  
Sciences Operations

On page 28, the first paragraph following Specific Appropriation 116, delete:

Institute of Food and Agricultural Sciences, excluding off-campus research centers.

On page 28, the first paragraph following Specific Appropriation 116, insert:

Institute of Food and Agricultural Sciences Lump Sum.

In administering the cuts in the Institute of Food and Agricultural Sciences Lump Sum the university President shall allocate a prorata percentage reduction for IFAS programs administered in Gainesville and those administered off-campus, excluding the Bradenton Research Center.

**SENATOR SILVER PRESIDING**

**THE PRESIDENT PRESIDING**

On motion by Senator Carlton, by two-thirds vote **CS for SB 2-C** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

Mr. President	Garcia	Sanderson
Burt	Geller	Saunders
Campbell	King	Sebesta
Carlton	Latvala	Silver
Clary	Laurent	Sullivan
Constantine	Lee	Villalobos
Cowin	Peaden	Webster
Crist	Posey	Wise
Futch	Pruitt	

Nays—12

Dawson	Klein	Mitchell
Dyer	Lawson	Rossin
Holzendorf	Meek	Smith
Jones	Miller	Wasserman Schultz

**CS for SB 4-C**—A bill to be entitled An act implementing the 2001-2002 supplemental appropriations act; providing legislative intent; amending s. 216.023, F.S.; providing directives for executive agencies and the judicial branch in adjusting performance measures and standards to respond to budgetary modifications; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; providing a directive to the Department of Juvenile Justice; amending s. 16.555, F.S.; providing for the use of the Crime Stoppers Trust Fund; amending s. 860.158, F.S.; providing directives for the use of moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 339.135, F.S.; requiring adjustment of the adopted work program of the Department of Transportation to include certain economic stimulus projects; amending s. 44.108, F.S.; providing for use of moneys in the state mediation and arbitration trust fund; limiting the use of funds for state-employee travel; requiring the Governor to furnish a copy of his recommended balanced budget to members of the Legislature; providing for school district flexibility in the 2001-2002 fiscal year expenditure of specified funds appropriated in ch. 2001-253, Laws of Florida; providing for reports; delaying the requirement in s. 230.23, F.S., that the adopted school board budget include a reserve for funding a supplement; delaying the requirement in s. 235.061, F.S., relating to relocatables for long-term use; delaying the requirement in s. 235.062, F.S., relating to relocatable facilities; establishing conditions for certain spending authority; providing for repeal; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

—was read the second time by title.

Senator Wasserman Schultz moved the following amendment which failed:

**Amendment 1 (190584)(with title amendment)**—On page 7, between lines 14 and 15, insert:

Section 8. *During the 2001-2002 fiscal year, and pursuant to a resolution adopted at a regular meeting of the school board, each district school board is authorized to levy a sales surtax at a rate that may not exceed 1.0 percent in lieu of up to one mill of the allowable 2 mill levy authorized in s. 236.25(2), F.S. Any revenue resulting from such action by the district school board may be used for any school purpose identified by the school board.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 20, after the semicolon (;) insert: authorizing school boards to levy a 1 cent sales tax in lieu of 1 mill levy under certain circumstances;

The vote was:

Yeas—14

Campbell	Jones	Mitchell
Dawson	Klein	Rossin
Dyer	Lawson	Smith
Geller	Meek	Wasserman Schultz
Holzendorf	Miller	

Nays—23

Mr. President	Garcia	Sanderson
Burt	King	Saunders
Carlton	Latvala	Sebesta
Clary	Laurent	Silver
Constantine	Lee	Sullivan
Cowin	Peaden	Villalobos
Crist	Posey	Wise
Futch	Pruitt	

Vote after roll call:

Nay—Webster

Senator Klein moved the following amendment:

**Amendment 2 (241382)(with title amendment)**—On page 7, between lines 26 and 27, insert:

Section 9. *Notwithstanding any provision of law to the contrary, all agency heads shall pursue authorization from the Legislative Budget Commission in order to renegotiate current state contracts with private providers and public/private providers in an effort to reduce contract payments by 5 percent. It is the statewide goal to achieve \$75 million in savings, however, it is the intent of the Legislature that the level and quality of services not be affected. Savings realized will be redirected into budget reductions in education, health care, and public safety for the current fiscal year. This section expires July 1, 2002.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the semicolon (;) insert: requiring state agencies to pursue authorization from the Legislative Budget Commission to renegotiate contracts;

Senator Villalobos moved the following amendment to **Amendment 2** which was adopted:

**Amendment 2A (531746)**—On page 1, line 21, delete “5” and insert: *up to 10*

**Amendment 2** as amended was adopted.

Senator Klein moved the following amendment which was adopted:

**Amendment 3 (422138)(with title amendment)**—On page 7, between lines 26 and 27, insert:

Section 9. *The State Board of Administration or any other board operating under the authority of the state of Florida, or any state agency that has the authority to issue bonds, shall refinance any outstanding bonds of this state if there is opportunity to reduce the interest rate to maximize the cash flow benefit to the state. Any issuing authority shall report to the Legislature on a quarterly basis all bond issuance and refunding activities of the preceding quarter.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 26, after the semicolon (;) insert: requiring the State Board of Administration and boards operating under the authority of the state to refinance certain bonds; requiring a report to the Legislature;

Senator Rossin moved the following amendment which failed:

**Amendment 4 (694630)(with title amendment)**—On page 8, between lines 10 and 11, insert:

Section 1. In order to implement Senate Bill 2-C, subsection (6) is added to section 561.501, Florida Statutes, to read:

**561.501** Surcharge on sale of alcoholic beverages for consumption on the premises; penalty.—

(6) *Notwithstanding s. 561.50, s. 561.501, or any other provision of the Beverage Law, a surcharge of 8 cents is imposed upon each ounce of liquor and each 4 ounces of wine, a surcharge of 4 cents is imposed on each 12 ounces of cider, and a surcharge of 4 cents is imposed on each 12 ounces of beer sold at retail for consumption on premises licensed by the division as an alcoholic beverage vendor. However, the surcharges imposed under this subsection need not be paid upon such beverages when they are sold by an organization that is licensed by the division under s. 561.422 or s. 565.02(4) as an alcoholic beverage vendor and that is determined by the Internal Revenue Service to be currently exempt from federal income tax under s. 501(c)(3), (4), (5), (6), (7), (8), or (19) of the Internal Revenue Code of 1986, as amended. This subsection expires July 1, 2002.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 23, following the semicolon (;) insert: amending s. 561.501, F.S.; temporarily repealing the reduction in the alcoholic beverage surcharge;

On motion by Senator Carlton, by two-thirds vote **CS for SB 4-C** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—28

Mr. President	Geller	Saunders
Burt	King	Sebesta
Campbell	Latvala	Silver
Carlton	Laurent	Smith
Clary	Lawson	Sullivan
Constantine	Lee	Villalobos
Cowin	Peaden	Webster
Crist	Posey	Wise
Futch	Pruitt	
Garcia	Sanderson	

Nays—10

Dawson	Klein	Mitchell
Dyer	Meek	Rossin
Holzendorf	Miller	Wasserman Schultz
Jones		

## MOTIONS

On motions by Senator Carlton, the House was requested to pass **CS for SB 2-C** as amended and **CS for SB 4-C** as amended and, in the event the House fails to pass the Senate bills as passed by the Senate, requested that a conference committee be appointed.

On motion by Senator Carlton, the rules were waived and staff of the Committee on Appropriations was instructed to make title amendments and technical changes in **CS for SB 2-C** and **CS for SB 4-C** as necessary and the rules were also waived to allow the Senate Conferees on Appropriations the latitude to deal with additional issues which may develop in conference.

## CONFEREES APPOINTED

The President appointed the following conferees on **CS for SB 2-C** and **CS for SB 4-C**: Senator Carlton, Chairman; At Large Members: Senators Lee and Pruitt; Appropriations Subcommittee on General Government: Senator Clary, Chairman; Senators Jones, King, Laurent and Lawson; Appropriations Subcommittee on Education: Senator Sullivan, Chairman; Senators Dyer, Garcia, Holzendorf, Latvala, Miller and Webster; Appropriations Subcommittee on Health and Human Services: Senator Silver, Chairman; Senators Mitchell, Peaden, Sanderson and Saunders; Appropriations Subcommittee on Public Safety and Judi-

ciary: Senator Cowin, Chairman; Senators Burt, Dawson, Meek and Villalobos.

### ANNOUNCEMENTS

Senator Carlton announced that the Conference Committee on Appropriations will meet this day at 2:00 p.m. Subcommittees will meet at the call of the Chairman.

### MOTIONS

On motion by Senator Lee, Rule 2.9(2) was waived and the Conference Committee on Appropriations was allowed to meet outside the times noted in the rule.

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Monday, December 3.

### ANNOUNCEMENTS

Senator Lee announced that the following meetings were scheduled for Tuesday, December 4: from 9:00 a.m. to 11:00 a.m., the Committees on Banking and Insurance; Criminal Justice; and Education; from 11:15 a.m. to 1:15 p.m., the Joint Administrative Procedures Committee; the Joint Legislative Auditing Committee; and the Joint Legislative Committee on Intergovernmental Relations; from 2:00 p.m. to 4:00 p.m., the Committees on Commerce and Economic Opportunities; Comprehensive Planning, Local and Military Affairs; Judiciary; and Natural Resources; from 4:15 p.m. to 5:15 p.m., the Committees on Appropriations; and Finance and Taxation; from 5:15 p.m. to 8:15 p.m., the Joint Legislative Budget Commission Zero-Based Budgeting Subcommittees on General Government; Public Safety; and Health and Human Services; for Wednesday, December 5: from 9:00 a.m. to 11:00 a.m., the Committees on Agriculture and Consumer Services; Governmental Oversight and Productivity; Health, Aging and Long-Term Care; and Transportation; from 1:00 p.m. to 3:00 p.m., the Committees on Children and Families; Ethics and Elections; and Regulated Industries; and from 3:30 p.m. to 6:30 p.m., the Select Committee on Public Security and Crisis Management.

Senator Lee announced that the Special Order Subcommittee of the Committee on Rules and Calendar will meet Tuesday, December 4 at 5:30 p.m.

### INTRODUCTION AND REFERENCE OF BILLS

#### FIRST READING

By Senator Carlton—

**SB 72-C**—A bill to be entitled An act relating to state funds; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Carlton—

**SB 74-C**—A bill to be entitled An act relating to court-appointed counsel; amending s. 39.013, F.S.; making state payment of court-appointed counsel representing indigent parents at shelter hearings permissive rather than mandatory; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Carlton—

**SB 76-C**—A bill to be entitled An act relating to the Inmate Welfare Trust Fund; amending s. 945.215, F.S.; revising provisions establishing

the amount of the weekly draw inmates are allowed to request from their individual accounts in the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By Senator Carlton—

**SB 78-C**—A bill to be entitled An act relating to youth custody officers; repealing s. 985.2075, F.S., to eliminate the position of youth custody officer within the Department of Juvenile Justice; repealing s. 121.021(15)(e), F.S., to remove youth custody officer from the definition of "special risk member," to conform; repealing s. 121.0515(2)(g), F.S., to remove criteria applicable to youth custody officers for special risk membership in the Florida Retirement System, to conform; providing an effective date.

—was referred to the Committee on Appropriations.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

#### FIRST READING

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed HB 3-C, HB 25-C, HB 65-C, HB 67-C, HB 69-C, HB 71-C; has passed as amended HB 1-C, HB 13-C, HB 27-C, HB 29-C, HB 63-C and requests the concurrence of the Senate.

*John B. Phelps, Clerk*

By Representative Lacasa—

**HB 3-C**—A bill to be entitled An act implementing the act that provides appropriations and reductions in appropriations for the 2001-2002 state fiscal year; providing legislative intent; amending s. 16.555, F.S.; providing that moneys in the Crime Stoppers Trust Fund may be used to pay for salaries and benefits and other expenses of the Department of Legal Affairs; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; amending s. 216.023, F.S.; providing for adjustments to performance measures and standards for the executive and judicial branches necessitated by reductions and other changes to appropriations for the 2001-2002 state fiscal year; amending s. 257.195, F.S.; suspending revenue shortfall procedures applicable to appropriations for library grants from state sources; amending s. 339.135, F.S.; requiring adjustment of the adopted work program of the Department of Transportation to include certain economic stimulus projects; amending s. 401.113, F.S.; providing that moneys in the Emergency Medical Services Trust Fund may also be used for the purpose of funding the rural hospital capital improvement grant program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 860.158, F.S.; providing that moneys in the Florida Motor Vehicle Theft Prevention Trust Fund may be used to pay for salaries and benefits and other expenses of the Department of Legal Affairs; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

—was referred to the Committee on Appropriations.

By Representative Fasano—

**HB 25-C**—A bill to be entitled An act relating to state funds; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; providing an effective date.

—was referred to the Committee on Appropriations.

By Representative Ball—

**HB 65-C**—A bill to be entitled An act relating to the County Article V Trust Fund; amending s. 25.402, F.S.; authorizing the use of moneys in the trust fund to fund the state courts system; amending s. 34.201, F.S.; removing a provision relating to funds credited to the trust fund and the uses thereof, to conform; providing an effective date.

—was referred to the Committee on Appropriations.

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By Representative Ball—

**HB 67-C**—A bill to be entitled An act relating to court-appointed counsel; amending s. 39.013, F.S.; making state payment of court-appointed counsel representing indigent parents at shelter hearings permissive rather than mandatory; providing an effective date.

—was referred to the Committee on Appropriations.

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By Representative Ball—

**HB 69-C**—A bill to be entitled An act relating to the Inmate Welfare Trust Fund; amending s. 945.215, F.S.; revising provisions establishing the amount of the weekly draw inmates are allowed to request from their individual accounts in the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

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By Representative Ball—

**HB 71-C**—A bill to be entitled An act relating to youth custody officers; repealing s. 985.2075, F.S., to eliminate the position of youth custody officer within the Department of Juvenile Justice; repealing s. 121.021(15)(e), F.S., to remove youth custody officer from the definition of “special risk member,” to conform; repealing s. 121.0515(2)(g), F.S., to remove criteria applicable to youth custody officers for special risk membership in the Florida Retirement System, to conform; providing an effective date.

—was referred to the Committee on Appropriations.

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By Representative Lacasa—

**HB 1-C**—A bill to be entitled An act making appropriations; providing appropriations and reductions in appropriations for the 2001-2002 fiscal year, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Appropriations.

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By Representative Lynn and others—

**HB 13-C**—A bill to be entitled An act relating to public school funding; creating the “School District Flexibility Act of 2001”; providing for school district flexibility in the 2001-2002 fiscal year expenditure of specified funds appropriated in ch. 2001-253, Laws of Florida; providing for reports; authorizing equalized nonvoted capital improvement millage to be expended for operations in fiscal year 2001-2002; providing for repeal; repealing paragraph 7 of proviso language for Specific Appropriation 118, ch. 2001-253, Laws of Florida, which provides for calculation of a minimum guaranteed level of funding for school districts; amending s. 235.187, F.S.; to provide for district loans of Classrooms First Program funds; providing an effective date.

—was referred to the Committee on Appropriations.

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By Representative Lacasa—

**HB 27-C**—A bill to be entitled An act relating to transfers to the General Revenue Fund from other funds; amending s. 216.222, F.S.; authorizing the Comptroller to use funds of the Budget Stabilization Fund to offset a projected deficit in the General Revenue Fund; providing conditions and requirements for such transfer of funds; providing for repayment of the amount transferred; authorizing use of the Budget Stabilization Fund to provide temporary transfers to the General Revenue Fund; amending s. 215.18, F.S., to conform; providing an effective date.

—was referred to the Committee on Appropriations.

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By Representative Murman—

**HB 29-C**—A bill to be entitled An act relating to health care; amending ss. 409.903 and 409.904, F.S.; revising eligibility categories for optional Medicaid services; amending s. 409.906, F.S.; eliminating Medicaid coverage for adult denture services; limiting coverage for hearing and visual services to children under age 21; authorizing the Agency for Health Care Administration to use mail order pharmacies for drugs prescribed for a Medicaid recipient; amending s. 409.9065, F.S.; revising eligibility for the pharmaceutical expense assistance program; limiting program enrollment levels and authorizing the agency to develop a waiting list; amending s. 409.907, F.S.; authorizing the agency to withhold payments to a Medicaid provider that the agency is investigating for fraud or abuse; providing for inspections and submission of background information as a condition of initial and renewal applications for provider participation in the Medicaid program; clarifying timeframe for enrollment of providers; providing additional considerations for denial of a provider application; amending s. 409.908, F.S.; revising pharmacy provider dispensing fees for products on the preferred drug list and those not so listed; amending ss. 409.912 and 409.9122, F.S.; eliminating requirement that the agency provide enrollment choice counseling to certain Medicaid recipients; amending s. 409.913, F.S.; specifying additional sanctions which may be imposed by the agency against a Medicaid provider; removing a limitation on certain costs the agency is entitled to recover for provider violations; amending s. 409.915, F.S.; increasing county Medicaid contributions for certain inpatient hospitalization and nursing home and intermediate facilities care; amending ss. 400.071, 400.191, 400.23, 400.235, 409.8132, and 409.815, F.S.; removing references to Medicaid enrollment choice counseling and to nursing facility consumer satisfaction surveys, to conform to the act; correcting cross references; providing that the act fulfills an important state interest; repealing s. 400.0225, F.S., relating to nursing facility consumer satisfaction surveys; repealing s. 400.148, F.S., relating to the Medicaid “Up or Out” Quality of Care Contract Management Program; repealing ss. 464.0195, 464.0196, and 464.0197, F.S., relating to establishment, operation, and funding of the Florida Center for Nursing; providing effective dates.

—was referred to the Committee on Appropriations.

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By Representative Ball—

**HB 63-C**—A bill to be entitled An act relating to juvenile justice; amending s. 984.03, F.S., and repealing subsection (51), relating to the definition of the term “staff-secure shelter”; revising definitions relating to detention; amending s. 985.03, F.S., and repealing subsection (52), relating to the definition of the term “staff-secure shelter”; revising definitions relating to detention; amending s. 984.12, F.S., limiting the circumstances in which case staffings must occur; amending s. 984.14, F.S., to repeal subsection (8), relating to placement of a child in need of services into a staff-secure facility, to conform; amending s. 984.15, F.S., limiting the circumstances under which a petition for a child in need of services may be filed; amending s. 984.225, F.S., revising certain powers relating to disposition and placement of a child in need of services in a shelter; repealing s. 984.226, F.S., relating to placement of a child in need of services in a physically secure shelter; amending ss. 984.09 and 985.216, F.S., relating to placement in a secure facility for contempt of court, to conform; amending ss. 316.635 and 318.143, F.S., relating to certain infractions by minors constituting contempt of court, to conform; amending s. 216.136, F.S., relating to duties of the Juvenile Justice Estimating Conference, to conform; amending s. 984.14, F.S.; deleting

a cross reference, to conform; amending ss. 985.207, 985.213, 985.214, 985.215, and 985.404, F.S., relating to detention, to conform; amending s. 985.231, F.S., relating to powers of disposition in delinquency cases; eliminating reference to consequence units, to conform to changes in detention care and supervision; amending s. 985.4075; clarifying circumstances in which funds from juvenile justice appropriations may be utilized as one-time startup funding; providing effective date.

—was referred to the Committee on Appropriations.

## RETURNING MESSAGES ON SENATE BILLS

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 2-C, with amendment(s), and requests the concurrence of the Senate.

I am further directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for CS for SB 2-C.

The Speaker has appointed the following Representatives to the Conference Committee: Representatives Cantens, Fasano, Greenstein, Lacasa, Wallace, and Wilson, At Large Conferees; Representatives Berfield, Hogan, Henriquez, Johnson, Mayfield, and Representatives Allen and Cusack, Alternates, Transportation & Economic Development Appropriations; Representatives Farkas, Gannon, Green, Maygarden, Murman, Rich, and Representative Waters, Alternate, Health & Human Services Appropriations; Representatives Arza, Justice, Flanagan, Kilmer, Lynn, Melvin, Stansel, and Representative Mealor, Alternate, Education Appropriations; Representatives Ball, Barreiro, Kyle, Meadows, Sieler, Sorensen, and Representatives Bilirakis and Bowen, Alternates, Criminal Justice Appropriations; Bense, Dockery, Harrington, Holloway, Kendrick, Spratt, and Representative Brown, Alternate, General Government Appropriations.

John B. Phelps, Clerk

**CS for SB 2-C**—A bill to be entitled An act making appropriations; providing appropriations and reductions in appropriations for the 2001-2002 fiscal year, to pay salaries, and other expenses, capital outlay – buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing retroactive applicability for rescission of certain salary increases; providing an effective date.

Pursuant to Rule 7.6 the House Amendment constituted an entirely new bill and was not published in the Journal.

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 4-C, with amendment(s), and requests the concurrence of the Senate.

I am further directed to inform the Senate that the House of Representatives has acceded to the request of the Senate for the appointment of a conference committee for CS for SB 4-C.

The Speaker has appointed the following Representatives to the Conference Committee: Representatives Cantens, Fasano, Greenstein, Lacasa, Wallace, Wilson, At Large Conferees; Representatives Berfield, Hogan, Henriquez, Johnson, Mayfield, and Representatives Allen and Cusack, Alternates, Transportation & Economic Development Appropriations; Representatives Farkas, Gannon, Green, Maygarden, Murman, Rich, and Representative Waters, Alternate, Health & Human Services Appropriations; Representatives Arza, Justice, Flanagan, Kilmer, Lynn, Melvin, Stansel, and Representative Mealor, Alternate, Education Appropriations; Representatives Ball, Barreiro, Kyle, Meadows, Seiler, Sorensen, and Representatives Bilirakis and Bowen, Alternates, Criminal Justice Appropriations; Representatives Bense, Dockery, Harrington, Holloway, Kendrick, Spratt, and Representative Brown, Alternate, General Government Appropriations.

John B. Phelps, Clerk

**CS for SB 4-C**—A bill to be entitled An act implementing the 2001-2002 supplemental appropriations act; providing legislative intent; amending s. 216.023, F.S.; providing directives for executive agencies and the judicial branch in adjusting performance measures and standards to respond to budgetary modifications; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; providing a directive to the Department of Juvenile Justice; amending s. 16.555, F.S.; providing for the use of the Crime Stoppers Trust Fund; amending s. 860.158, F.S.; providing directives for the use of moneys in the Florida Motor Vehicle Theft Prevention Trust Fund; amending s. 339.135, F.S.; requiring adjustment of the adopted work program of the Department of Transportation to include certain economic stimulus projects; amending s. 44.108, F.S.; providing for use of moneys in the state mediation and arbitration trust fund; limiting the use of funds for state-employee travel; requiring state agencies to pursue authorization from the Legislative Budget Commission to renegotiate contracts; requiring the Governor to furnish a copy of his recommended balanced budget to members of the Legislature; requiring the State Board of Administration and boards operating under the authority of the state to refinance certain bonds; requiring a report to the Legislature; providing for school district flexibility in the 2001-2002 fiscal year expenditure of specified funds appropriated in ch. 2001-253, Laws of Florida; providing for reports; delaying the requirement in s. 230.23, F.S., that the adopted school board budget include a reserve for funding a supplement; delaying the requirement in s. 235.061, F.S., relating to relocatables for long-term use; delaying the requirement in s. 235.062, F.S., relating to relocatable facilities; establishing conditions for certain spending authority; providing for repeal; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing severability; providing an effective date.

**House Amendment 1 (692441)(with title amendment)**—Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. *It is the intent of the Legislature that the implementing and administering provisions of this act apply to the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year.*

Section 2. In order to implement Specific Appropriation 428 of the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year, subsection (3) of section 16.555, Florida Statutes, is amended to read:

16.555 Crime Stoppers Trust Fund; rulemaking.—

(3)(a) The department shall establish a trust fund for the purpose of grant administration to fund Crime Stoppers and their crime fighting programs within the units of a local government of the state.

(b) *For the 2001-2002 state fiscal year only, and notwithstanding any provision of this section to the contrary, moneys in the trust fund may also be used to pay for salaries and benefits and other expenses of the department. This paragraph expires July 1, 2002.*

Section 3. In order to implement the transfer of moneys to the Working Capital Fund from trust funds, paragraph (b) of subsection (2) of section 215.32, Florida Statutes, is reenacted to read:

215.32 State funds; segregation.—

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

(b)1. The trust funds shall consist of moneys received by the state which under law or under trust agreement are segregated for a purpose authorized by law. The state agency or branch of state government receiving or collecting such moneys shall be responsible for their proper expenditure as provided by law. Upon the request of the state agency or branch of state government responsible for the administration of the trust fund, the Comptroller may establish accounts within the trust fund at a level considered necessary for proper accountability. Once an account is established within a trust fund, the Comptroller may authorize payment from that account only upon determining that there is sufficient cash and releases at the level of the account.

2. In order to maintain a minimum number of trust funds in the State Treasury, each state agency or the judicial branch may consolidate, if permitted under the terms and conditions of their receipt, the trust funds administered by it; provided, however, the agency or judicial

branch employs effectively a uniform system of accounts sufficient to preserve the integrity of such trust funds; and provided, further, that consolidation of trust funds is approved by the Governor or the Chief Justice.

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

4.a. Notwithstanding any provision of law restricting the use of trust funds to specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and Working Capital Fund in the General Appropriations Act.

b. This subparagraph does not apply to trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the State Transportation Trust Fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida Retirement System Trust Fund; trust funds under the management of the Board of Regents, where such trust funds are for auxiliary enterprises, self-insurance, and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the Comptroller or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and other trust funds authorized by the State Constitution.

Section 4. In order to implement the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year, subsection (14) is added to section 216.023, Florida Statutes, to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(7) Annually, by June 30, executive agencies shall submit to the Executive Office of the Governor adjustments to their performance standards based on the amounts appropriated for each program by the Legislature. When such an adjustment is made, all performance standards, including any adjustments made, shall be reviewed and revised as necessary by the Executive Office of the Governor and, upon approval, submitted to the Legislature pursuant to the review and approval process provided in s. 216.177. The Senate Committee on Fiscal Policy and the House of Representatives Fiscal Responsibility Council shall advise Senate substantive committees and House of Representatives substantive committees, respectively, of all adjustments made to performance standards or measures. The Executive Office of the Governor shall maintain both the official record of adjustments to the performance standards as part of the agency's approved operating budget and the official performance ledger. As used in this section, "performance ledger" means the official compilation of information about state agency performance-based programs and measures, including approved programs, approved outputs and outcomes, baseline data, approved standards for each performance measure and any approved adjustments thereto, as well as actual agency performance for each measure.

(9) Annually, by June 30, the judicial branch shall make adjustments to any performance standards for approved programs based on the amount appropriated for each program, which shall be submitted to the Legislature pursuant to the notice and review process provided in s. 216.177. The Senate Committee on Fiscal Policy and the House Fiscal Responsibility Council shall advise Senate substantive committees and House substantive committees, respectively, of all adjustments made to performance standards or measures.

(14)(a) *By January 15, 2002, executive agencies must submit to the Executive Office of the Governor adjustments to their performance measures and standards necessitated by reductions and other changes to appropriations made by the Legislature for the 2001-2002 state fiscal year for each program. Review, revision, and approval of such adjustments shall be conducted pursuant to the requirements of subsection (7).*

(b) *By January 15, 2002, the judicial branch must make adjustments to any performance measures and standards necessitated by reductions*

*and other changes to appropriations made by the Legislature for the 2001-2002 state fiscal year for each program. Review, revision, and approval of such adjustments shall be conducted pursuant to the requirements of subsection (9).*

(c) *This subsection expires July 1, 2002.*

Section 5. In order to implement Specific Appropriations 773-773A of the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year, section 257.195, Florida Statutes, is amended to read:

257.195 Revenue shortfalls; procedures.—

(1) In the event of revenue shortfalls which necessitate budget reductions during any fiscal year, the total appropriation for library grants from state sources shall have the same ratable reduction as that applied to the operating funds of the Division of Library and Information Services or such reduction shall be at the discretion of the Secretary of State.

(2) *For the 2001-2002 state fiscal year only, the provisions of subsection (1) are suspended. This subsection expires July 1, 2002.*

Section 6. In order to implement Specific Appropriations 580-585 of the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year, paragraph (g) is added to subsection (7) of section 339.135, Florida Statutes, to read:

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

(7) AMENDMENT OF THE ADOPTED WORK PROGRAM.—

(g) *For the 2001-2002 state fiscal year only, and notwithstanding the provisions of paragraphs (b)-(f), the adopted work program shall be adjusted to include projects approved as economic stimulus projects resulting from additional appropriations made by House Bill 1-C, 2001 Special Session C, or similar legislation enacted at the same legislative session or an extension thereof. This paragraph expires July 1, 2002.*

Section 7. In order to implement Specific Appropriation 235 of the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year, subsection (4) is added to section 401.113, Florida Statutes, to read:

401.113 Department; powers and duties.—

(4) *For the 2001-2002 state fiscal year only, and notwithstanding the provisions of subsections (1) and (2), moneys in the Emergency Medical Services Trust Fund may also be used for the purpose of funding the rural hospital capital improvement grant program in accordance with the provisions of s. 395.6061. This subsection expires July 1, 2002.*

Section 8. In order to implement Specific Appropriations 194-195A of the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year, subsection (4) of section 561.121, Florida Statutes, is amended to read:

561.121 Deposit of revenue.—

(4)(a) State funds collected pursuant to s. 561.501 shall be paid into the State Treasury and credited to the following accounts:

1.(a) Twenty-seven and two-tenths percent of the surcharge on the sale of alcoholic beverages for consumption on premises shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Children and Family Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

2.(b) The remainder of collections shall be credited to the General Revenue Fund.

(b) *For the 2001-2002 state fiscal year only, and notwithstanding the provisions of subparagraph (a)1., moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults. This paragraph expires July 1, 2002.*

Section 9. In order to implement Specific Appropriation 428 of the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year, paragraph (c) is added to subsection (2) of section 860.158, Florida Statutes, to read:

860.158 Florida Motor Vehicle Theft Prevention Trust Fund.—

(2) Money in the trust fund shall be expended as follows:

(c) *For the 2001-2002 state fiscal year only, and notwithstanding any provision of this section or s. 320.08046 to the contrary, to pay for salaries and benefits and other expenses of the Department of Legal Affairs. This paragraph expires July 1, 2002.*

Section 10. *A section of this act that implements a specific appropriation or specifically identified proviso language in the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year is void if the specific appropriation or specifically identified proviso language is vetoed. A section of this act that implements more than one specific appropriation or more than one portion of specifically identified proviso language in the act making appropriations and reductions in appropriations for the 2001-2002 state fiscal year is void if all the specific appropriations or portions of specifically identified proviso language are vetoed.*

Section 11. *If any other act passed during the 2001 Special Session C of the Legislature or any extension thereof contains a provision that is substantively the same as a provision in this act, but that removes or is otherwise not subject to the future repeal applied to such provision by this act, the Legislature intends that the provision in the other act shall take precedence and shall continue to operate, notwithstanding the future repeal provided by this act.*

Section 12. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 13. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: Everything before the enacting clause and insert in lieu thereof:

A bill to be entitled An act implementing the act that provides appropriations and reductions in appropriations for the 2001-2002 state fiscal year; providing legislative intent; amending s. 16.555, F.S.; providing that moneys in the Crime Stoppers Trust Fund may be used to pay for salaries and benefits and other expenses of the Department of Legal Affairs; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; amending s. 216.023, F.S.; providing for adjustments to performance measures and standards for the executive and judicial branches necessitated by reductions and other changes to appropriations for the 2001-2002 state fiscal year; amending s. 257.195, F.S.; suspending revenue shortfall procedures applicable to appropriations for library grants from state sources; amending s. 339.135, F.S.; requiring adjustment of the adopted work program of the Department of Transportation to include certain economic stimulus projects; amending s. 401.113, F.S.; providing that moneys in the Emergency Medical Services Trust Fund may also be used for the purpose of funding the rural hospital capital improvement grant program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; amending s. 860.158, F.S.; providing that moneys in the Florida Motor Vehicle Theft Prevention Trust Fund may be used to pay for salaries and benefits and other expenses of the Department of Legal Affairs; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

## CORRECTION AND APPROVAL OF JOURNAL

The Journals of November 27 and 29 were corrected and approved.

## CO-SPONSORS

Senator Crist—SB 6-C, SB 8-C, CS for SB 10-C, SB 12-C, CS for SB 16-C, CS for SB 18-C, SB 20-C, CS for SB 22-C, SB 28-C

## RECESS

On motion by Senator Lee, the Senate recessed at 11:50 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 3:00 p.m., Monday, December 3 or upon call of the President.