



Journal of the Senate

Number 2—Special Session A

Tuesday, November 4, 1997

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CALL TO ORDER

The Senate was called to order by President Jennings at 2:00 p.m. A quorum present—37:

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

Excused: Senators Casas, Jones and Turner

PRAYER

The following prayer was offered by Senator Grant:

Our Father God, we give thanks to you for both the material resources you have blessed us with, as well as the responsibility you have placed upon us this week.

As we pray that your will, not ours, be done, may we keep our focus on the children of Florida who are the reason we are assembled. May we never forget that it is our duty to pave the way for future generations, and as your Holy Word in Proverbs so clearly says, "Train up a child in the way he should go; and when he is old, he will not depart from it."

In all we do this week, O God, we pray for the wisdom of Solomon, the patience of Job and the courage of our own personal convictions. Amen.

PLEDGE

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

ADOPTION OF RESOLUTIONS

At the request of Senator Lee—

By Senator Lee—

SR 26-A—A resolution commending Nettie Berry Draughon on her long and illustrious career with the City of Plant City, Florida.

WHEREAS, Nettie Berry Draughon began her career with Plant City more than fifty-seven years ago when she accepted a position as assistant clerk with City Hall after graduating from Plant City High School, and

WHEREAS, Nettie Draughon was named City Clerk six years later and held that position for the next twenty-eight years, serving at the pleasure of the City Commission, and

WHEREAS, Nettie Draughon was named City Manager by the city commission in 1974, and held that position even after her retirement on September 30, 1997, and

WHEREAS, Nettie Draughon has for fifty-seven years served the citizens of Plant City with unparalleled distinction and dedication, and

WHEREAS, "Nettie Mae," as she is affectionately known, has earned the love and respect not only of her past and present employees, but also governmental officials throughout Florida, and

WHEREAS, Nettie Draughon was honored in 1990, with the renaming of City Hall as the Nettie Berry Draughon Municipal Building, and

WHEREAS, Nettie Draughon has given unselfishly of her time and talents to charitable, professional, and civic organizations, including serving as Executive Director of the Ridge League of Cities, a director of the Florida Strawberry Festival, a director of the Plant City Kiwanis Club, a member of the East Hillsborough Historical Society and the Business and Professional Women's Club, past president of the American Legion Auxiliary, and a member of the Board of Trustees of the First United Methodist Church, and

WHEREAS, Nettie Draughon has received numerous awards that attest to the high esteem with which she is held by the citizens of Plant City, including the Plant City Business Woman of the Year Award, the Plant City Outstanding Citizen of the Year Award, the Jaycees Good Government Award, and the Martin Luther King Leadership Award, and

WHEREAS, Nettie Mae is much loved and respected by her co-workers and fellow citizens of Plant City, NOW, THEREFORE,

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

That Nettie Berry Draughon is commended for her outstanding accomplishments and her service to the citizens of Plant City.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Nettie Berry Draughon as a tangible token of the sentiments of the Florida Senate.

—**SR 26-A** was read and adopted by publication.

MOTIONS

On motions by Senator Bankhead, the rules were waived and the Senate was scheduled to meet Wednesday, November 5, from 9:00 a.m. until 10:30 a.m. and from 5:00 p.m. until completion.

On motions by Senator Bankhead, the rules were waived and the Committees on Children, Families and Seniors; Commerce and Economic Opportunities; and Executive Business, Ethics and Elections were granted permission to meet upon adjournment of the session or from 10:45 a.m. until 1:15 p.m. in lieu of 9:00 a.m. until 12:00 p.m. as scheduled November 5.

On motions by Senator Bankhead, the rules were waived and the Committees on Banking and Insurance; Community Affairs; Criminal Justice; and Transportation were granted permission to meet from 2:15 p.m. until 4:45 p.m. in lieu of 2:00 p.m. until 5:00 p.m. as scheduled November 5.

On motion by Senator Bankhead, a deadline of 8:00 a.m. Wednesday, November 5, was set for filing amendments to Bills on Third Reading to be considered that day.

SPECIAL ORDER CALENDAR

On motion by Senator Horne, by two-thirds vote—

CS for SB 2-A—A bill to be entitled An act relating to educational facilities and funding; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the ballot resolution to state a district's participation in the Florida Frugal Schools Program; limiting the surtax proceeds to uses assured under the Florida Frugal Schools; amending s. 235.435, F.S.; revising the formula for allocating certain appropriations from the Public Education Capital Outlay Trust Fund to district school boards; creating the Rural Relief Fund; providing criteria for receiving funding; specifying duties of the Department of Education; providing an appropriation to the Department of Education for the Rural Relief Fund; repealing ss. 235.2155, 235.216, F.S., which relate the School Infrastructure Thrift Program and to the cost of educational facilities; providing an appropriation for the Classrooms First Program; providing legislative intent regarding future appropriations; providing for the allocation of funds to district school boards for the Classrooms First Program; specifying uses of the funds; providing an appropriation to the Department of Education for the School Infrastructure Thrift Program; providing an appropriation to the University of South Florida for the purchase of the TGH-USF Psychiatric Center; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Holzendorf and adopted:

Amendment 1 (with title amendment)—On page 13, after line 2, insert:

Section 10. *For the 1997-1998 fiscal year, the sum of \$1,500,000 is appropriated from the General Revenue Fund to the Florida Agricultural and Mechanical University for the expansion of the Science Research Facility to house a Pharmaceutical Research Center. These funds are contingent upon receipt of a like amount from the National Institute of Health (NIH).*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, after line 3, insert: providing an appropriation to the Florida Agricultural and Mechanical University for the expansion of the Science Research Facility;

The Committee on Ways and Means recommended the following amendment which was moved by Senator Horne and adopted:

Amendment 2 (with title amendment)—On page 6, line 28 through page 8, line 31, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, lines 12-16, delete those lines and insert: Schools; creating the Rural Relief Fund;

The Committee on Ways and Means recommended the following amendment which was moved by Senator McKay:

Amendment 3—On page 9, line 21, after the period (.) insert: *A rural school district may request an award from the Rural Relief Fund for the construction of new buildings at an existing educational plant or for the expansion of existing educational facilities if the district school board certifies that this is the most economical means to add new student stations.*

Senators McKay and Rossin offered the following amendment to **Amendment 3** which was moved by Senator Rossin and adopted:

Amendment 3A—On page 1, line 18, delete "Rural Relief Fund" and insert: *Special Facilities Construction Account Program*

Amendment 3 as amended was adopted.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Horne and adopted:

Amendment 4 (with title amendment)—On page 10, line 24, after the period (.) insert: *In addition, the sum of \$50 million is appropriated from the General Revenue Fund to the Rural Relief Fund.*

And the title is amended as follows:

On page 1, line 19, after the semicolon (;) insert: transferring funds and

Amendment 5—On page 11, lines 13-22, delete those lines and insert: *subsequent years. The Commissioner of Education shall allocate funds appropriated for the Classrooms First Program among the district school boards. Each district school board's share of the annual or partial-year appropriation for the Classrooms First Program must be calculated according to the following formula: 25 percent of the appropriation must be allocated among each school district's base capital outlay full-time-equivalent membership and 65 percent among each school district's growth capital outlay full-time-equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by section 235.435(6), Florida Statutes, as amended by section 7 of chapter 97-265, Laws of Florida, and by section 15 of chapter 97-307, Laws of Florida; 10 percent of the appropriation must be allocated among district school boards according to the allocation formula in section 235.435(1)(a), Florida Statutes; and the resulting allocations must be adjusted to ensure that the annualized allocation to each district school board is not less than the amount that would be generated by the levy of 0.3 mill against the school district's 1996 final taxable value for school purposes as certified by the Department of Revenue. Each district school board may use its allocation to*

Amendment 6—On page 12, line 6, delete "or ancillary facility"

The Committee on Ways and Means recommended the following amendment which was moved by Senator Dudley and adopted:

Amendment 7—On page 12, line 18, after the period (.) insert: *From the funds appropriated in this section, \$525,000 is appropriated to fund a study to determine the most effective use of the resources that are made available by this act. The study shall be limited to the five school districts that are allocated the largest amount of funds by this act. The study shall, at a minimum, examine the feasibility of using alternatives to new construction or cost reduction techniques including a review of the capital planning processes used to estimate the cost of new school construction, renovation and repair of existing facilities, and to determine the priority of each option. A report shall be prepared for each of the districts studied and shall be made available to all other school districts, the President of the Senate, the Speaker of the House and the Governor. The Department of Management Services shall award a contract to a vendor certified under contract No. 973-655-96-1 for consulting services for performance measures. Performance shall be given to those firms who have substantial experience in conducting large scale school facility management and needs analyses. The contract shall be awarded by December 1, 1997 and shall be completed by April 30, 1998.*

The Committee on Ways and Means recommended the following amendment which was moved by Senator Horne and adopted:

Amendment 8 (with title amendment)—On page 12, lines 19-25, delete those lines and renumber subsequent sections.

And the title is amended as follows:

On page 1, line 30 through page 2, line 1, delete those lines and insert: providing an appropriation to the

The Committee on Ways and Means recommended the following amendment which was moved by Senator Holzendorf and failed:

Amendment 9 (with title amendment)—On page 13, between lines 2 and 3, insert:

Section 10. *Construction Trust Fund.*—

(1) *The Legislature shall annually appropriate funds which shall be deposited in the Construction Trust Fund.*

(2)(a) A school district may elect to draw funds from the Construction Trust Fund, which shall be allocated on a year to year basis over 3 years, if the school board certifies to the Department of Education that it chooses to comply with the requirements of this section. Moneys from the trust fund shall be disbursed based on Public Education Capital Outlay formula weights as used for the 1997-1998 year.

(b) Districts may only use Construction Trust Fund money for the construction of new school facilities.

(c) Money from the Construction Trust Fund may not be used for administrative facilities.

(3) If the Department of Education determines that a district has spent trust fund moneys in a manner that is inconsistent with this section, the district shall be ineligible to receive additional moneys from the Construction Trust Fund.

Section 11. Renovation and Repair Trust Fund—

(1) The Legislature shall annually appropriate funds which shall be deposited in the Renovation and Repair Trust Fund.

(2) Moneys from the Renovation and Repair Trust Fund shall be allocated to school districts based on a formula to be determined by the Department of Education, and weighted towards districts that have older school facilities. Moneys from the trust fund:

(a) May only be used for the renovation, repair, or expansion of existing school facilities.

(b) May not be used for maintenance activities such as, but not limited to, janitorial and custodial services, landscaping, or general upkeep.

(c) May not be used to renovate, repair, or expand an administrative facility.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: providing criteria for the use of the Construction Trust Fund and the Renovation and Repair Trust Fund;

The Committee on Ways and Means recommended the following amendment which was moved by Senator Clary and adopted:

Amendment 10 (with title amendment)—On page 13, between lines 2 and 3, insert:

Section 10. The sum of \$3 million is appropriated from the General Revenue Fund to the Department of Education for the purpose of implementing the provisions of section 10 of chapter 97-265, Laws of Florida.

(Renumber subsequent section.)

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: providing an appropriation to the Department of Education for the purpose of implementing s. 10, ch. 97-265, Laws of Florida;

Senators Dyer, Horne and Jenne offered the following amendment which was moved by Senator Dyer:

Amendment 11 (with title amendment)—On page 11, line 1 through page 12, line 18, delete those lines and insert:

Section 7. Paragraphs (a) and (b) of subsection (5) of section 24.121, Florida Statutes, are amended, present paragraph (f) of that subsection is redesignated as paragraph (g), and a new paragraph (f) is added to that subsection, to read:

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

(5)(a) Public educational programs and purposes funded by the Educational Enhancement Trust Fund may include, but are not limited to, endowment, scholarship, matching funds, direct grants, research and economic development related to education, salary enhancement, contracts with independent institutions to conduct programs consistent

with the state master plan for postsecondary education, or any other educational program or purpose deemed desirable by the Legislature.

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

(f) From the funds appropriated from the Educational Enhancement Trust Fund to district school boards in fiscal year 1998-1999, and each year thereafter for a total of 20 consecutive years, the sum of \$220 million must be distributed to district school boards for the Classrooms First Program as provided in section 8 of this act.

(g)(f) Each school district shall, on a quarterly basis, make available to the public and distribute, in an easy to understand format, the expenditures of lottery funds allocated to the school district.

Section 8. Classrooms First Program; uses; pledge of funds.—It is the intent of the Legislature to appropriate in fiscal year 1998-1999, and each year thereafter for a total of 20 consecutive years, the annual sum of \$220 million from the Educational Enhancement Trust Fund for the Classrooms First Program.

(1) The Commissioner of Education shall allocate funds appropriated for the Classrooms First Program among the district school boards. Each district school board's share of the annual or partial-year appropriation for the Classrooms First Program must be calculated according to the following formula:

(a) Twenty-five percent of the appropriation must be allocated among each school district's base capital outlay full-time-equivalent membership and 65 percent among each school district's growth capital outlay full-time-equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by section 235.435(6), Florida Statutes, as amended by section 7 of chapter 97-265, Laws of Florida, and by section 15 of chapter 97-307, Laws of Florida;

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in section 235.435(1)(a), Florida Statutes; and

(c) The allocations resulting from paragraphs (a) and (b) must be adjusted to ensure that the annualized allocation to each district school board is not less than the amount that would be generated by the levy of 0.3 mill against the school district's 1996 final taxable value for school purposes as certified by the Department of Revenue. Such allocations must also be adjusted to ensure that no district receives less than the amount necessary to repay bonds issued pursuant to subsection (3).

(2) A district school board shall expend the funds received pursuant to this section, section 9 of this act, and section 24.121(5)(f), Florida Statutes, only to:

(a) Construct, renovate, remodel, repair, maintain, or lease-purchase educational facilities;

(b) Pay bonds issued under this section for acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing capital outlay projects that have been approved by the district school board pursuant to the most recent educational plant survey conducted under section 235.15, Florida Statutes;

(c) Pay operating expenses of the school district; or

(d) Provide ad valorem tax relief by reducing the discretionary capital outlay millage levied under section 236.25(2), Florida Statutes.

Notwithstanding the expenditure limits of section 236.25(2)(e), Florida Statutes, as amended by section 141 of chapter 97-190, Laws of Florida, a district school board may use funds received under this section to make payments on educational plants obtained through lease-purchase agreements authorized by section 230.23(9)(b)5, Florida Statutes, as amended by section 105 of chapter 97-190, Laws of Florida, and section 1 of chapter 97-212, Laws of Florida, or authorized by section 235.056(2), Florida Statutes, as amended by sections 8 and 12 of chapter 97-265, Laws of Florida, and section 47 of chapter 97-307, Laws of Florida.

(3) Each district school board that elects to pledge moneys under paragraph (2)(b) shall notify the Department of Education of its election by September 1 of that year. The Department of Education shall review the proposal of each district school board for compliance with this section and shall forward all approved proposals to the Division of Bond Finance with a request to issue bonds on behalf of the approved school districts. The Division of Bond Finance shall pool the pledges from all school districts making the election in that year and shall issue the bonds on behalf of the districts for a period not to exceed the distributions to be received under section 24.121(5)(f), Florida Statutes. The bonds must be issued in accordance with Section 11(d), Article VII of the State Constitution, and each needed project to be constructed with the proceeds of bonds is hereby approved as provided in Section 11(e), Article VII of the State Constitution. The bonds shall be issued pursuant to the State Bond Act to the extent not inconsistent with this section.

(4) Bonds issued under this section must be validated as prescribed by chapter 75, Florida Statutes. The complaint for the validation must be filed in the circuit court of the county where the seat of state government is situated; the notice required to be published by section 75.06, Florida Statutes, must be published only in the county where the complaint is filed; and the complaint and order of the circuit court must be served only on the state attorney of the circuit in which the action is pending. The state covenants with holders of bonds issued under this section that it will not take any action that will materially and adversely affect the rights of such holders so long as such bonds are outstanding. The state further covenants that it will appropriate from the first available funds in the Educational Enhancement Trust Fund amounts sufficient to make all payments required for any bonds issued under this section.

Section 9. The sum of \$110 million is appropriated from the General Revenue Fund to the Department of Education to be distributed between January 1, 1998, and June 30, 1998, for the Classrooms First Program as provided by this act.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 24-29, delete those lines and insert: facilities; amending s. 24.121, F.S.; authorizing expenditures from the Educational Enhancement Trust Fund for the Classrooms First Program; providing legislative intent regarding future appropriations for the Classrooms First Program; providing for the allocation of funds to district school boards for the Classrooms First Program; authorizing bonds or revenue anticipation certificates backed by funds appropriated for the Classrooms First Program; specifying duties of the State Board of Education; specifying additional uses of the funds; providing an appropriation to the Department of Education for the Classrooms First Program;

Senators Sullivan and Bankhead offered the following substitute amendment which was moved by Senator Sullivan:

Amendment 12 (with title amendment)—On page 11, line 1 through page 12, line 18, delete those lines and insert:

Section 7. Paragraph (f) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter shall be as follows:

(f) The proceeds of all other taxes and fees imposed pursuant to this chapter shall be distributed as follows:

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

2. Two-tenths of one percent shall be transferred to the Solid Waste Management Trust Fund.

3. After the distribution under subparagraphs 1. and 2., 9.653 percent of the amount remitted by a sales tax dealer located within a

participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.

4. After the distribution under subparagraphs 1., 2., and 3., 0.054 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

5. Of the remaining proceeds:

a. Beginning July 1, 1992, \$166,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162 and \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "new spring training franchise facility" pursuant to s. 288.1162. Distributions shall begin 60 days following such certification and shall continue for 30 years. Nothing contained herein shall be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(7). However, a certified applicant shall receive distributions up to the maximum amount allowable and undistributed under this section for additional renovations and improvements to the facility for the franchise without additional certification.

b. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

c. Beginning 30 days after notice by the Department of Commerce to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 180 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.

6. Subject to annual appropriation by the Legislature, there shall be distributed an amount equal to \$110 million in fiscal year 1997-1998 and \$220 million in each year thereafter for a total of 20 consecutive years to district school boards for the Classrooms First Program as provided in section 8 of this act.

7. All other proceeds shall remain with the General Revenue Fund.

Section 8. *Classrooms First Program; uses; pledge of funds.*—It is the intent of the Legislature to appropriate in fiscal year 1998-1999, and each year thereafter for a total of 20 consecutive years, the annual sum of \$220 million from the Educational Enhancement Trust Fund for the Classrooms First Program.

(1) The Commissioner of Education shall allocate funds appropriated for the Classrooms First Program among the district school boards. Each district school board's share of the annual or partial-year appropriation for the Classrooms First Program must be calculated according to the following formula:

(a) Twenty-five percent of the appropriation must be allocated among each school district's base capital outlay full-time-equivalent membership and 65 percent among each school district's growth capital outlay full-time-equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by section 235.435(6), Florida Statutes, as amended by section 7 of chapter 97-265, Laws of Florida, and by section 15 of chapter 97-307, Laws of Florida;

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in section 235.435(1)(a), Florida Statutes; and

(c) The allocations resulting from paragraphs (a) and (b) must be adjusted to ensure that the annualized allocation to each district school board is not less than the amount that would be generated by the levy of 0.3 mill against the school district's 1996 final taxable value for school purposes as certified by the Department of Revenue. Such allocations must also be adjusted to ensure that no district receives less than the amount necessary to repay bonds issued pursuant to subsection (3).

(2) A district school board shall expend the funds received pursuant to this section, section 9 of this act, and section 212.20(6)(f)6., Florida Statutes, only to:

(a) Construct, renovate, remodel, repair, maintain, or lease-purchase educational facilities;

(b) Pay bonds issued under this section for acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing capital outlay projects that have been approved by the district school board pursuant to the most recent educational plant survey conducted under section 235.15, Florida Statutes;

(c) Pay operating expenses of the school district; or

(d) Provide ad valorem tax relief by reducing the discretionary capital outlay millage levied under section 236.25(2), Florida Statutes.

Notwithstanding the expenditure limits of section 236.25(2)(e), Florida Statutes, as amended by section 141 of chapter 97-190, Laws of Florida, a district school board may use funds received under this section to make payments on educational plants obtained through lease-purchase agreements authorized by section 230.23(9)(b)5., Florida Statutes, as amended by section 105 of chapter 97-190, Laws of Florida, and section 1 of chapter 97-212, Laws of Florida, or authorized by section 235.056(2), Florida Statutes, as amended by sections 8 and 12 of chapter 97-265, Laws of Florida, and section 47 of chapter 97-307, Laws of Florida.

(3) Each district school board that elects to pledge moneys under paragraph (2)(b) shall notify the Department of Education of its election by September 1 of that year. The Department of Education shall review the proposal of each district school board for compliance with this section and shall forward all approved proposals to the Division of Bond Finance with a request to issue bonds on behalf of the approved school districts. The Division of Bond Finance shall pool the pledges from all school districts making the election in that year and shall issue the bonds on behalf of the districts for a period not to exceed the distributions to be received under section 212.20(6)(f)6., Florida Statutes. The bonds must be issued in accordance with Section 11(d), Article VII of the State Constitution, and each needed project to be constructed with the proceeds of bonds is hereby approved as provided in Section 11(e), Article VII of the State Constitution. The bonds shall be payable only from the proceeds of section 212.20(6)(f)6., Florida Statutes, subject to annual appropriation. The bonds shall be issued pursuant to the State Bond Act to the extent not inconsistent with this section.

(4) Bonds issued under this section must be validated as prescribed by chapter 75, Florida Statutes. The complaint for the validation must be filed in the circuit court of the county where the seat of state government is situated; the notice required to be published by section 75.06, Florida Statutes, must be published only in the county where the complaint is filed; and the complaint and order of the circuit court must be served only on the state attorney of the circuit in which the action is pending. The state covenants with holders of bonds issued under this section that it will not take any action that will materially and adversely affect the rights of such holders so long as such bonds are outstanding. The state further covenants that it will appropriate from the first available funds in the Educational Enhancement Trust Fund amounts sufficient to make all payments required for any bonds issued under this section.

Section 9. The sum of \$110 million is appropriated from the General Revenue Fund to the Department of Education to be distributed between January 1, 1998, and June 30, 1998, for the Classrooms First Program as provided by this act.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, lines 24-29, delete those lines, and insert: facilities; amending s. 24.121, F.S.; authorizing expenditures from the Educational Enhancement Trust Fund for the Classrooms First Program; providing legislative intent regarding future appropriations for the Classrooms First Program; providing for the allocation of funds to district school boards for the Classrooms First Program; authorizing bonds or revenue anticipation certificates backed by funds appropriated for the Classrooms First Program; specifying duties of the State Board of Edu-

cation; specifying additional uses of the funds; providing an appropriation to the Department of Education for the Classrooms First Program;

Senators Brown-Waite, Burt and Silver offered the following amendment to **Amendment 12** which was moved by Senator Brown-Waite and adopted:

Amendment 12A—On page 5, lines 3-7, delete those lines and insert: Florida Statutes.

Amendment 12 as amended failed. The vote was:

Yeas—17

Madam President	Crist	Hargrett	Sullivan
Bankhead	Dantzer	Harris	Williams
Burt	Dudley	Kirkpatrick	
Clary	Grant	Lee	
Cowin	Gutman	Myers	

Nays—20

Bronson	Dyer	Klein	Ostalkiewicz
Brown-Waite	Forman	Kurth	Rossin
Campbell	Holzendorf	Latvala	Scott
Childers	Horne	McKay	Silver
Diaz-Balart	Jenne	Meadows	Thomas

The question recurred on **Amendment 11**.

Senators Brown-Waite, Burt and Silver offered the following amendment to **Amendment 11** which was moved by Senator Brown-Waite and adopted:

Amendment 11A—On page 3, line 30 through page 4, line 3, delete those lines and insert: Florida Statutes.

Senators Brown-Waite and Horne offered the following amendment to **Amendment 11** which was moved by Senator Brown-Waite and adopted:

Amendment 11B—On page 5, between lines 18 and 19, insert:

(5) Each educational plant constructed with the proceeds of bonds issued pursuant to this section must be clearly identified on site as having been built with lottery moneys.

Senator Horne moved the following amendment to **Amendment 11** which was adopted:

Amendment 11C—On page 3, lines 22-31, delete those lines and insert:

(a) Construct, renovate, remodel, repair, maintain, or lease-purchase educational facilities;

(b) Pay bonds issued under this section for acquiring, building, constructing, altering, remodeling, improving, enlarging, furnishing, equipping, maintaining, renovating, or repairing capital outlay projects that have been approved by the district school board pursuant to the most recent educational plant survey conducted under section 235.15, Florida Statutes;

(c) Pay operating expenses of the school district if the district school board certifies to the Commissioner of Education that the district's educational plant needs for the next 5 years can be met from anticipated revenues. A district must not expend funds received under this section to pay the salaries of administrative personnel, instructional personnel, or teacher aides as defined by section 228.041, Florida Statutes, or of an educational support employee; however, the funds may be spent for those services of school district personnel which are directly related to the maintenance, renovation, repair, or remodeling of an educational plant as defined in section 235.011, Florida Statutes.

Amendment 11 as amended was adopted.

Senators Holzendorf and Hargrett offered the following amendment which was moved by Senator Holzendorf and adopted:

Amendment 13—On page 11, line 30, after the period (.) insert: However, if more than 9 percent of a district's total square feet is

more than 50 years old, the district must spend at least 25 percent of its allocation on the renovation, repair or remodeling of existing schools, except that districts with fewer than 10,000 full-time equivalent students are exempt from this restriction.

Senator Williams moved the following amendment which was adopted:

Amendment 14 (with title amendment)—On page 10, between lines 24 and 25, insert:

Section 6. *All survey-approved projects for which the design or design-build contract was executed prior to May 30, 1997, and for which notice of verification of school board action was submitted to the Department of Education shall proceed under the laws and rules in effect as of the date the design or design-build contract was executed.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 21, after the semicolon (;) insert: providing that certain projects shall proceed under the laws and rules in effect when the design or design-build contract was executed;

Senator Silver moved the following amendment which was adopted:

Amendment 15 (with title amendment)—On page 13, between lines 2 and 3, insert:

Section 10. Subsection (2) of section 235.06, Florida Statutes, as amended by section 142 of chapter 97-190, Laws of Florida, is amended to read:

235.06 Safety and sanitation standards and inspection of property.—The Commissioner of Education shall adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as a part of the State Uniform Building Code for Public Educational Facilities Construction as provided in s. 235.26, the provisions of chapter 633 to the contrary notwithstanding. These standards must be used by all public agencies when inspecting public educational and ancillary plants. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies must contain procedures for periodic inspections as prescribed herein and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC AGENCIES.—

(a) A safety or sanitation inspection of any educational or ancillary plant may be made at any time by the Department of Education or any other state or local agency authorized or required to conduct such inspections by either general or special law. Each agency conducting inspections shall use the standards adopted by the Commissioner of Education in lieu of, and to the exclusion of, any other inspection standards prescribed either by statute or administrative rule, the provisions of chapter 633 to the contrary notwithstanding. The agency shall submit a copy of the inspection report to the board.

(b) *In addition to school board inspections, the applicable local fire control authority shall also annually inspect educational facilities within its fire control district, using the standards adopted by the Commissioner of Education. Reports shall be filed with the school board, and a copy shall be on file with the local site administrator.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 2, line 3, following the semicolon (;) insert: amending s. 235.06, F.S.; requiring fire control authorities to inspect educational facilities;

Senator McKay moved the following amendments which were adopted:

Amendment 16—On page 4, between lines 17 and 18, insert:

(d) *The district school board receives the equivalent of a one-half cent levy from the local infrastructure sales surtax.*

Amendment 17 (with title amendment)—On page 13, between lines 2 and 3, insert:

Section 10. *The sum of \$150,000 is appropriated to the Department of Education from the General Revenue Fund for the development of standards for construction materials and systems based on life-cycle costs.*

And the title is amended as follows:

On page 2, line 3, after the semicolon (;) insert: providing an appropriation to the Department of Education to develop certain standards;

Pursuant to Rule 4.19, **CS for SB 2-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was extended until completion of the Special Order Calendar.

On motion by Senator Horne, by two-thirds vote—

CS for SB 4-A—A bill to be entitled An act relating to education; amending s. 228.056, F.S.; authorizing a municipality to submit a proposal to operate a charter school; amending s. 230.23025, F.S.; revising provisions relating to adopting and updating best financial management practices; providing for review of practices and for paying the costs of review; amending s. 235.011, F.S.; defining and redefining terms used in ch. 235, F.S.; amending s. 235.014, F.S., relating to the functions of the Department of Education; expanding exceptions to departmental recommendations of maximum square footage; revising standards for validating surveys of facilities; amending s. 235.056, F.S.; requiring a report with respect to the amount of leased space used by school districts; creating s. 235.061, F.S.; providing standards for relocatable buildings and manufactured buildings used for classroom space; creating s. 235.1491, F.S.; providing for a statewide need assessment calculation for educational capital outlay; amending s. 235.15, F.S.; specifying requirements for educational plant surveys and localized need assessment calculations; amending s. 235.155, F.S.; providing legislative intent with respect to exceptions from recommendations in educational plant surveys; requiring the identification of critically overcrowded schools and school districts; providing reporting requirements; specifying duties of the Commissioner of Education and the State Board of Education; requiring recommendations to the Governor and presiding officers of the Legislature; creating s. 235.158, F.S.; providing for school district facilities work programs; amending s. 235.19, F.S.; prescribing criteria for selecting the sites of proposed educational centers or campuses; amending s. 235.198, F.S.; specifying criteria for determining the maximum estimated cost of each proposed satellite facility that is to be jointly developed by private industry and a district school board; amending s. 235.199, F.S.; specifying criteria for determining the maximum estimated cost of each proposed vocational educational facility; amending s. 235.26, F.S.; prescribing the requirements for standards that must be developed by the department as part of the State Uniform Building Code for Public Educational Facilities Construction; amending s. 235.33, F.S.; requiring certain fiscal information to be filed; amending s. 235.435, F.S.; prescribing criteria for determining allocations that are to be made to school boards from the Public Education Capital Outlay and Debt Service Trust Fund; creating s. 235.4351, F.S.; providing for waiver from requirements relating to plant surveys, need projections, and cost ceilings; amending s. 236.25, F.S., relating to the district school tax; decreasing the proportion of the optional 2-mill tax which may be applied to payments made under certain lease-purchase agreements; providing an exception for lease-purchase agreements entered into before a specified date; authorizing additional expenditures for proceeds of the optional 2-mill tax; revising the purposes for which the revenues of such tax may be used; redefining the terms "materials" and "equipment" as applied to certain restrictions on spending the proceeds of the 2-mill tax; amending s. 12 of ch. 97-265, Laws of Florida; abrogating the repeal of s. 236.25, F.S., relating to the district school tax; providing an effective date.

—was read the second time by title.

Senator Lee moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 7, between lines 2 and 3, insert:

(5) Any audit or performance review of one or all of the designated components conducted or supervised by OPPAGA within 5 years before December 1, 1997, may serve as the audit or review required as the examination of district operations necessary for a determination of whether a district meets the “best financial management practices” designation. The cost contribution requirements of subsection (2) do not apply to any such audit or performance review.

And the title is amended as follows:

On page 1, line 9, after the first semicolon (;) insert: allowing a certain audit or review to serve as a determination of “best financial management practices”;

Senator Rossin moved the following amendment which failed:

Amendment 2—On page 14, lines 7 and 12, after “Elementary school” insert: , middle school, and high school

Senator Campbell moved the following amendment which failed:

Amendment 3—On page 21, lines 1-5, delete those lines and insert: counted at 25 percent of actual student capacity; and they shall be counted at 0 percent if manufactured or constructed at least 20 years before the need determination, if the relocatable facility is located at a school that is enrolled at or above 105 percent of the capacity of core facilities, or

Senator Dudley moved the following amendment which was adopted:

Amendment 4—On page 22, lines 10-25, delete those lines and insert:

8. By September 1 each year, the department shall project available state and district revenues for the next 5 fiscal years, with the current fiscal year being the first year. For state revenue sources, the department shall incorporate the most recent projections of the Education, Transportation, and Revenue Estimating Conferences. For district revenue sources, the department shall measure the projected revenues based on the voted and nonvoted millage assessments of the current year and shall incorporate the most recent projections of the Revenue Estimating Conference for applicable local sales and surtax projections. No available district revenue sources presently unlevied shall be included in the official 5-year revenue projection, but the department must make a separate projection of each districts’ potential revenue based on the unlevied millage and sales and surtax assessments.

RECONSIDERATION OF AMENDMENT

On motion by Senator Dudley, the Senate reconsidered the vote by which **Amendment 4** was adopted. **Amendment 4** was withdrawn.

Senator Forman moved the following amendment which failed:

Amendment 5 (with title amendment)—On page 24, between lines 21 and 22, insert:

Section 8. Section 235.157, Florida Statutes, is created to read:

235.157 District construction advisory councils.—To achieve greater accountability in public school construction, a seven-member district school construction advisory council shall be established in each school district that does not certify to the Commissioner of Education that the district’s instructional space needs for the next 5 years can be met from projected capital outlay sources or through other means such as alternative scheduling or construction, leasing, technological methods, or sound financial management.

(1) The district school board shall appoint three members for initial terms of 3 years each. All of the board’s appointees must be residents of the school district; two of the appointees must have expertise in pedagogy and curriculum, and one appointee must have expertise in business, construction, finance, real estate development, or other related fields.

(2) The Governor of the State of Florida shall appoint one member who shall possess business skills and experience in construction, finance, real estate development, or other related fields.

(3) The President of the Florida Senate shall appoint one member from a list of three individuals recommended by the local board of county commissioners, who shall serve for an initial term of 2 years.

(4) The Speaker of the Florida House of Representatives shall appoint one member who belongs to a local chamber of commerce, who shall serve for an initial term of 1 year. and

(5) The district superintendent shall appoint one member who is a member of a school advisory council within the district, who shall serve for an initial term of 2 years.

(6) The Commissioner of Education shall appoint the chairman of the council from among the selected appointees.

(7) A vacancy shall be filled for the remainder of the unexpired term. After the initial terms, members shall be appointed for 3-year terms. An individual may not serve as a council member for more than 10 consecutive years. A member may not be a member or employee of the district school board. Council members may not have a contractual or business relationship with the district school board.

(8) The council may:

(a) Collect and review information on district school board capital outlay projects and make appropriate recommendations to the board.

(b) Request an audit of the school district’s capital outlay projects to verify compliance with the provisions of this chapter and report findings to the audited district school board, the Commissioner of Education, and the chairs of the legislative committees that have oversight of educational facilities and related funding.

(c) Recommend to the district school board the most cost-effective measures for planning, budgeting, and completing public school construction projects.

(d) Request the district school board to publish in a local daily publication of general circulation all information concerning proposed construction plans, the progress of construction, and the council’s findings concerning such plans and construction progress.

(e) Certify a district’s submission for funding pursuant to s. 235.2155 in lieu of the district receiving designation for best financial management practices pursuant to s. 230.23025, but only if the council determines that such management practices are used by the district.

(f) Review the placement of relocatable facilities on all district school sites, taking into consideration their impact on core facilities, and recommend to the district school board any restrictions regarding such placement.

(g) Recommend to the district school board actions to prevent school overcrowding and to expedite the reduction of overcrowding when enrollment at a school reaches or exceeds 130 percent of the capacity of core facilities.

(h) Recommend to the district school board the approval of projects funded entirely from local sources pursuant to s. 235.435(6)(e).

(9) Upon request by the district construction advisory council, the district school board must provide information on all construction projects or specific projects. If requested, the information must be provided beginning with the planning phase of the project and at least every 6 months thereafter until construction of the project is complete.

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 24, after the first semicolon (;) insert: creating s. 235.157, F.S., creating district advisory councils; providing procedures for membership of councils; providing responsibilities of councils;

Senator McKay moved the following amendment which was adopted:

Amendment 6 (with title amendment)—On page 40, between lines 17 and 18, insert:

5. *By July 1, 1999, the department shall establish standards for construction materials and systems based on life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life-expectancy. The standards may include multiple acceptable materials. It is the intent of the Legislature to require district school boards to conform with these standards when expending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the Community College and District School Board Capital Outlay and Debt Service Trust Fund and to require district school boards to expend local capital outlay revenues for any project that includes materials or systems that do not comply with these standards unless the district school board submits evidence that alternative materials or systems meet or exceed standards developed by the department.*

And the title is amended as follows:

On page 2, line 22, after the semicolon (;) insert: providing legislative intent;

Senator Brown-Waite moved the following amendment which was adopted:

Amendment 7 (with title amendment)—On page 54, between lines 2 and 3, insert:

Section 21. *A school district may not, without the permission of the Commissioner of Education, convert any school building to administrative or any other purposes if such action results in any increased use of classroom portable facilities.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 3, line 15, after the semicolon (;) insert: prohibiting the conversion of school buildings to other uses without the permission of the Commissioner of Education;

Senators Diaz-Balart, Jenne and Forman offered the following amendment which was moved by Senator Diaz-Balart and adopted:

Amendment 8 (with title amendment)—On page 54, between lines 2 and 3, insert:

Section 21. *Notwithstanding section 236.081(1)(d), Florida Statutes, for each calculation of the Florida Education Finance Program, the Department of Education shall, first within each district, and secondly within the state, total weighted FTE's and transfer the excess of weighted full-time-equivalent students funded in program groups 1, 2, and 3 of the first Florida Education Finance Program calculation over actual weighted full-time-equivalent students in program groups 1, 2, and 3 into program groups 2 and 3 until the total weighted full-time-equivalent students funded equals the total weighted full-time-equivalent students allocated in the first calculation of the Florida Education Finance Program. In any calculation of the Florida Education Finance Program, if a district's total weighted full-time-equivalent students exceed the total weighted full-time-equivalent students in the first calculation of the Florida Education Finance Program plus adjustments due to section 236.081(1)(d)3.a., Florida Statutes, the excess, if any, in program group 2 weighted full-time-equivalent students exceeding the program group 2 total in the first calculation of the Florida Education Finance Program shall be funded in the same manner as are students in exceptional student education programs 251, 252, 253, 254, and 255, as calculated in conformity with Specific Appropriation 105 of chapter 97-152, Laws of Florida (appearing in the first full paragraph on page 2538 of the Laws of Florida, 1997), and section 21 of chapter 97-153, Laws of Florida. Notwithstanding section 236.081(10), Florida Statutes, for fiscal year 1997-1998, the caps adjustment supplement shall be limited to 50 percent of the funds remaining in the appropriation. This section expires July 1, 1998.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 3, line 15, following the semicolon (;) insert: providing for transfer of certain full-time-equivalent students in Florida Education Finance Program calculations; providing additional guidelines for making such calculations; providing a caps adjustment;

Senator Dudley moved the following amendment which was adopted:

Amendment 9—On page 22, lines 17 and 18, delete those lines and insert: *projected local revenues and*

Pursuant to Rule 4.19, **CS for SB 4-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

RECONSIDERATION

On motion by Senator Horne—

CS for SB 2-A—A bill to be entitled An act relating to educational facilities and funding; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the ballot resolution to state a district's participation in the Florida Frugal Schools Program; limiting the surtax proceeds to uses assured under the Florida Frugal Schools; amending s. 235.435, F.S.; revising the formula for allocating certain appropriations from the Public Education Capital Outlay Trust Fund to district school boards; creating the Rural Relief Fund; providing criteria for receiving funding; specifying duties of the Department of Education; providing an appropriation to the Department of Education for the Rural Relief Fund; repealing ss. 235.2155, 235.216, F.S., which relate the School Infrastructure Thrift Program and to the cost of educational facilities; providing an appropriation for the Classrooms First Program; providing legislative intent regarding future appropriations; providing for the allocation of funds to district school boards for the Classrooms First Program; specifying uses of the funds; providing an appropriation to the Department of Education for the School Infrastructure Thrift Program; providing an appropriation to the University of South Florida for the purchase of the TGH-USF Psychiatric Center; providing an effective date.

—was recalled from Engrossing.

On motion by Senator Dudley, the Senate reconsidered the vote by which **Amendment 7** was adopted. **Amendment 7** failed.

On motion by Senator Holzendorf, the Senate reconsidered the vote by which **Amendment 13** was adopted. **Amendment 13** was withdrawn.

On motion by Senator Dyer, the Senate reconsidered the vote by which **Amendment 11** as amended was adopted.

Senators Holzendorf and Hargrett offered the following amendment to **Amendment 11** which was moved by Senator Holzendorf and adopted:

Amendment 11D—On page 4, line 5, before “*Notwithstanding*” insert: *However, if more than 9 percent of a district's total square feet is more than 50 years old, the district must spend at least 25 percent of its allocation on the renovation, repair or remodeling of existing schools, except that districts with fewer than 10,000 full-time equivalent students are exempt from this restriction.*

Senator Dudley moved the following amendment to **Amendment 11** which was adopted:

Amendment 11E—On page 5, line 18, after the period (.) insert: *From the funds appropriated in this section, \$525,000 is appropriated to fund a study to determine the most effective use of the resources that are made available by this act. The study shall be limited to the five school districts that are allocated the largest amount of funds by this act. The study shall, at a minimum, examine the feasibility of using alternatives to new construction or cost reduction techniques including a review of the capital planning processes used to estimate the cost of new school construction, renovation and repair of existing facilities, and to determine the priority of each option. A report shall be prepared for each of the districts studied and shall be made available to all other school districts, the President of the Senate, the Speaker of the House and the Governor. The Department of Management Services shall award a contract to a vendor certified under contract No. 973-655-96-1 for consulting services for performance measures. Performance shall be given to those firms who have substantial experience in conducting large scale school facility management and needs analyses. The contract shall be awarded by December 1, 1997 and shall be completed by April 30, 1998.*

Amendment 11 as amended was adopted.

Pursuant to Rule 4.19, **CS for SB 2-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant, by two-thirds vote—

CS for SB 6-A—A bill to be entitled An act relating to education; providing legislative intent regarding monetary awards for classroom teachers; establishing the Florida Teachers Lead Program; providing an appropriation; specifying purposes of the awards; providing an award amount and distribution procedure; requiring district school boards to publicize amounts and uses of the awards; providing a definition; providing an effective date.

—was read the second time by title.

Senators Cowin and Brown-Waite offered the following amendment which was moved by Senator Cowin and adopted:

Amendment 1—On page 2, lines 22-24, delete those lines and insert: *teacher*” includes: *certified teachers whose full-time job responsibility is the classroom instruction of students in grades pre-kindergarten through twelve and media specialists. Only school district personnel employed in these positions are eligible for the Florida Teachers*

Pursuant to Rule 4.19, **CS for SB 6-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 8-A—A bill to be entitled An act relating to public education facilities; transferring, renumbering, and amending s. 985.402, F.S.; directing the Alternative Education Institute to serve as an educational facility for at-risk youth; reducing the size of the board of directors of the institute; providing for the expiration of the terms of office of the existing board; providing for the appointment of a new board; requiring the board to recommend a plan for future use of the facility; providing for the expiration of s. 985.402, F.S.; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 8-A** was placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, by two-thirds vote—

CS for SB 10-A—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending ss. 240.40202, 240.40205, 240.40206, 240.40207, 240.40208, F.S.; revising academic eligibility requirements for receipt of an award; requiring the Department of Education to assign additional weights to grades for certain courses; revising provisions relating to transition to the Florida Bright Futures Scholarship Program; providing for award calculations for enrollment at nonpublic postsecondary education institutions; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendment which was moved by Senator Sullivan and adopted:

Amendment 1 (with title amendment)—On page 7, between lines 20 and 21, insert:

Section 6. *Whenever a scholarship is to be awarded to a high school student under part IV of chapter 240, Florida Statutes, notification must be made to the student and to the high school from which the student is to graduate.*

(Renumber subsequent sections.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: requiring notification of scholarships;

Senator Sullivan moved the following amendment which was adopted:

Amendment 2 (with title amendment)—On page 8, between lines 3 and 4, insert:

Section 7. *The sum of \$5,000,000 is appropriated from the General Revenue Fund to the Educational Enhancement Trust Fund to fully fund the Florida Bright Futures Scholarship Program in the 1997-1998 school year.*

(Renumber subsequent section.)

And the title is amended as follows:

On page 1, line 13, after the semicolon (;) insert: appropriating funds for certain scholarship programs;

Pursuant to Rule 4.19, **CS for SB 10-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sullivan, by two-thirds vote—

CS for SB 12-A—A bill to be entitled An act relating to education; amending ss. 239.117, 239.301, 240.117, F.S.; increasing the number of times state funding will support a student enrolled in the same college-preparatory class within a skill area; creating s. 240.4984, F.S.; establishing the Ethics in Business Scholarship Program to be administered by the Department of Education; providing purposes of the program; providing an appropriation; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Sullivan and adopted:

Amendment 1—On page 6, line 21, delete “*equitably*”

Amendment 2—On page 6, line 22, delete “*may*” and insert: *must*

Amendment 3—On page 6, lines 28-31, delete those lines and insert: *this act. These funds must be allocated to postsecondary education institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing Ethics in Business scholarships. Public funds may not be used to provide the match, nor may funds collected for other purposes. Eligible institutions are members of the state Community College System, the State University System, and independent postsecondary*

Amendment 4—On page 7, lines 3 and 4, delete those lines and insert: *Statutes.*

Pursuant to Rule 4.19, **CS for SB 12-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Grant—

SB 20-A—A bill to be entitled An act relating to educational facilities; amending ss. 239.117 and 240.35, F.S.; allowing capital improvement fees to be bonded; specifying conditions; permitting new construction of educational facilities as a use for fee revenues; amending s. 240.319, F.S.; authorizing community college district boards of trustees to borrow funds and incur debt for the new construction of educational facilities; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means recommended the following amendments which were moved by Senator Grant and adopted:

Amendment 1 (with title amendment)—On page 1, delete line 25 and insert: *or refinancing new construction, technology enhancement, maintenance, improvement, or renovation of educational facilities.* The

And the title is amended as follows:

On page 1, line 6, after “construction” insert: , technology enhancement, maintenance, improvement, and renovation

Amendment 2 (with title amendment)—On page 3, delete line 23 and insert: *financing or refinancing new construction, technology enhancement, maintenance, improvement, or renovation of educational*

And the title is amended as follows:

On page 1, line 10, after “construction” insert: , technology enhancement, maintenance, improvement, and renovation

Pursuant to Rule 4.19, **SB 20-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTION TO INTRODUCE BILL

On motion by Senator Klein, 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. The vote was:

Yeas—30

Madam President	Crist	Harris	Meadows
Bankhead	Dantzler	Horne	Ostalkiewicz
Bronson	Diaz-Balart	Jenne	Rossin
Brown-Waite	Dudley	Klein	Scott
Burt	Forman	Kurth	Sullivan
Campbell	Grant	Latvala	Williams
Clary	Gutman	Lee	
Cowin	Hargrett	McKay	

Nays—2

Myers Silver

Vote after roll call:

Yea—Childers, Thomas

By Senators Gutman, Burt, Latvala, Dudley, Diaz-Balart, Williams, Cowin, Brown-Waite, Bronson, Horne, Grant, Clary, Lee, Kirkpatrick, Crist, Childers, Ostalkiewicz and Harris—

SB 34-A—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution by means of lethal injection if electrocution is held to be unconstitutional; providing an effective date.

—was referred to the Committee on Criminal Justice.

MOTION

On motion by Senator Klein, the rules were waived and the Committee on Criminal Justice was granted permission to consider **SB 34-A** at the meeting November 5.

Senator Klein moved that a bill providing for execution of the death penalty by means of lethal injection be introduced outside the purview of the Governor’s call. The motion failed to receive the required constitutional two-thirds vote of the membership. The vote was:

Yeas—22

Madam President	Diaz-Balart	Jenne	Rossin
Bankhead	Forman	Klein	Scott
Burt	Grant	Kurth	Sullivan
Campbell	Gutman	Latvala	Thomas
Childers	Hargrett	McKay	
Dantzler	Harris	Meadows	

Nays—11

Brown-Waite	Crist	Lee	Silver
Clary	Dudley	Myers	Williams
Cowin	Horne	Ostalkiewicz	

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, November 4,

1997: CS for SB 2-A, CS for SB 4-A, CS for SB 6-A, SB 8-A, CS for SB 10-A, CS for SB 12-A, SB 20-A

Respectfully submitted,
W. G. (Bill) Bankhead, Chairman

The Committee on Education recommends the following pass: SB 16-A

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

The Committee on Education recommends the following pass: SB 18-A with 1 amendment

The bill was referred to the Committee on Governmental Reform and Oversight under the original reference.

The Committee on Education recommends the following pass: SB 8-A, SB 20-A, SB 30-A with 1 amendment, SB 32-A with 2 amendments

The bills were referred to the Committee on Ways and Means under the original reference.

The Committee on Education recommends committee substitutes for the following: SB 2-A, SB 6-A, SB 10-A, SB 12-A

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

The Committee on Education recommends a committee substitute for the following: SB 4-A

The Committee on Ways and Means recommends the following pass: CS for SB 2-A with 10 amendments, CS for SB 6-A, SB 8-A, CS for SB 10-A with 1 amendment, CS for SB 12-A with 4 amendments, SB 20-A with 2 amendments, SB 30-A with 1 amendment, SB 32-A with 1 amendment

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Education and Senator Horne—

CS for SB 2-A—A bill to be entitled An act relating to educational facilities and funding; creating the Florida Frugal Schools Program; providing criteria for recognizing school districts that implement Florida Frugal Schools Program; amending s. 212.055, F.S., relating to the school capital outlay surtax; requiring the ballot resolution to state a district’s participation in the Florida Frugal Schools Program; limiting the surtax proceeds to uses assured under the Florida Frugal Schools; amending s. 235.435, F.S.; revising the formula for allocating certain appropriations from the Public Education Capital Outlay Trust Fund to district school boards; creating the Rural Relief Fund; providing criteria for receiving funding; specifying duties of the Department of Education; providing an appropriation to the Department of Education for the Rural Relief Fund; repealing ss. 235.2155, 235.216, F.S., which relate the School Infrastructure Thrift Program and to the cost of educational facilities; providing an appropriation for the Classrooms First Program; providing legislative intent regarding future appropriations; providing for the allocation of funds to district school boards for the Classrooms First Program; specifying uses of the funds; providing an appropriation to the Department of Education for the School Infrastructure Thrift Program; providing an appropriation to the University of South Florida for the purchase of the TGH-USF Psychiatric Center; providing an effective date.

By the Committee on Education and Senator Horne—

CS for SB 4-A—A bill to be entitled An act relating to education; amending s. 228.056, F.S.; authorizing a municipality to submit a proposal to operate a charter school; amending s. 230.23025, F.S.; revising provisions relating to adopting and updating best financial management practices; providing for review of practices and for paying the costs of review; amending s. 235.011, F.S.; defining and redefining terms used in ch. 235, F.S.; amending s. 235.014, F.S., relating to the functions of the Department of Education; expanding exceptions to departmental recommendations of maximum square footage; revising standards for validating surveys of facilities; amending s. 235.056, F.S.; requiring a report with respect to the amount of leased space used by school districts; creating s. 235.061, F.S.; providing standards for relocatable buildings and manufactured buildings used for classroom space; creating s. 235.1491, F.S.; providing for a statewide need assessment calculation for educational capital outlay; amending s. 235.15, F.S.; specifying requirements for educational plant surveys and localized need assessment calculations; amending s. 235.155, F.S.; providing legislative intent with respect to exceptions from recommendations in educational plant surveys; requiring the identification of critically overcrowded schools and school districts; providing reporting requirements; specifying duties of the Commissioner of Education and the State Board of Education; requiring recommendations to the Governor and presiding officers of the Legislature; creating s. 235.158, F.S.; providing for school district facilities work programs; amending s. 235.19, F.S.; prescribing criteria for selecting the sites of proposed educational centers or campuses; amending s. 235.198, F.S.; specifying criteria for determining the maximum estimated cost of each proposed satellite facility that is to be jointly developed by private industry and a district school board; amending s. 235.199, F.S.; specifying criteria for determining the maximum estimated cost of each proposed vocational educational facility; amending s. 235.26, F.S.; prescribing the requirements for standards that must be developed by the department as part of the State Uniform Building Code for Public Educational Facilities Construction; amending s. 235.33, F.S.; requiring certain fiscal information to be filed; amending s. 235.435, F.S.; prescribing criteria for determining allocations that are to be made to school boards from the Public Education Capital Outlay and Debt Service Trust Fund; creating s. 235.4351, F.S.; providing for waiver from requirements relating to plant surveys, need projections, and cost ceilings; amending s. 236.25, F.S., relating to the district school tax; decreasing the proportion of the optional 2-mill tax which may be applied to payments made under certain lease-purchase agreements; providing an exception for lease-purchase agreements entered into before a specified date; authorizing additional expenditures for proceeds of the optional 2-mill tax; revising the purposes for which the revenues of such tax may be used; redefining the terms "materials" and "equipment" as applied to certain restrictions on spending the proceeds of the 2-mill tax; amending s. 12 of ch. 97-265, Laws of Florida; abrogating the repeal of s. 236.25, F.S., relating to the district school tax; providing an effective date.

By the Committee on Education and Senators Grant and Lee—

CS for SB 6-A—A bill to be entitled An act relating to education; providing legislative intent regarding monetary awards for classroom teachers; establishing the Florida Teachers Lead Program; providing an appropriation; specifying purposes of the awards; providing an award amount and distribution procedure; requiring district school boards to publicize amounts and uses of the awards; providing a definition; providing an effective date.

By the Committee on Education and Senators Sullivan, Grant, Lee and Clary—

CS for SB 10-A—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending ss. 240.40202, 240.40205, 240.40206, 240.40207, 240.40208, F.S.; revising academic eligibility requirements for receipt of an award; requiring the Department of Education to assign additional weights to grades for certain courses; revising provisions relating to transition to the Florida Bright Futures Scholarship Program; providing for award calculations for enrollment at nonpublic postsecondary education institutions; providing an effective date.

By the Committee on Education and Senator Sullivan—

CS for SB 12-A—A bill to be entitled An act relating to education; amending ss. 239.117, 239.301, 240.117, F.S.; increasing the number of times state funding will support a student enrolled in the same college-preparatory class within a skill area; creating s. 240.4984, F.S.; establishing the Ethics in Business Scholarship Program to be administered by the Department of Education; providing purposes of the program; providing an appropriation; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 24-A.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 3 was corrected and approved.

RECESS

On motion by Senator Bankhead, the Senate recessed at 8:09 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, November 5, or upon call of the President.