



Journal of the Senate

Number 4—Special Session A

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CONTENTS

Call to Order	41, 44
House Messages, First Reading	45
House Messages, Returning	41, 44
Motions	41, 49
Point of Personal Privilege	49
Remarks	46
Reports of Committees	50
Resolutions	46
Special Order Calendar	43, 49

CALL TO ORDER

The Senate was called to order by President Jennings at 9:00 a.m. A quorum present—37:

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

Excused: Senators Casas and Turner

PRAYER

The following prayer was offered by Senator Bronson:

Almighty God, we ask that you help us today in making our deliberations. Help us to look through the cloudiness of some of these issues to what is truth and what is not. Help us to make the right decision to help the children in this state and to see whether this is a crisis or whether we can do the work we need to do to make sure children have a place to get a good education. Help us, also, to design a program so that these children will get a better education besides the brick and mortar that we are going to provide.

I guess this prayer could be very simple by just saying, "Help us, God, in our deliberation." Amen.

PLEDGE

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

MOTIONS

On motions by Senator Bankhead, the rules were waived and time of recess was set for 10:15 a.m.; and the Committees on Judiciary and Natural Resources were granted permission to meet from 10:30 a.m. until 12:30 p.m. in lieu of adjournment of the session as scheduled this day.

On motion by Senator Dudley, the rules were waived and the Exceptional Student Education Task Force was granted permission to meet this day from 3:00 p.m. until completion.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 8-A, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

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.

House Amendment 1 (with title amendment)—On page 1, lines 27 through 30, remove from the bill: all of said lines and insert in lieu thereof: *educational facility programs* shall be funded with PECO funds and shall serve juvenile offenders who have

And the title is amended as follows:

On page 1, lines 4-6, remove from the title of the bill: all of said lines and insert in lieu thereof: 985.402, F.S.; clarifying funding of certain public school facilities; reducing the size

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

SB 8-A passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Diaz-Balart

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 10-A, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

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; requiring notification of scholarships; appropriating funds for certain scholarship programs; providing an effective date.

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

Section 1. Subsection (3) of section 240.40202, Florida Statutes, is amended to read:

240.40202 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.—

(3) *For purposes of calculating the grade point average to be used in determining initial eligibility for a Florida Bright Futures scholarship, the department shall assign additional weights to grades earned in the following courses:*

(a) *Courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate.*

(b) *Courses designated as academic dual enrollment courses in the statewide course numbering system.*

The department may assign additional weights to courses, other than those described in paragraphs (a) and (b), that are identified by the Articulation Coordinating Committee as containing rigorous academic curriculum and performance standards. The additional weight assigned to a course pursuant to this subsection shall not exceed 0.5 per course. The weighted system shall be developed and distributed to all high schools in the state prior to January 1, 1998. The department may determine a student's eligibility status during the senior year before graduation and may inform the student of the award at that time.

Section 2. Subsection (1) of section 240.40205, Florida Statutes, is amended to read:

240.40205 Florida Academic Scholars award.—

(1) A student is eligible for a Florida Academic Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a 3.5 ~~weighted~~ ~~unweighted~~ grade point average as calculated pursuant to s. 240.40202 ~~on a 4.0 scale~~, or its equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.02(4) during grades 11 and 12 *or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma*, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(d) Has been awarded an International Baccalaureate Diploma from the International Baccalaureate Office; or

(e) Has been recognized by the merit or achievement programs of the National Merit Scholarship Corporation as a scholar or finalist.

Effective with the 1998-1999 school year, a student must complete a program of community service work, as approved by the district school

board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

Section 3. Subsection (1) of section 240.40206, Florida Statutes, is amended to read:

240.40206 Florida Merit Scholars award.—

(1) A student is eligible for a Florida Merit Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a ~~weighted~~ ~~unweighted~~ grade point average of 3.0 *as calculated pursuant to s. 240.40202 on a 4.0 scale*, or the equivalent, in high school courses that are adopted by the Board of Regents and recommended by the State Board of Community Colleges as college-preparatory academic courses; and

(b) Has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program; or

(c) Has attended a home education program according to s. 232.02(4) during grades 11 and 12 *or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma*, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program.

Section 4. Paragraph (c) of subsection (1) of section 240.40207, Florida Statutes, is amended to read:

240.40207 Florida Gold Seal Vocational Scholars award.—The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and vocational preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(c) Earns a minimum cumulative ~~weighted~~ ~~unweighted~~ grade point average of 3.0, *as calculated pursuant to s. 240.40202, on a 4.0 scale* on all subjects required for a standard high school diploma, excluding elective courses.

Section 5. Subsections (1) and (2) of section 240.40208, Florida Statutes, are amended to read:

240.40208 Eligibility for the Florida Bright Futures Scholarship Program; transition.—

(1) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Undergraduate Scholar's Program pursuant to s. 240.402 is eligible for the Florida Academic Scholars award as provided in this act. *A student who graduates from high school in 1998 or 1999 is eligible for the Florida Academic Scholars award if the student meets the criteria in s. 240.40205. However, in lieu of satisfying the requirements set forth in s. 240.40205(1)(a) and (b), a student may meet the following criteria:*

(a) *Complete a program of at least 24 credits in advanced-level studies as prescribed by the State Board of Education, including as a minimum:*

1. *Four years of progressively advanced instruction in language arts, including courses in English composition and literature.*

2. *Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry, and physics where laboratory facilities are available.*

3. Four years of progressively advanced instruction in mathematics, including courses in algebra, geometry, and calculus or trigonometry.

4. Two years of sequential foreign language.

5. One year of instruction in art and music or in either art or music.

6. Three years of instruction in social studies, including courses in American history and government, world history, and comparative political and economic systems.

7. One year of instruction in health and physical education to include assessment, improvement, and maintenance of personal fitness.

(b) Obtain at least the equivalent of an unweighted grade point average of 3.0 on a 4.0 scale for all courses taken for which high school credit may be granted.

(c) Achieve a score of 1180 on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the American College Testing Program or an equivalent program.

(d) Complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

Students who graduate from high school after 1999 must meet the eligibility criteria pursuant to s. 240.40205.

(2) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Vocational Gold Seal Endorsement Scholarship award pursuant to s. 240.4021 is eligible for the Florida Gold Seal Vocational Scholars award as provided in this act. A student who graduates from high school in 1998 or 1999 is eligible for the Florida Gold Seal Vocational Scholars award if the student meets the criteria in s. 240.40207. However, in lieu of satisfying the grade point average requirement set forth in s. 240.40207(1)(c), a student may earn a minimum cumulative unweighted grade point average of 3.0 on a 4.0 scale on all subjects required for a standard high school diploma. Students who graduate from high school after 1999 must meet the eligibility criteria pursuant to s. 240.40207.

Section 6. Notwithstanding sections 240.40201, 240.40205, 240.40206, and 240.40207, Florida Statutes, a student who receives any award under the Florida Bright Futures Scholarship Program, who is enrolled in a nonpublic postsecondary education institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average matriculation and fee calculation for full-time attendance at a public postsecondary education institution at the comparable level. If the student is enrolled part-time and is assessed tuition and fees at a reduced level, the award shall be either one-half of the maximum award or three-fourths of the maximum award, depending on the level of fees assessed.

Section 7. This act shall take effect upon becoming a law.

And the title is amended as follows: remove from the title of the bill: the entire title and insert in lieu thereof: 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, and 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.

House Amendment 1 to House Amendment 1 (with title amendment)—On page 7, between lines 27 and 28, of the amendment insert:

Section 7. Notwithstanding any provisions of law to the contrary, in the event that funds in Specific Appropriation 0A of chapter 97-152, Laws of Florida, are insufficient to meet the requirements of the Florida Bright Futures Scholarship Program for fiscal year 1997-98, funds may be

transferred from the Working Capital Fund into the Educational Enhancement Trust Fund in an amount sufficient to meet the requirements of the program. The Commissioner of Education is authorized to initiate a request for such a transfer under the provisions of chapter 216, Florida Statutes. Any transfer or proposed transfer under this act shall be subject to the notice, review, and objection procedures provided in section 216.177(2), Florida Statutes.

And the title is amended as follows:

On page 8, line 18, of the amendment after the semicolon (;) insert: providing for a transfer from the Working Capital Fund under certain circumstances;

On motion by Senator Sullivan, the Senate concurred in the House amendments.

CS for SB 10-A passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Diaz-Balart

SENATOR JONES PRESIDING

SPECIAL ORDER CALENDAR

SB 36-A—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution of the death penalty by means of lethal injection; providing for election of lethal injection by certain persons sentenced to death for capital offenses committed before a specified date; providing for administration of the lethal injection; providing for execution by electrocution under specified circumstances; providing an exemption from chapter 120, F.S., relating to the Administrative Procedures Act, for the policies and procedures of the Department of Corrections relating to execution; providing for designation of the executioner by the superintendent; providing for confidentiality of information identifying the person administering the lethal injection; providing for applicability or retroactive applicability to certain offenses; providing an effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Klein:

Amendment 1 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 922.10, Florida Statutes, is amended to read:

922.10 Execution of death sentence; *election of method of execution*; executioner.—

(1) A person convicted and sentenced to death for a capital crime shall be executed by electrocution or, at the election of the person, by lethal injection, specifically by intravenous injection of a substance or substances in a lethal quantity sufficient to cause death and until such person is dead, pursuant to such execution procedures established by the Department of Corrections.

(2) Election of lethal injection as the method of execution shall be waived, unless a written election is made to the Department of Correc-

tions at least 96 hours before the scheduled time of the execution as set pursuant to s. 922.052. Any rescheduled time less than 96 hours shall be by electrocution unless a written election of lethal injection has been previously elected pursuant to the requirements of this subsection.

(3) A lethal injection may be prepared and administered by any person who is competent to prepare and administer intravenous injections. The preparation or administration of a lethal injection pursuant to administrative rules or procedures adopted by the Department of Corrections does not constitute the practice of medicine nor does it violate any statute, administrative rule, or other regulation of the State of Florida.

(4) If execution by lethal injection under this section is held to be unconstitutional by an appellate court of competent jurisdiction, execution must be by electrocution.

(5) If execution by electrocution under this section is held to be unconstitutional by an appellate court of competent jurisdiction, execution must be by lethal injection.

(6) The Department of Corrections' policies and procedures for execution of persons sentenced to death are exempt from chapter 120.

(7) ~~A death sentence shall be executed by electrocution.~~ The superintendent warden of the state prison shall designate the executioner. Information which, if released, would identify the executioner or person preparing or administering the lethal injection is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The warrant authorizing the execution shall be read to the convicted person immediately before execution.

Section 2. This act shall take effect upon becoming law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled A bill relating to execution; amending s. 922.10, F.S.; providing for execution of the death penalty by means of lethal injection; providing for election of lethal injection by persons sentenced to death for capital offenses; providing for a waiver of such an election if not made by specified deadlines; providing for preparation and administration of the lethal injection; providing for execution by electrocution in specified circumstances; providing for execution by lethal injection in specified circumstances; providing an exemption from chapter 120, F.S., relating to the Administrative Procedures Act, for the policies and procedures of the Department of Corrections relating to execution; providing for designation of the executioner by the superintendent; providing for confidentiality of information identifying the person preparing or administering the lethal injection; exempting from chapter 120, F.S., the Department of Corrections' policies and procedures for execution of the death penalty; providing an effective date.

Senator Burt moved the following amendment to **Amendment 1** which was adopted:

Amendment 1A (with title amendment)—On page 2, lines 2-10, delete those lines and insert: *Any execution rescheduled within less than 96 hours shall be by electrocution unless a written election of lethal injection has been previously made pursuant to the requirements of this subsection.*

(3) A lethal injection may be prepared and administered by any person who is competent to prepare and administer intravenous injections. The preparation or administration of a lethal injection pursuant to policies or procedures adopted by the Department

And the title is amended as follows:

On page 3, lines 13-25, delete those lines and insert: death penalty by means of electrocution or lethal injection; providing for election of lethal injection by persons sentenced to death for capital offenses; providing for a waiver of such an election if not made by specified deadlines; providing for preparation and administration of the lethal injection; providing for execution by electrocution in specified circumstances; providing for execution by lethal injection in specified circumstances; providing an exemption from chapter 120, F.S., relating to the Administrative Procedures Act, for the policies or procedures of the Department of Corrections

On motion by Senator Klein, further consideration of **SB 36-A** with pending **Amendment 1** as amended was deferred.

THE PRESIDENT PRESIDING

RECESS

On motion by Senator Bankhead, the Senate recessed at 10:19 a.m. to reconvene at 4:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 4:10 p.m. A quorum present—38:

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 20-A, with amendment(s), and requests the concurrence of the Senate.

John B. Phelps, Clerk

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, technology enhancement, maintenance, improvement, and renovation 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.

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

Section 1. Subsection (17) of section 239.117, Florida Statutes, is amended to read:

239.117 Postsecondary student fees.—

(17) Each school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of the matriculation fee for resident students or 5 percent of the matriculation and tuition fee for nonresident students. Funds collected by community colleges through these fees may not be bonded only for the purpose of financing or refinancing new construction of educational facilities. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, equip, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. *Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements and revenue bonds, with a term not to exceed 20 years, only for the new construction of educational facilities. Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any bonds authorized through the provisions of this*

subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the school board or community college board of trustees.

Section 2. Paragraph (t) is added to subsection (4) of section 240.319, Florida Statutes, to read:

240.319 Community college district boards of trustees; duties and powers.—

(4) Such rules, procedures, and policies for the boards of trustees include, but are not limited to, the following:

(t) *Each board of trustees is authorized to borrow funds and incur debt, including the issuance of revenue bonds as specifically authorized in ss. 239.117(17) and 240.35(13), only for the new construction of educational facilities. At the option of the board of trustees, bonds may be issued which are secured by a combination of revenues authorized to be pledged to bonds pursuant to ss. 239.117(17) and 240.35(13).*

Section 3. Subsection (13) of section 240.35, Florida Statutes, is amended to read:

240.35 Student fees.—Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate degree, including college-preparatory courses defined in s. 239.105.

(13) Each community college board of trustees may establish a separate fee for capital improvements or equipping student buildings which may not exceed \$1 per credit hour or credit-hour equivalent for residents and which equals or exceeds \$3 per credit hour for nonresidents. Funds collected by community colleges through these fees may not be bonded only for the purpose of financing or refinancing new construction of educational facilities. The fee shall be collected as a component part of the registration and tuition fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 235. Pursuant to s. 216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. *Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements and revenue bonds, with a term not to exceed 20 years, only for the new construction of educational facilities. Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any bonds authorized through the provisions of this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.*

Section 4. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, remove from the title of the bill line 2 thru line 13 and insert in lieu thereof: 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.

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

SB 20-A passed as amended and was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea to Nay—Meadows

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed HB 7-A and requests the concurrence of the Senate.

John B. Phelps, Clerk

By Representative Thrasher and other(s)—

HB 7-A—A bill to be entitled An act relating to business ethics education; creating s. 240.2985, F.S.; creating the Ethics in Business Scholarship Program to be administered by the Board of Regents; providing purposes; providing requirements; providing an appropriation; providing an effective date.

—was read by title.

On motions by Senator Sullivan, by unanimous consent **HB 7-A** was taken up instanter and by two-thirds vote was read the second time by title.

Senator Sullivan moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 2, lines 1 and 2, delete those lines and insert:

Section 2. *When the Department of Insurance receives a \$6 million settlement as specified in the Consent Order of the Treasurer and Insurance Commissioner, case number 18900-96-c, that portion of the \$6 million not used to satisfy the requirements of section 18 of the Consent Order must be transferred from the Insurance Commissioner's Regulatory Trust Fund to the State Student Financial Assistance Trust Fund is appropriated from the State Student Financial Assistance Trust Fund to provide Ethics in Business scholarships to students enrolled in public community colleges and independent postsecondary education institutions eligible to participate in the Florida Resident Access Grant Program under section 240.605, Florida Statutes. The funds shall be allocated to institutions for scholarships in the following ratio: Two-thirds for community colleges and one-third for eligible independent institutions. The Department of Education shall administer the scholarship program for students attending community colleges and independent institutions. These funds must be allocated to 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. The Department of Education may adopt rules for administration of the program.*

Section 3. This act shall take effect upon becoming a law.

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing an appropriation for scholarships for students at certain community colleges and independent institutions;

On motion by Senator Sullivan, by two-thirds vote **HB 7-A** as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

ADOPTION OF RESOLUTION

At the request of Senator Jenne—

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

SR 42-A—A resolution honoring Senator Daryl L. Jones for his nomination as Secretary of the U.S. Air Force and for his service to the people of Florida.

WHEREAS, Senator Daryl L. Jones, during his early years in Jackson, Mississippi, was graduated as Valedictorian of Lanier High School, served as President of the Mississippi State Association of Student Councils, and was the high school city champion in the mile run, and

WHEREAS, Senator Jones accepted an appointment to the U.S. Air Force Academy and while there majored in Mathematics, won the middleweight boxing championship, became the Cadet Vice Wing Commander (No. 2 in the chain of command), and was graduated with honors, and

WHEREAS, he met Myoushi Carter while on air force duty in the Philippines, married her soon thereafter, and with her is now nurturing their three children, Derek, Durel, and Michele, and

WHEREAS, Senator Jones served as a fighter pilot for 7 years with the U.S. Air Force, 2 years with the Puerto Rico National Guard, and several years with the U.S.A.F. Reserves, and

WHEREAS, Senator Jones was graduated cum laude from the University of Miami School of Law in 1987 and while there was elected president of the Student Bar Association and the Interclub Council, was named to the Bar and Gavel honorary society, and was invited to membership in Iron Arrow, the University's most prestigious organization, and

WHEREAS, Daryl Jones was elected to the Florida House of Representatives in 1990 and won the Miami Herald award as the Most Effective Freshman Representative in 1991, and

WHEREAS, Daryl Jones was elected to the Florida Senate in 1992, won the Miami Herald award as the Most Effective Freshman Senator, and served as Chairman of the Senate Committee on Community Affairs from November 1993 to November 1994, and

WHEREAS, Senator Jones has recently been nominated by President Bill Clinton to serve as Secretary of the U.S. Air Force, NOW, THEREFORE,

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

That Senator Daryl L. Jones is commended for his many achievements and his dedicated service to the people of Florida and especially for the distinction of being nominated to serve as Secretary of the Air Force.

BE IT FURTHER RESOLVED that the Florida Senate supports the nomination of Senator Daryl L. Jones and urges his speedy confirmation.

BE IT FURTHER RESOLVED that a copy of this resolution, with the seal of the Senate affixed, be presented to Senator Daryl L. Jones as a tangible token of the high esteem in which he is held by his colleagues and an expression of their best wishes for a brilliant future.

—was introduced and read by title. On motion by Senator Jenne, **SR 42-A** was read the second time in full and adopted.

MOTION

On motion by Senator Cowin, the following remarks were ordered spread upon the Journal:

Senator Jenne: Madam President, thank you very much. Senators, we have all had the wonderful experience of working with Senator Jones on many efforts. We know his strength, we know his honesty, we know his integrity, and we know that this state and his district have been blessed by his service here. I think it is with much regret that we recognize that he will be leaving us soon to become the Secretary of the United States Air Force. We wish him well. We know that he, and hope that he, will be confirmed by the United States Senate. We know his record of integrity here, his love and devotion to his family, and we know they will learn of that. We hope there will be a quick and speedy confirmation process.

Senator Jones, I understand that that process doesn't always exist in Washington, but we know that with you it will be. You've devoted your life to public service. You have had a brilliant career. You will have a further brilliant career. We are sorry to lose you, but to lose you to a position that you are so well qualified for, that you have the leadership capabilities for, we can only wish you well, wish your family God's speed and God's blessing.

Senator Thomas: Thank you, Madam President. If Senator Jones is fortunate enough to be confirmed, I guess this will probably be the last occasion that we are all together. Daryl, there are 39 people who will sincerely miss your presence on this floor.

Daryl is the epitome of the American Dream. His station in life is not an easy one. He was born and reared in Mississippi. He had battles that you and I have never experienced; but he's been this shining light on the hill that makes us proud of America. He paints a picture for all of us that is hope in this great country. What a joy it has been to have him here. What a joy it has been to know his family. How blessed is our country to have this young man of integrity and determination. He has the spirit of America wrapped in everything he does. Very few people are missed when they leave here, Daryl. You will be one of those who is sorely missed. Thank you for sharing a part of your life with this body. Thank you very much.

Senator Kirkpatrick: Yes. I want to make sure all of the members of the Senate are shown as proud sponsors of this resolution. Daryl, for an old boy from here in North Florida who has been here a long time, and those of us that represent these small rural counties up here, I want to tell you that I personally appreciate the understanding you've given to us about our problems, even though you face a tremendous number of problems down there in Dade County. I can remember going on a visit down there during the Hurricane Andrew disaster and how hard you worked to protect your constituents. Now, we all become your constituents as you move to Washington. We look forward to the same great service that you've given to the people in the past and we wish you Godspeed.

Senator Williams: Thank you, Madam President. Senator, I just want to say to you that not only are you a great state Senator, but you're a great individual; you're real. When you tell somebody something, we believe in you. Philosophically, we've had some differences, as many of you who were here back in 1994 will remember, when we had the debate on this floor about Rosewood. You and I were on opposite sides of that issue, but we debated that issue with honor in the Senate and with mutual respect for each other. I have the greatest respect for you and believe that in history you will become known as a great Secretary of the Air Force for the United States. It has been my pleasure to be your friend. I look forward to that continued friendship. As I told you earlier, I want to see the whole Senate go to Washington when you're sworn in.

It will be easy for the Secretary of the Air Force to send one of those planes down here to pick all of us up and take us up there. I think the Secretary of the Air Force could swing that, don't you? Congratulations, and we're going to miss you.

Senator Diaz-Balart: I'm a neighbor of Daryl's, district-wise, and I've had the privilege to serve with him in the House of Representatives. We were elected to the Senate at the same time; we fought most of the time on the same side; alongside on a number of issues, and from time to time, on opposite sides. I can tell you that there is no better ally and no tougher adversary than Daryl Jones. He always fought with dignity, with honor, and with courtesy. I've never seen him lose his cool.

Daryl, it has been a great honor, my friend, to serve with you, as a person who is always a gentleman. It has been a great privilege to get to know your family. You are going to leave much behind as a legacy in this Senate. Clearly, those of us who know your family, and I think a lot of us do, know that your biggest legacy is your family. That tells a lot about an individual. So Daryl, you honor the Florida Senate; you honor the State of Florida; you honor your family and you are a great honor, sir, to the United States of America. Thank you.

Senator Burt: Thank you, Madam President. Senator Jones, on behalf of myself and the Republican Majority, I want you to know that we have appreciated your integrity and your intellectual honesty here in the Senate. I think you have carried the issues that have been of concern to you with a great deal of dignity and a great deal of force. We're going to miss you here in the Senate. I have to say that we hope your replacement will do half the job that you've done. I think we would all like to go to Washington, also, because they need more Republicans like those in the Florida Senate in Washington, don't they? Particularly in the Senate, how many can we send? You've done a great job as a state Senator. I know you'll do a great job as Secretary of the Air Force. You are fortunate to take over the Air Force on its 50th Anniversary. You are part of an interesting historical event, being appointed the first Air Force Academy graduate to run the Air Force. We all wish you Godspeed.

Senator Cowin: Almost 20 years ago, when I was in the Philippines, I was very surprised to see a young man who was single, very bright, and dating a very attractive lady. I didn't know that the same man I met 20 years ago in the Philippines would be sitting in this Senate body with me as my co-worker. That man is Daryl Jones. I didn't realize that we knew each other from some place until my husband and I came back here; it's strange that when we went from Washington to the Philippines and then came to Florida, that we were almost following the same loop that Daryl is now taking to Washington, D.C.

I am very pleased and very honored to have been able to work with Senator Jones on the Transportation Committee. As a freshman Senator, I appreciated his mentorship, his guidance, and his high ethics that were quite evident in the many things that came before us. I want to thank him for that. I am grateful, also, for the honor to be able to sit with him and to share some of that decision-making with him. It has certainly been a pleasure to work with him. I hope that his future endeavor in Washington in taking care of the Air Force is very successful. When we look up into the sky we can say, "Maybe that's Daryl up there flying over us and protecting us."

But certainly, I think that everything he will do is an indication of everything he has done and will do in the future. I want to thank you for that. I want to thank him for his service to the people and the State of Florida. Thank you.

Senator Dudley: Madam President and members, I want to give you my description of Daryl Jones, particularly for those people who do not know him, because this is the way I will forever describe him. He is a great American. He's a great Floridian. He is a hero. He is a darn smart lawyer, and I have regretted that at times. We have had some wonderful debates. We had some tough debates and I have never had reason to question his integrity or his knowledge. I've been especially pleased to serve with him on the Judiciary Committee and to have him serve as our vice-chairman. I can turn that chair over to him at any moment and know that committee is in good, capable hands. In fact, we have a standing order that if the chairman is ever more than five minutes late and there is a quorum, the vice-chairman is to take over. That's the kind of confidence we have in him. I don't think it's enough to simply let the world know our respect for him. I think it's important that this entire Senate take the position that he is the person that we want to be confirmed, regardless of our party affiliation.

Senator Dyer: Thank you, Madam President. Daryl, we are proud of you. I'm really proud of you, and it's evident from the remarks of the other Senators just how proud we are of you. As I've learned in the five years here, we are kind of a Senate family. We have these reunions where we all come back, and I think we will look in the newspaper and find that you are successful in whatever you do. We know you are going to be successful in whatever you attempt as Secretary of the Air Force. Fly around and shoot down bad guys. We will take a whole lot of pride in what you do and will be excited when we see you in the newspapers and the magazines.

I had to fill out a little survey the other day. It was one of those that probably everybody else has taken where you had to describe yourself in one word. I never could come up with something for myself, but something for you would probably be integrity. That's what I think of when I think of Daryl Jones. I can't think of a better character trait to have than to be known as a man of integrity, and you certainly are.

Senator Forman: Thank you, Madam President. We in the Senate and the Legislature got to know Daryl Jones for many of the issues that he championed. He was one of the first members out there on welfare reform, not just to be punitive about it, but to uplift people and make sure that they get economically and educationally on the right road. He fought hard for that and we even had a tumultuous meeting to pass his bill together with Senator Bankhead's bill. But Daryl Jones' principles won out. He fought for access to health care. He handled the Rosewood issue which was really a tough vote for many people in this chamber. Some were tougher than others, but Daryl had the guts, the background and the personality to pass a very tough and difficult bill and to make sure it passed by a resounding majority. This is what the Legislature knows about Daryl Jones. Now the whole country and the whole world is going to have an opportunity to know about Daryl Jones' capabilities.

One thing I'm confident about is that when you get confirmed, I'm not saying if you get confirmed, but when you get confirmed as Secretary of the Air Force, and when you sit in your chair, you're going to know what you're doing.

This is what Daryl has done with every task he has ever touched, whether it is as a practicing attorney, a veteran, a family man, a state House Member, or a state Senator. He'll be a distinguished Secretary of the Air Force. Believe me, we are going to miss him a lot in the future. Daryl, I want to wish you and your family the best, and when I fly over the Pentagon someday, I will have a great friend that works down there. Daryl, good luck.

Senator Meadows: Thank you, Madam President. I just want to stand and say to Daryl it has been a real pleasure serving with him as a member of the Senate and also as a member of the Conference of the Black State Elected Officials.

As we have grown to know each other, my family and his family have become very close. We've kidded each other about our wives but it's because of our wives that we were ever elected Senators. In many instances when we were deadlocked in trying to make a decision and we needed legal advice as members of the Conference of Black State Legislators, we would always look to, and ask, Daryl for his legal advice. He's an expert lawyer here and he can give us the advice we need. To me, he's not only a fellow member of the Senate, but he's also like a family member. I feel real good about what is happening to him. It's like a member of my family that I'm losing, but I'm losing him to better and greater things. I can, on behalf of my wife and my family, wish him Godspeed. We will always be there at anytime you want to call somebody, even if it's collect. You can call us and talk to us. We'll be there for you. I thank you very much for having known you and being able to serve with you.

Senator Crist: Senators, I sent a letter to a couple of newspapers that I want to read to you:

I wanted to express my congratulations and best wishes to my colleague Senator Daryl Jones, of Miami, on his nomination by the President as Secretary of the Air Force.

Senator Jones is a man of great integrity and honor for whom I have the highest respect. To see one of my very best friends rise to this office of such high distinction brings me great pleasure and reflects well on the State of Florida.

I am confident that Daryl will serve as an outstanding Secretary of the Air Force and wish he and his family only the very best in our nation's Capitol.

Well done, Daryl, and Godspeed to you and your family—we are so proud of you and all you will do in the future.

Daryl, you are a kind, gracious gentleman and it is an honor to be your friend. Godspeed.

Senator Harris: Daryl, it is difficult to tell you goodbye. Since the beginning of my career in the Senate, I have never known anyone about whom there was so much to say and such diverse things. I remember reading your biography and seeing what an extraordinary academic career you had had, as well as athletics. I went on to find out that you are a brilliant attorney which I found out in the Senate, as you could argue both sides of any issue very well. I have discovered not only do you have that incredible academic background but you are a phenomenal financial wizard who can come up with all those extraordinary ideas out of the box to solve the problems of Florida. What I especially have appreciated about you is that you are a visionary. So many times we get bogged down in so many of the issues that we face here, but you are truly a visionary. You come up with unique ways to get outside the box. I know you will take that effort to the U.S. Air Force; their gain is certainly our loss. You don't sit back and let things happen; you make things happen. We'll miss you so much. I have so very much appreciated your friendship. We'll miss you.

Senator McKay: Thank you Madam President. Senator Jones, it has been my pleasure and privilege to get to know you in this process. Just as Senator Harris said, when you came to the House of Representatives, and then to this body, and I first read your resume and had the opportunity to meet you, I was impressed. We are running out of superlatives. We need a thesaurus. But let me just add one thing that I think is the highest compliment that I can pay you. My children have sat on the back row and they have observed all the members of the Senate, and I will tell you that you, above all others, they immediately grew to respect. I couldn't pay you a higher compliment, and my children couldn't pay you a higher compliment. I will miss you. I celebrate your success. I look forward to reading about more of your successes and I will look forward to your return to this Senate. You are a true gentleman; you are a credit to everything you have been associated with. We will deeply miss you. Good luck.

Senator Campbell: Senator Jones, as a member of the Freshman Class, I didn't get an opportunity to serve too long with you. Someone once told me that when you are judged, it is not determined so much by what life gives to you, but by what type of attitude you have toward life. Two things that I noticed very quickly in the Senate last year: that you are very compassionate toward issues, and that you are very considerate toward others. These are two qualities that I think you will take to the Secretary's office that might help in the operation of the Air Force. The final thing is, you know that the only other person in the Senate right now, other than yourself, who could fly those jets is me. So, I'll help take everyone up to see you in Washington.

Senator Lee: This has been far too serious. I got to know Daryl a little differently than the rest of you. I got to know Daryl when he came to my district to campaign against me in 1996 when I ran for this Senate. Obviously, I didn't know him at that time and, frankly, didn't care much for him at that point either. Daryl, I want you to know that even though you and I don't know each other very well, I can tell you this, when I leave this institution, whenever that may be, I would only hope that my colleagues say about me the things they have said about you here today. I have been duly impressed with these remarks because they are at the core of the things that I value in human beings. I am sorry that I won't get to know you better. You are, obviously, a fine, fine human being.

Senator Scott: Daryl, I want to thank you for your service in the Senate. I know you are going to do a great job in Washington. I want to point out some things to those who may be new here. Daryl has always been public policy oriented, whether it was trying to work through the aftermath of the hurricane in south Florida or on a number of complicated and potentially divisive issues. When I was President of the Senate, he was always very stable and professional when he addressed problems. Those are all qualities that will be appreciated in Washington. I wish you good luck, and on behalf of the people of Florida, thank you for your service in the Senate.

Senator Horne: As Senator McKay said, there are so few superlatives left to use. Daryl, you're a very unique guy. It seems like everybody that I meet that has been around this process always says you're a very bright guy with a great future.

Though I haven't been here very long, I've had the opportunity to be on a couple of different committees with Daryl. I can remember, early on in the Judiciary Committee, I was carrying a bill that I thought was a very good bill, but apparently very few people thought it was a good bill. I didn't know much about the process and Daryl leaned over to me, and said, "You know, you don't have the votes here and you might want to 'T.P.' this bill." Now, Daryl could have let me go down in flames. He was on the opposite side of that issue with me, but he stopped me, a rookie, from making what may have been a bad mistake in killing that bill completely. That meant a lot to me, because he didn't have to do that. There was nothing for him to gain personally out of it. Then, later in the Criminal Justice Committee, he helped me rewrite a bill he didn't like. He still didn't like the bill, and it passed, but he worked with me to make it a better bill. Those kinds of qualities are so rare today. Character still does mean a lot. I think we can be very proud that we're not losing Daryl, but that we're sending him up a notch. Quite frankly, I don't think it's going to stop there. I think there are far bigger and greater things for Daryl Jones.

Senator Silver: I've had the privilege of serving with Daryl in the Florida House of Representatives and, as an officer, in the Southern Legislative Conference. One of the first people that I recommended for the leadership program was Daryl Jones. From people in the Southern states who attended the conference, we received high praise and remarks on the type of person that Daryl was.

When Hurricane Andrew hit, which was the worst natural disaster to hit our country, the people of Dade County had to look to someone to take the lead and we formed the "We Will Rebuild Committee." Daryl was integral in a leadership role during "We Will Rebuild." That was a very hard time in his district. My district is adjoining his, but his district was the one that really bore the brunt of the storm. The people of Dade County, the leadership of Dade County, looked to him for guidance and leadership and he absolutely performed in an extraordinary way. All of us in Dade County, especially in his district, are the beneficiaries of his work. As a colleague and a graduate of the University of Miami, everyone is so proud of him and his accomplishments down there. As part of the legal profession, we're all so proud of him. To conclude, I feel a real sense of responsibility on behalf of all the people of Dade County, the people that he has served so well in the Florida House of Representatives and in the Florida Senate, and I want him to know that they appreciate him, particularly those people in his district who were so adversely affected by the storm. They praise his leadership, his dedication to them, his ability to get their lives started again. So, on behalf of all the people of Dade County, we are very, very proud of him, we are privileged to know him. I am privileged to serve with him, and the people of Dade County are very grateful that he has represented them in an exemplary manner. Thank you.

Senator Bankhead: Madam President, I cannot let this day pass without adding to the comments of the other Senators my kind words and good wishes for our Senator, Daryl Jones, who will be leaving us. Congratulations to you.

President Jennings: Senator Jones, just remember, whatever they call you in the future, once a Senator, always a Senator.

Upon request of the President, Senators Brown-Waite, Harris, Kurth and Cowin escorted Senator Jones to the rostrum where he was presented a copy of the resolution and addressed the Senate.

Senator Jones: Thank you, Madam President. First of all, I can't tell you how meaningful this is to me. You know, the only thing I ever won in my life was a candy bar in a raffle in the fifth grade. But the respect of my colleagues has such great meaning to me. You guys kind of caught me by surprise on this and I wish my wife could have been here to hear all of these words. My sons and my daughter would also appreciate it very much. It's really been my privilege, my honor, to serve in the Florida Senate, and the Florida Legislature as a whole.

It has been said that "you are who you will be five years from now, but for the people you meet and the books you read." I've read a couple of books, but the people, the people that I've had the privilege and honor to serve with have just been fantastic. I entered public office initially not

really thinking much about the people, but more of the goal of what I wanted to accomplish, trying to help the people that I represent. The great benefit is being associated with you. I've heard many people who have left this body, who have gone on to Congress, who have said, "What you learn here, in the Florida Legislature, really prepares you well for what happens in Washington, D.C.", because of how we approach our issues and the way we deal with things. From what I've seen so far, it's clear to me that the Florida Legislature does prepare you well for life in Washington.

I appreciate everyone being very proud of me. My goal is, in three to three and a half years, when I'm done with this, that you're still proud of the work that I've done. People ask me if I'm very excited about becoming Secretary of the Air Force. I answer, I'm eagerly anticipating the challenge, because there are substantial challenges in this job. Just keeping the airplanes in the air is going to be a challenge, in some cases. Moving our Air Force into the twenty-first century, forced modernization and pilot retention are big issues right now for us as well. Issues such as sexual harassment and fraternization in the military, finding ways to take advantage of the revolution in business affairs so that we can use good commercial practices in the Air Force and give the taxpayer better bang for his buck, while still maintaining readiness and modernizing our Air Force so that we can maintain a gap between ourselves and any other potential adversary. That's extremely important because freedom is not free. If we allow any potential adversaries to close the gap, they will believe that they can take us on. As long as we maintain the gap, they won't try to. That maintains peace.

I'm going to miss you very much, too. I've made a lot of great friends here. We have always operated with dignity and respect. I love every one of you. Whether we agree on issues or not is irrelevant to whether or not we like each other. That's another great thing about the Florida Senate. I came to realize this the first time we had a Senate Reunion. It is such an honor to be associated with all those people who have held these positions before us and to realize the true history of what it means to be a part of this body and what we're trying to accomplish. It's a great institution. I'm going to miss it sorely. But I'll tell you this, I plan on coming back. This is not the last time you'll see me in Florida. I would certainly enjoy having all of you come up, at whatever time is best for you, in Washington, D.C. We'll treat you first class. Thank you very much.

President Jennings: To those who might want to say that we spent part of today not on education, I would share with them that our children are benefitted by fine examples. Senator Jones is a fine example for our children to follow.

MOTION

On motion by Senator Bankhead, the rules were waived and time of recess was set for 7:00 p.m.

SENATOR BANKHEAD PRESIDING

POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Senator Kirkpatrick addressed the Senate as follows:

Senator Kirkpatrick: I, like many of you, have received a WAGES report card from the Department of Labor basically showing that the local Coalitions aren't doing anything. The primary concern seems to be that Labor can't get WAGES' participants off their list of responsibilities and shifted over to the Coalitions' list for "deep end services".

I have also started receiving explanations from the local Coalitions saying that Labor's information is inaccurate and had Labor shared the figures with the locals they could have told them that. Not only had the locals not seen the report cards but the state WAGES board which oversees the entire program hadn't seen them either. Paraphrasing one of the WAGES' chairs from my district: "distorting the work being done was disappointing but using the distortion to aggrandize the Department of Labor left us wondering the purpose of the report cards."

The irony of all ironies is that in several of the regions of the state the local WAGES Coalitions had contracted with, of all people, the Depart-

ment of Labor to provide some of these services. Apparently, none of the people at Tallahassee Labor was aware of this OR it made their point better to ignore it.

To the credit of the local WAGES Coalitions the thing which was most disturbing to them was that, in this race against the clock to get folks off welfare, one of the partners would start pointing fingers at another party in the welfare-to-work community to begin fixing the blame for failure.

Something is wrong here. Labor can either work with the other parties in the WAGES community to make the program a success or it can be concerned with its own image, ride the strong economy as long as it can and then jump off and leave the local Coalitions to take the heat if recipients lose their benefits eleven months from now.

I think we need to send a clear message that Labor needs to decide which way it wants to go and then chart our legislative course accordingly.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Klein, the Senate resumed consideration of—

SB 36-A—A bill to be entitled An act relating to execution; amending s. 922.10, F.S.; providing for execution of the death penalty by means of lethal injection; providing for election of lethal injection by certain persons sentenced to death for capital offenses committed before a specified date; providing for administration of the lethal injection; providing for execution by electrocution under specified circumstances; providing an exemption from chapter 120, F.S., relating to the Administrative Procedures Act, for the policies and procedures of the Department of Corrections relating to execution; providing for designation of the executioner by the superintendent; providing for confidentiality of information identifying the person administering the lethal injection; providing for applicability or retroactive applicability to certain offenses; providing an effective date.

—with pending **Amendment 1**, by the Committee on Criminal Justice, as amended.

Senator Diaz-Balart moved the following substitute amendment which was adopted:

Amendment 2 (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 922.10, Florida Statutes, is amended to read:

922.10 Execution of death sentence; executioner.—A death sentence shall be executed by electrocution. *If electrocution is held to be unconstitutional by the Florida Supreme Court or the United States Supreme Court, all persons sentenced to death for a capital crime shall be executed by lethal injection.* The superintendent warden of the state prison shall designate the executioner. Information which, if released, would identify the executioner is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The warrant authorizing the execution shall be read to the convicted person immediately before execution.

Section 2. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: 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.

WHEREAS, the Legislature finds that the existing method of carrying out a sentence of death in Florida is by electrocution, and

WHEREAS, the Legislature has previously determined that death by electrocution is the preferred method of carrying out the death penalty, and the death penalty should be carried out in a swift and sure manner, and

WHEREAS, the Florida Supreme Court, in *Jones v. Butterworth*, Case No. 90,231 (October 20, 1997), has held death by electrocution to be a constitutional method of imposing the death penalty in Florida, and

WHEREAS, the Legislature intends to ensure that the lawful punishment of death imposed on persons in this state is carried out, and considers it to be appropriate to provide an alternative method for imposing death only in the event that the United States Supreme Court or the Florida Supreme Court declares death by electrocution to be unconstitutional, and

WHEREAS, changing the method of carrying out the death penalty both for those previously sentenced and for those who will be sentenced in the future is merely procedural and does not increase the quantum of punishment imposed upon a defendant and therefore does not violate the prohibition against ex post facto laws under the Constitution of the United States, *Malloy v. South Carolina*, 237 U.S. 180 (1915), and *Ex Parte Kenneth Granviel*, 561 S.W.2d 503 (Tex. App. 1978), and

WHEREAS, in the case of *Malloy v. South Carolina*, 237 U.S. 180 (1915), the United States Supreme Court held that a change in the method of execution does not change the penalty for the crime of murder, but only the method of inducing death, when under such a change some of the odious features incident to the old method are abated by the new method, and

WHEREAS, the Florida Supreme Court has previously declared, in the case of *Dobbert v. State*, 375 So.2d 1069 (Fla. 1979), affirmed in *Dobbert v. Florida*, 432 U.S. 282, that changing the practices and procedures of the application of the death penalty statute does not violate the provisions of Article X, Section 9 of the Florida Constitution or the "ex post facto" clauses of the Florida and United States Constitutions, NOW, THEREFORE,

The vote was:

Yeas—15

Bankhead	Clary	Dudley	Ostalkiewicz
Bronson	Cowin	Kirkpatrick	Scott
Brown-Waite	Crist	Lee	Thomas
Childers	Diaz-Balart	Myers	

Nays—12

Burt	Dyer	Jenne	Kurth
Campbell	Forman	Jones	McKay
Dantzler	Harris	Klein	Silver

Pursuant to Rule 4.19, **SB 36-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Klein—

SB 38-A—A bill to be entitled An act relating to public records; providing exemptions from public records requirements for information identifying the person administering the lethal injection during execution of the death sentence; providing for future review and repeal; providing a finding of public necessity; amending s. 945.10, F.S., relating to confidential information and records of the Department of Corrections, to conform; providing a contingent effective date.

—was read the second time by title.

The Committee on Criminal Justice recommended the following amendment which was moved by Senator Klein and adopted:

Amendment 1 (with title amendment)—On page 1, line 16 and on page 2, line 4, after "person" insert: *preparing or*

And the title is amended as follows:

On page 1, line 4, after "person" insert: *preparing or*

Pursuant to Rule 4.19, **SB 38-A** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

REPORTS OF COMMITTEES

The Committee on Agriculture recommends the following not pass: SB 40-A

The bill was laid on the table.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of November 5 was corrected and approved.

RECESS

On motion by Senator Diaz-Balart, the Senate recessed at 6:41 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, November 7, or upon call of the President.