



Journal of the Senate

Number 2—Regular Session

Thursday, March 4, 1999

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CALL TO ORDER

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

Madam President	Dawson-White	Klein	Saunders
Bronson	Diaz-Balart	Kurth	Scott
Brown-Waite	Dyer	Latvala	Sebesta
Burt	Forman	Laurent	Silver
Campbell	Geller	Lee	Sullivan
Carlton	Grant	McKay	Thomas
Casas	Hargrett	Meek	Webster
Childers	Holzendorf	Mitchell	
Clary	Horne	Myers	
Cowin	Jones	Rossin	

PRAYER

The following prayer was offered by Father Michael Tugwell, Co-Cathedral of St. Thomas More, Tallahassee:

The Prophet Jeremiah proclaimed:

“Blessed is the person who trusts in the Lord. He is like a tree planted beside the waters that stretches out its roots to the stream. It fears not when the heat comes. Its leaves stay green. It shows no distress but still bears fruit.” (Jer. 17:7,8)

We thank you, Lord, for the season of Spring upon us and the bursting forth of new life. We thank you, Lord, for the opportunity to serve this great state that was named after the beauty of its flowers.

We ask for your spirit to come upon this assembly of lawmakers and to influence their work today. We thank you for the communities that allow for them to be here, for the spouses and children that are at home keeping the home fires burning. We thank you for the professional communities that are supportive as these men and women leave their places of work to serve our state government. We thank you for the trust that their fellow citizens of Florida have put in them. And we thank you, Lord, for the talent and generous spirit that their presence here today indicates.

As they serve in leadership during the last year of this millennium, we pray for your guidance and wisdom in all that they do, especially when times get difficult and the pressures of their responsibilities become overwhelming. We pray for your light to illuminate their way and to assist them to steer this great state into brighter times. May their decisions and actions be, not for selfish gain, but for the common good.

May their efforts to improve life for the poor, to increase the quality of education, and to promote and enhance respect for human life at all

levels, and their work for the environment be guided by your hand. May your presence be reflected in all their decision making.

Through the leadership of these men and women, may our state and our world become a kinder and healthier society in every way as we prepare for the entry into a new millennium and a new age of justice, love and peace.

We make this prayer with great trust in God, our Creator and our Provider. Amen.

PLEDGE

Senate Pages Kelli Reneé Morris and Melissa Tomaszewski of Tallahassee, led the Senate in the pledge of allegiance to the flag of the United States of America.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Grant, by two-thirds vote **SB 18** and **SB 98** were withdrawn from the committees of reference and further consideration.

MOTIONS

On motion by Senator McKay, a deadline of 5:00 p.m. this day was set for filing amendments to Bills on Third Reading to be considered Friday, March 5.

MOTION TO INTRODUCE BILL

Senator Silver moved that the rules be waived and the following bill be introduced notwithstanding the fact that the final day had passed for introduction of claim bills:

A bill to be entitled An act relating to South Broward Hospital District; providing for the relief of Clarice Holland.

The motion was referred to the Committee on Rules and Calendar.

BILLS ON THIRD READING

CS for CS for SB's 366 and 382 and SB 708—A bill to be entitled An act relating to school readiness; creating s. 411.01, F.S.; establishing the Florida Partnership for School Readiness for purposes of administering the School Readiness Program; providing responsibilities and duties of the partnership; providing membership and meeting requirements; providing that the Florida Partnership for School Readiness is subject to public records and public meeting requirements; providing for hiring certain employees; requiring that the partnership prepare a system for measuring school readiness; specifying objectives to be measured by such system; requiring that the partnership contract with an independent entity to evaluate the measurement system; requiring the partnership to make recommendations to the Governor and the State Board of Education; authorizing the partnership to adopt rules; requiring the establishment of school readiness coalitions; specifying services to be provided by the coalitions; providing for designation and approval of a fiscal agent; providing for grants to be provided to coalitions to develop school readiness plans; providing for incentive bonuses to be awarded; providing requirements for school readiness plans; providing for early implementation of a school readiness plan under certain circumstances; providing for parental choice with respect to child care arrangements and payments; providing for evaluation and performance measures; providing responsibility for implementation; providing for parental choice;

creating s. 229.567, F.S.; requiring the Department of Education to adopt the school readiness uniform screening developed by the Florida Partnership for School Readiness and to require their use by the school districts; amending s. 216.136, F.S.; creating the School Readiness Program Estimating Conference; requiring the conference to develop estimates and forecasts of students eligible for school readiness programs; specifying the principals of the conference; amending s. 414.026, F.S.; requiring the chairperson of the Florida Partnership for School Readiness to serve on the WAGES Program State Board of Directors; amending s. 411.222, F.S.; abolishing the State Coordinating Council for Early Childhood Services; establishing the State Coordinating Council for School Readiness Programs; requiring the State Coordinating Council for Early Childhood Services to submit a final report; amending s. 624.91, F.S.; requiring the Healthy Kids Corporation to work cooperatively with the Florida Partnership for School Readiness; repealing s. 411.222(4), F.S., relating to the State Coordinating Council for Early Childhood Services; providing an appropriation; providing effective dates.

—as amended March 2 was read the third time by title.

On motion by Senator Cowin, **CS for CS for SB's 366 and 382 and SB 708** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Madam President	Dawson-White	Klein	Saunders
Bronson	Diaz-Balart	Kurth	Scott
Brown-Waite	Dyer	Latvala	Sebesta
Burt	Forman	Laurent	Silver
Campbell	Geller	Lee	Sullivan
Carlton	Grant	McKay	Thomas
Casas	Hargrett	Meek	Webster
Childers	Holzendorf	Mitchell	
Clary	Horne	Myers	
Cowin	Jones	Rossin	

Nays—None

Vote after roll call:

Yea—Gutman, Kirkpatrick

On motion by Senator Webster, by two-thirds vote **CS for HB 261** was withdrawn from the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

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

CS for HB 261—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans," "local law plans," and "supplemental plan municipality"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights

of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S., relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; creating ss. 175.411 and 185.60, F.S.; providing for optional participation; providing an effective date.

—a companion measure, was substituted for **SB 380** and by two-thirds vote read the second time by title. On motion by Senator Webster, by two-thirds vote **CS for HB 261** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Madam President	Cowin	Horne	Mitchell
Bronson	Dawson-White	Jones	Rossin
Brown-Waite	Diaz-Balart	Kirkpatrick	Saunders
Burt	Dyer	Klein	Scott
Campbell	Forman	Kurth	Sebesta
Carlton	Geller	Laurent	Silver
Casas	Grant	Lee	Sullivan
Childers	Hargrett	McKay	Thomas
Clary	Holzendorf	Meek	Webster

Nays—2

Latvala Myers

Vote after roll call:

Yea—Gutman

Yea to Nay—Sullivan

SPECIAL ORDER CALENDAR

On motion by Senator Latvala—

CS for SB 314—A bill to be entitled An act relating to elections; providing a short title; amending s. 106.011, F.S.; modifying definitions of the terms "political committee," "contribution," "expenditure," and "political advertisement"; amending s. 106.021, F.S.; placing restrictions on certain endorsements; amending s. 106.03, F.S.; providing additional requirements for registration of political committees and committees of continuous existence; amending s. 106.04, F.S.; requiring committees of continuous existence to update certain registration information; prohibiting committees of continuous existence from making certain expenditures; amending s. 106.07, F.S.; providing additional reporting requirements for campaign treasurer reports of certain political committees and committees of continuous existence; amending s. 106.08, F.S.; revising the contribution limit for statewide candidates; revising the restrictions on contributions by a political party; limiting the amount of contributions to a political party; providing a penalty; reenacting ss. 106.04(2), 106.075(2), 106.087(1)(a), 106.19(1), 106.29(6), F.S.; conforming cross-references to incorporate changes made by the act; providing an effective date.

—was read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (with title amendment)—On page 10, line 8 through page 11, line 16, delete those lines and insert:

Section 4. Paragraph (c) of subsection (4), and subsections (2) and (5) of section 106.04, Florida Statutes, are amended to read:

106.04 Committees of continuous existence.—

(2) Any group, organization, association, or other entity may seek certification from the Department of State as a committee of continuous existence by filing an application with the Division of Elections on a form provided by the division. Such application shall provide the information required of political committees by s. 106.03(2) and s. 106.03(3), and any

change in such information shall be reported pursuant to s. 106.03(5). Each application shall be accompanied by the name and street address of the principal officer of the applying entity as of the date of the application; a copy of the charter or bylaws of the organization; a copy of the dues or assessment schedule of the organization, or formula by which dues or assessments are levied; and a complete financial statement or annual audit summarizing all income received, and all expenses incurred, by the organization during the 12 months preceding the date of application. A membership list shall be made available for inspection if deemed necessary by the division.

(4)

(c) All committees of continuous existence shall file the original and one copy of their reports with the Division of Elections. In addition, a duplicate copy of each report shall be filed with the supervisor of elections in the county in which the committee maintains its books and records, except that if the filing officer to whom the committee is required to report is located in the same county as the supervisor no such duplicate report is required to be filed with the supervisor. Reports shall be on forms provided by the division and shall contain the following information:

1. The full name, address, and occupation of each person who has made one or more contributions to the committee during the reporting period, together with the amounts and dates of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less, the occupation of the contributor or principal type of business need not be listed. However, for any contributions which represent the payment of dues by members in a fixed amount pursuant to the schedule on file with the Division of Elections, only the aggregate amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

2. *For reporting committees whose name does not include the name of a corporation, labor union, professional association, political committee, committee of continuous existence, or other business entity, or economic or special interest, the report must include as clear a description as practicable of a common economic or other special interest, if any, of a majority of the committee's contributors. For purposes of this subparagraph, the term "majority of the committee's contributors" means more than 50 percent of the total number of contributors who have contributed in excess of \$100 or more than 50 percent of the sum of all contributions received in excess of \$100 each.*

3.2. The name and address of each political committee or committee of continuous existence from which the reporting committee received, or the name and address of each political committee, committee of continuous existence, or political party to which it made, any transfer of funds, together with the amounts and dates of all transfers.

4.3. Any other receipt of funds not listed pursuant to subparagraph 1. or subparagraph 2., including the sources and amounts of all such funds.

5.4. The name and address of, and office sought by, each candidate to whom the committee has made a contribution during the reporting period, together with the amount and date of each contribution.

~~(5) No committee of continuous existence shall contribute to any candidate or political committee an amount in excess of the limits contained in s. 106.08(1) or participate in any other activity which is prohibited by this chapter. If any violation occurs, it shall be punishable as provided in this chapter for the given offense.~~ No funds of a committee of continuous existence shall be expended on behalf of a candidate, except by means of a contribution made through the duly appointed campaign treasurer of a candidate. No such committee shall make expenditures in support of, or in opposition to, an issue or an elected public official unless such committee first registers as a political committee pursuant to this chapter and undertakes all the practices and procedures required thereof; provided such committee may make contributions in a total amount not to exceed 25 percent of its aggregate income, as reflected in the annual report filed for the previous year, to one or more political committees registered pursuant to s. 106.03 and formed to support or oppose issues.

And the title is amended as follows:

On page 1, delete lines 15-19 and insert: certain expenditures; providing additional reporting requirements for campaign finance reports of certain committees of continuous existence; amending s. 106.07, F.S.; providing additional reporting requirements for campaign treasurer reports of certain political committees; amending s. 106.08, F.S.; revising

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

Amendment 2—On page 15, delete lines 15 and 16 and insert: in any election, make contributions in excess of \$500 to any candidate

Senator Dyer moved the following amendment which was adopted:

Amendment 3 (with title amendment)—On page 24, between lines 11 and 12, insert:

Section 9. *Any candidate who accepts campaign contributions for election to a federal office may not use such funds in a campaign for election to a statewide, legislative, county, or municipal office.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 28, after the semicolon (;) insert: prohibiting campaign contributions for election to a federal office from being used for election to certain other offices;

Pursuant to Rule 4.19, **CS for SB 314** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Webster—

CS for SB 194—A bill to be entitled An act relating to punishment of felons; amending s. 775.087, F.S., relating to felony reclassification and minimum sentence and other penalties for offenders who committed aggravated battery or committed certain acts involving a weapon, firearm, or destructive device during the commission of a felony; conforming terminology to changes made by the act; increasing from 3 to 10 years the minimum prison term for certain felonies or attempted felonies under specified circumstances when the offender possessed a firearm or destructive device during the commission or attempted commission of the offense or flight therefrom; revising the category of such offenses to include murder, sexual battery, robbery, burglary, arson, aggravated assault or aggravated battery, kidnapping, escape, aircraft piracy, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, unlawful throwing, placing, or discharging of a destructive device or bomb, carjacking, home-invasion robbery, aggravated stalking, possession of a firearm by a convicted felon, and trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, or other violation of s. 893.135(1), F.S.; providing for an exception from the requirement that the possession of a firearm by a convicted felon result in a 3-year minimum term of imprisonment; providing for imposition of a 20-year minimum term of imprisonment when, in addition to such circumstances, the firearm or destructive device was discharged while the person was possessing, carrying, displaying, using, or threatening or attempting to use the firearm or destructive device; providing for imposition of a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison when, in further addition to such circumstances, the discharging of the firearm or destructive device resulted in infliction of death or great bodily harm upon any person; providing for construction; providing legislative intent with respect to punishment of offenders who possess, carry, display, use, or threaten or attempt to use firearms or destructive devices; providing imposition of the minimum term of imprisonment consecutive to any other term of imprisonment imposed; providing that the minimum term of imprisonment imposed is authorized by law regardless of the maximum sentence that may be imposed for the underlying felony; increasing from 8 to 15 years the minimum prison term for certain felonies or attempted felonies under specified circumstances when, during the commission or attempted commission of the offense, the offender possessed a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun; providing for the category of such offenses to include

murder, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, aircraft piracy, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, unlawful throwing, placing, or discharging of a destructive device or bomb, carjacking, home-invasion robbery, aggravated stalking, possession of a firearm by a convicted felon, and trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking in flunitrazepam, or other violation of s. 893.135(1); providing an exception from the requirement that possession of a firearm by a convicted felon result in an 8-year minimum term of imprisonment; providing for imposition of a 20-year minimum term of imprisonment when, in addition to such circumstances, the semiautomatic firearm and its high-capacity detachable box magazine or a machine gun was discharged while the person was possessing, carrying, displaying, using, or threatening or attempting to use the semiautomatic firearm and its high-capacity detachable box magazine or a machine gun; providing for imposition of a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison when, in further addition to such circumstances, the discharging of the semiautomatic firearm and its high-capacity detachable box magazine or a machine gun resulted in infliction of death or great bodily harm upon any person; providing for construction; providing legislative intent with respect to punishment of offenders who possess, carry, display, use, or threaten or attempt to use a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun; providing for imposition of the minimum term of imprisonment consecutive to any other term of imprisonment imposed; providing that the minimum term of imprisonment imposed is authorized by law regardless of the maximum sentence that may be imposed for the underlying felony; requiring the state attorney to explain mandatory sentence deviations in writing; requiring state attorneys to submit such writings to their association, where they must remain available to the public for a specified period; reenacting s. 921.0022(2), F.S., relating to the Criminal Punishment Code offense severity ranking chart, s. 921.0024(1)(b), F.S., relating to Florida Criminal Punishment Code worksheet computations and key, and s. 947.146(3)(b), F.S., relating to Control Release Authority, to incorporate said amendment in references; providing for public service announcements with respect to the penalties provided in the act; providing an effective date.

—was read the second time by title.

Senators Meek and Jones offered the following amendment which was moved by Senator Meek:

Amendment 1—On page 8, delete line 21 and insert: *displayed, used, threatened to use, or attempted to use* possessed a “firearm” or possessed a “destructive device” as those terms

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

Amendment 2 (with title amendment)—On page 14, between lines 17 and 18, insert:

(5) *For purposes of imposition of minimum mandatory sentencing provisions of this section, with respect to a firearm “possession” is defined as carrying it on the person or having it within immediate physical reach with ready access.*

And the title is amended as follows:

On page 5, line 2, before the semicolon (;) insert: ; defining the term “possession”

Senators Jones and Meek offered the following amendment which was moved by Senator Jones and failed:

Amendment 3—On page 10, line 19, after the period (.) insert: *However, with respect to a person who is subject to prosecution under subparagraph (a)1. and who has not previously been convicted as a felon, the state attorney, in his or her sound discretion, may seek, and the court may impose, a sentence that is less than the mandatory minimum provided in subparagraph (a)1.*

Senator Jones moved the following amendment which failed:

Amendment 4—On page 10, delete lines 19-21 and insert: *is convicted.*

Senator Dawson-White moved the following amendment which was adopted:

Amendment 5—On page 10, line 19, after the period (.) insert: *However, the court may consider in sentencing the person under this subsection whether or not the offense was committed by a person being threatened with domestic violence.*

Senator Holzendorf moved the following amendment which failed:

Amendment 6 (with title amendment)—On page 8, line 21, delete “a ‘firearm’ or ‘destructive device’” and insert: a “firearm,” or “destructive device,” or “weapon”

And the title is amended as follows:

On page 1, line 13, after “firearm” insert: , weapon,

Pursuant to Rule 4.19, **CS for SB 194** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator McKay, the rules were waived and time of recess was extended until completion of motions and announcements.

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar this day were established as the Special Order Calendar for Friday, March 5.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, March 4, 1999: CS for SB 314, CS for SB 194, SB 34, SB 6, SB 22, SB 46, SB 14, SB 20, SB 24, SB 26, SB 32, SB 48, SB 40, SB 4, SB 8

Respectfully submitted,
John McKay, Chairman

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 872 with 1 amendment

The bill was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Fiscal Resource recommends the following pass: SB 132 with 1 amendment

The bill was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Criminal Justice recommends the following pass: CS for SB 74, SB 730

The Committee on Natural Resources recommends the following pass: SB 904 with 1 amendment, SB 906 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Fiscal Policy under the original reference.

The Committee on Fiscal Resource recommends the following pass: SB 120

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

The Committee on Fiscal Resource recommends the following pass: SB 142

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

The Committee on Commerce and Economic Opportunities recommends the following pass: CS for SB 140

The Committee on Comprehensive Planning, Local and Military Affairs recommends the following pass: SB 876

The Committee on Criminal Justice recommends the following pass: SB 160

The Committee on Fiscal Resource recommends the following pass: CS for SB 296, SB 732

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

The Committee on Comprehensive Planning, Local and Military Affairs recommends a committee substitute for the following: SB 386

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1468

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 932

The bill with committee substitute attached was placed on the calendar.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Bills 1534—1754—Not referenced.

By Senators Cowin and McKay—

SB 1756—A bill to be entitled An act relating to educational accountability; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; creating s. 229.0537, F.S.; providing findings and intent; requiring private school opportunity scholarships to be provided to certain public school students; providing student eligibility requirements; providing school district requirements; providing an alternative to accepting a state opportunity scholarship; providing private school eligibility criteria; providing student attendance requirements; providing parental involvement requirements; providing a district reporting requirement; providing for calculation of the amount and distribution of state opportunity scholarship funds; authorizing the adoption of rules; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; revising provisions relating to the administration of the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; amending s. 229.58, F.S.; removing a reference to the

Florida Commission on Education Reform and Accountability; increasing the authority that each school identified in a certain performance grade category has over the allocation of the school's total budget; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; removing obsolete provisions; removing references to the Florida Commission on Education Reform and Accountability; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; revising duties of the State Board of Education; revising provisions relating to waivers from statutes; conforming cross-references; repealing s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; repealing s. 229.594, F.S., relating to the powers and duties of the commission; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relating to the compensation and salary schedules of school employees; revising provisions relating to courses of study and other instructional aids to include the term "instructional materials"; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; amending s. 231.29, F.S.; revising the assessment procedure for school district instructional, administrative, and supervisory personnel; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 232.245, F.S.; relating to pupil progression; revising requirements relating to the provision of remedial instruction; providing requirements for the use of resources for remedial instruction; requiring the adoption of rules regarding pupil progression; eliminating requirements relating to student academic improvement plans; deleting requirements relating to mandatory remedial reading instruction; amending s. 228.053, F.S.; relating to developmental research schools; conforming cross-references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; conforming a cross-reference; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; conforming cross-references; amending s. 236.685, F.S., relating to educational funding accountability; conforming a cross-reference; amending s. 20.15, F.S., relating to the creation of the Department of Education; removing a reference to the Florida Commission on Education Reform and Accountability; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; amending s. 239.101, F.S., relating to career education; conforming cross-references; amending s. 239.229, F.S., relating to vocational standards; conforming cross-references; amending s. 240.529, F.S., relating to approval of teacher education programs; conforming a cross-reference; reenacting s. 24.121(5)(b), (c), and (d), F.S., relating to the Educational Enhancement Trust Fund, s. 120.81(1)(b), F.S., relating to tests, test scoring criteria, or testing procedures, s. 228.053(3) and (8), F.S., relating to developmental research schools, s. 228.056(9)(e) and (f), F.S., relating to charter schools, s. 228.0565(6)(b), (c), and (d), F.S., relating to deregulated public schools, s. 228.301(1), F.S., relating to test security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 230.2316(4)(b), F.S., relating to dropout prevention, s. 231.085, F.S., relating to duties of principals, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 231.600(1), F.S., relating to the School Community Professional Development Act, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and assessment procedures, s. 232.246(5)(a) and (b), F.S., relating to general requirements for high school graduation, s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.2481(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b),

F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional materials, s. 236.08106(2)(a) and (c), F.S., relating to the Excellent Teaching Program, s. 239.229(3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, to incorporate references; amending s. 228.041, F.S.; redefining the terms "graduation rate" and "dropout rate"; providing effective dates.

—was referred to the Committees on Education and Fiscal Policy.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed as amended CS for HB 261 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Governmental Operations and Representative Posey and others—

CS for HB 261—A bill to be entitled An act relating to municipal firefighters' pension trust funds and municipal police officers' retirement trust funds; amending and revising the provisions of chapters 175 and 185, F.S.; defining "chapter plans," "local law plans," and "supplemental plan municipality"; redefining "compensation" or "salary" for retirement purposes under these chapters; clarifying the applicability of minimum benefits for both chapter and local law plans; eliminating discriminatory language in conformance with state and federal discrimination provisions; providing that certain benefits provided are a minimum and may not be diminished by any other state, local, or federal benefits; providing an exception; modifying the formula for calculating volunteer firefighter service retirement benefits; clarifying terminology relating to "sole and exclusive use of" premium tax funds and "extra benefits" by providing that moneys must be placed in a police-only or firefighter-only plan or a combined police and firefighter plan as opposed to placing moneys in any type of plan that includes general employees; providing for establishment of a new board and for transfer of assets in certain cases; creating s. 175.195, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 175.152, F.S., relating to contributions; repealing s. 175.251, F.S., relating to employment records that are required to be kept by the secretary of the board of trustees; repealing s. 175.291, F.S., relating to the requirement that the attorney for the municipality or special fire control

district represent the board of trustees upon request and the option to employ independent counsel and other persons; repealing s. 175.321, F.S., relating to the application of certain provisions to municipalities and fire control districts; repealing s. 175.331, F.S., relating to the rights of firefighters under former law; repealing s. 175.391, F.S., relating to payment of attorney's fees and costs; repealing s. 185.14, F.S., relating to contributions; repealing s. 185.15, F.S., relating to contributions and new employees; creating s. 185.185, F.S.; prohibiting certain fraudulent practices; providing criminal and administrative penalties; repealing s. 185.27, F.S., relating to the roster of retirees; repealing s. 185.29, F.S., relating to the city attorney representing the board of trustees; repealing s. 185.32, F.S., relating to exemptions from the chapter; repealing s. 185.36, F.S., relating to the rights of police officers under former laws; repealing s. 185.40, F.S., relating to costs and attorney's fees; creating ss. 175.411 and 185.60, F.S.; providing for optional participation; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; and Fiscal Policy.

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 778.

John B. Phelps, Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 2 was corrected and approved.

CO-SPONSORS

Senators Bronson—SB 132; Brown-Waite—SB 1598; Campbell—SB 1038; Cowin—SB 806, SB 1598; Geller—SB 102; Webster—CS for SB 140

RECESS

On motion by Senator McKay, the Senate recessed at 12:02 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, March 5.